IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

Tenaha Licensing LLC, Plaintiff, v. **RF Technologies, Inc.**, Defendant.	Case No. _____ Patent Case Jury Trial Demanded

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Tenaha Licensing LLC ("Tenaha"), through its attorney, Timothy Devlin, complains against RF Technologies, Inc. ("RF Technologies") and alleges the following:

PARTIES

1.   Plaintiff Tenaha Licensing LLC is a limited liability company organized and existing under the laws of Texas with its principal place of business at 3000 Custer Road, Suite 270-7027, Plano, TX 75075.

2.   Defendant RF Technologies, Inc. is a corporation organized and existing under the laws of Delaware with its principal place of business at 3125 North 126th Street, Brookfield, WI 53005.

JURISDICTION

3.   This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.

4.   This Court has exclusive subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

5.   This Court has personal jurisdiction over RF Technologies because it has engaged in systematic and continuous business activities in the District of Delaware and is incorporated in Delaware. Specifically, RF Technologies provides its full range of services to residents in this District. As described below, RF Technologies has committed acts of patent infringement giving rise to this action within this District.

VENUE

6.   Venue is proper in this District under 28 U.S.C. § 1400(b) because RF Technologies is incorporated in Delaware. In addition, Tenaha has suffered harm in this District.

PATENT-IN-SUIT

7.   Tenaha is the assignee of all right, title, and interest in United States Patent No. 8,238,869 (the "'869 Patent" or "Patent-in-Suit"), including all rights to enforce and prosecute actions for infringement and to collect damages for all relevant times against infringers of the Patent-in-Suit. Accordingly, Tenaha possesses the exclusive right and standing to prosecute the present action for infringement of the Patent-in-Suit by RF Technologies.

8.   On August 7, 2012, the United States Patent and Trademark Office issued the '869 Patent. The '869 Patent is titled "Lifesaver Personal Alert and Notification Device." The application leading to the '869 Patent was filed on July 19, 2010 and is a national stage entry of PCT/US2006/023972, which was filed on June 20, 2006, which claims priority from provisional application number 60/693,541, which was filed on June 23, 2005. A true and correct copy of the '869 Patent is attached hereto as Exhibit A and incorporated herein by reference.

9.   The '869 Patent is valid and enforceable.

10.   The '869 Patent describes a need for improved systems and methods to provide alerts and notifications of emergencies to members of the general public. Ex. A, 1:58–62.

11.   The '869 Patent describes systems, devices, and methods of transmitting emergency and non-emergency notifications to a plurality of users via a combination of wide area and low-range transmissions. Ex. A, 1:65–2:12.

12.   The '869 Patent does not take a broad and simplistic method or process and apply it to a general-purpose computer. Instead, the methods and processes described in the '869 Patent specifically establish the process of utilizing various transmission devices such as siren towers, radios, telephones, pagers, and television sets. Ex. A, 2:27–29.

<div align="center">COUNT I: INFRINGEMENT OF THE '869 PATENT</div>

13.   Tenaha incorporates the above paragraphs herein by reference.

14.   **Direct Infringement.** RF Technologies has been and continues to directly infringe at least claim 15 of the '869 Patent in this District and elsewhere in the United States by performing the steps of "providing emergency and non-emergency event notification to a plurality of users." For example, RF Technologies offers the communication platform, RF Technologies Integrated Code Alert, (the "RF Technologies product"), to provide emergency and non-emergency notifications to users. The RF Technologies product allows operators to send customized messages to target users in mass. *See* https://www.rft.com/safe-place/; Figure 1.

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The **CODE ALERT** family of patient and resident safety and security solutions can be configured on a single software platform to create a cost-effective, customizable solution that meets the unique safety and security needs of your facility.

Our Approach

Our sole focus is on developing solutions that keep people safe, improve care, and increase staff efficiency. **CODE ALERT** is ideal for use in ER, acute care, behavioral management, rehab, dementia units, and senior living settings.

Figure 1. The RF Technologies communication platform provides emergency and non-emergency event notifications (e.g., clinical alerting, critical test results, emergency notification and incident management, etc.) to a plurality of users.

See https://www.rft.com/wp-content/uploads/2017/09/LIT20000_Wandering-Brochure_C316_web.pdf; Figure 2.

Alarm Notification for All Staff
Caregivers can receive alerts at a
central computer station or a variety
of mobile devices, including LED
displays, pagers and walkie-talkies,
to improve response times. Add
alarm escalation to ensure every
call gets a quick response.

Figure 2.

See https://www.rft.com/wp-content/uploads/2019/02/LIT20000_Wandering-Brochure_E-1218_web.pdf; Figure 3.

Figure 3.

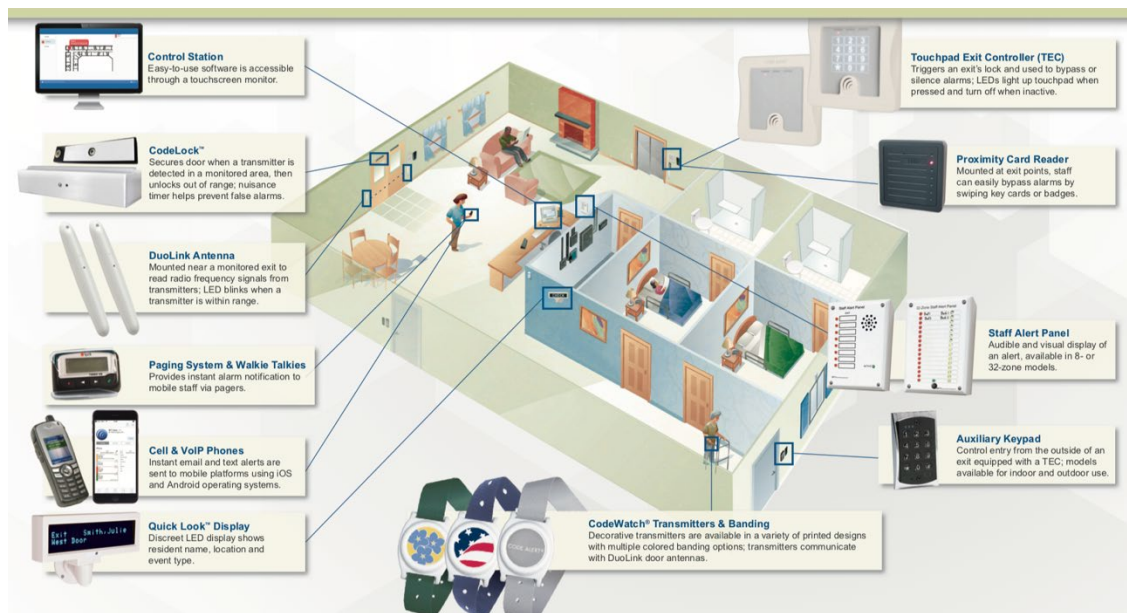*See* https://www.rft.com/wp-content/uploads/2019/02/LIT20000_Wandering-Brochure_E-1218_web.pdf; Figure 4.

Figure 4.

See https://www.rft.com/wp-content/uploads/2018/11/0510-1128-D-Series-10-Software-User-Guide.pdf; Figure 5.

Figure 5.

See https://www.rft.com/wp-content/uploads/2017/11/0510-0548-A_RFT-Cares-iOS-App-User-Guide.pdf; Figure 6.

Introduction

The RFT CARES® iOS application allows you to respond to alarms and scheduled events from your Smartphone. The RFT CARES iOS application is only for Apple iPhones, iPads, and iPod Touch devices that run the Apple iOS operating system v9.0 or v10.0 (and higher).

The mobile device is configured in the Safe Alert Series 10.3 or later software, supported within the wireless network. The wireless network is the means of communication from the device to the software. Internet access for the device is not required.

Figure 6.

See https://www.rft.com/wp-content/uploads/2017/11/0511-2316_RFT-Cares-Mobile-App-Spec-Sheet_G-0917.pdf; Figure 7.

iOS Features

- Use with your existing Wi-Fi network[1]
- iOS version works only with iPhones, iPads, and iPod Touch devices running the Apple iOS operating system v9.0 or v10 (and higher)[2]
- Available with CODE ALERT software v10.2 or later [3]

The RFT CARES® App lets caregivers receive, acknowledge and classify alarms

Figure 7.

See

https://www.rft.com/wp-content/uploads/2017/11/0510-0548-A_RFT-Cares-iOS-App-User-Guide.pdf; Figure 8.

Multiple alerts or events are shown in the application's queue, and caregivers can coordinate responses using the *"I Got It"* feature to claim alerts. Once resolved, alerts can be classified right from the app to track services delivered and trend alerts by resident over time.

In addition to running on mobile phones and tablets with Android v4.4 or higher, the app can be used with Android Wear. Visual alerts appear on the watch, along with the "I Got It" feature.

Because the RFT CARES App is Bring Your Own Device (BYOD) friendly, staff can download it onto their personal mobile device. Alerts are displayed while other applications are running.

Android Features

- Use with your existing Wi-Fi network[1]
- Works with mobile phones and tablets running Android v4.4 and higher, as well as Android Wear[2]
- Available with CODE ALERT software v10.2 or later[3]

Compatible with Android Wear. View and clear alarms directly from your wrist. Leave the phone in your pocket!
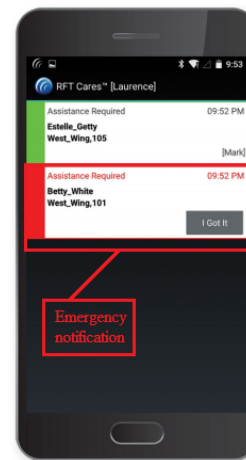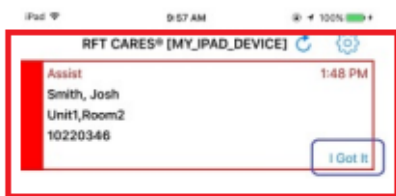
Figure 8.

See https://www.rft.com/wp-content/uploads/2017/11/0510-0548-A_RFT-Cares-iOS-App-User-Guide.pdf; Figure 9.

Red Alarms

Red alarms are High Priority alarms. They are displayed sequentially as they occur. In this example, "MY_IPAD_DEVICE" is in a messaging group receiving Assistance Request alarms, requiring a response from a caregiver within the group.

Claiming

Claim the alarm by pressing the alarm's **I Got It** button.

Emergency notification

Figure 9.

See https://www.rft.com/wp-content/uploads/2017/11/0510-0548-A_RFT-Cares-iOS-App-User-Guide.pdf; Figure 10.

Yellow Alarms

Non-emergency notification

Device

RFT CARES® [MY_IPAD_DEVICE]

Device Fault   3:19 PM
14 rxr 0

Scheduled Events

Scheduled Event   3:27 PM
Smith, Josh
Unit1, Room2
Nutritional Supplements Deliver 200 mg Vitamin C tablet.
                                        Clear

Yellow Alarms are medium priority alarms. They are displayed sequentially as they occur. Alarms in this category typically inform the IT or maintenance staff that there is a hardware problem within the RFT System (for example, alarms indicating low battery conditions or hardware device faults).

There is no Clear option from the device. These alarms will remain until the problematic hardware checks in without a warning condition.

Events may be scheduled for patients admitted to the system. From the Admit Information window of the patient, click on the **Schedule** tab to schedule one time only, daily, weekly or monthly events to alarm on a per patient basis. Refer to the *Series 10 Software User Guide* (0510-1128) for more details on scheduling events.

Figure 10.

*See* https://www.rft.com/wp-content/uploads/2017/09/LIT31000_QRPlus-Brochure_Ex14-map-FINAL-1.pdf; Figure 11.
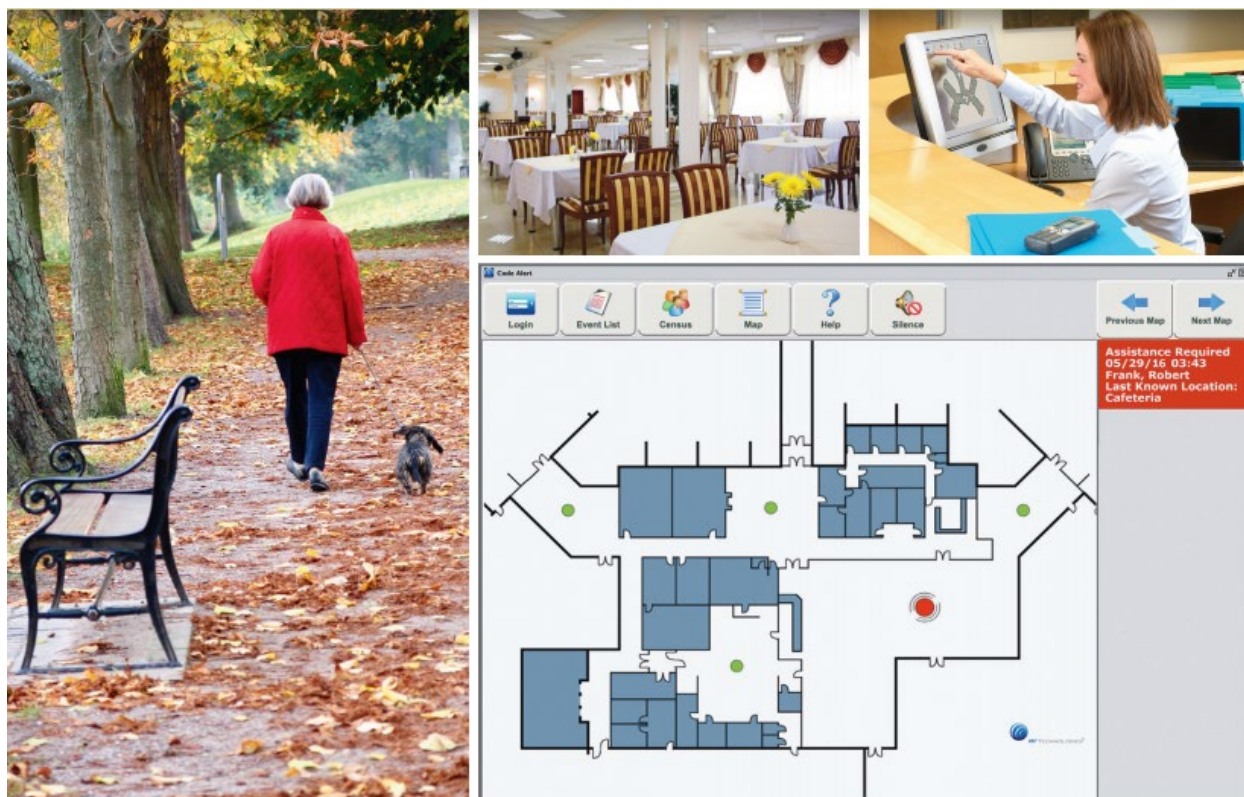
Resident Safety (clockwise from left): Call devices provide coverage outside and in common areas; Touchscreen computers help quickly classify alarms; Software maps show a resident's location when a pendant is activated.

Figure 11.

See https://www.rft.com/wp-content/uploads/2019/01/0510-0538-E_Customer-IT-Requirements-Code-Alert-Enterprise.pdf; Figure 12.

Customer Supplied Client Connectivity

Device Network supplied by RF Technologies and Client Network supplied by customer with connectivity through the customer's network to facilitate remote service support.
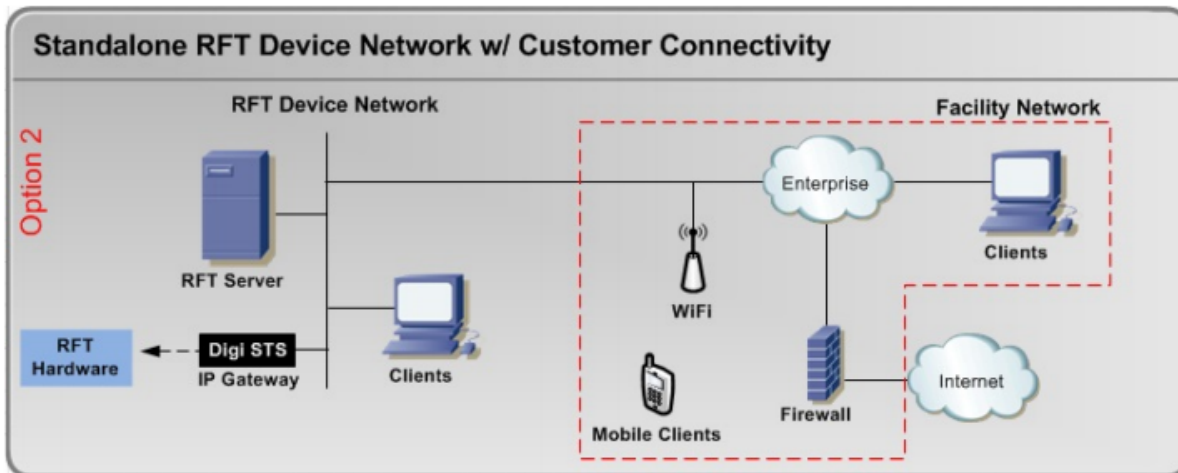
Figure 12.

15.   The RF Technologies product satisfies claim element 15(a): "using a low-range transceiver to automatically relay within a wide area notification area a first emergency notification signal from a wide area notification device, and to further provide an audible and/or visible alert notification to the first emergency notification signal." For example, the RF Technologies product operates by using a low-range transceiver to automatically relay within a wide area notification area a first emergency notification signal (e.g., an emergency notification or alert) from a wide area notification device (e.g., a central server that can receive alerts from a remotely located source and forward them on to an RF Technologies Paging System or IP-DECT System), and to further provide an audible and/or visible alert notification (a notification to a user on a paging device or IP-DECT phone) in response to the first emergency notification signal.. *See* Figs. 1-12; *see also* https://www.rft.com/wp-content/uploads/2017/11/LIT33104_CodeAlert-V10-Software-Solution-H5-16-1.pdf; Figure 13.

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Code Alert® software integrates Quick Response® Wireless Call, Wander Management and Sensatec® Fall Management Solutions on a single platform.

Easy to Use
A simple interface with a touch-screen monitor shows common functions on the main page for fast access. Pop-up tutorials provide on-screen help on how to respond to an event or alarm, and can be turned on or off at any time.

Event Notification
All events are displayed in a colored text box on the screen that gives the resident's name, his/her location, and the type of alert. The resident's location is also displayed on a community floor plan.

Mobile Event Notification
Events can be forwarded to caregivers' mobile phones and pagers for immediate notification and a faster response.
- Enables caregivers to perform routine tasks and still be notified in the event of an emergency
- Alarm escalation ensures each alert is answered
- With the optional RFT Cares™ App, caregivers can receive, acknowledge and classify alarms from a smartphone

Figure 13.

See https://www.rft.com/wp-content/uploads/2017/11/LIT33104_CodeAlert-V10-Software-Solution-H5-16-1.pdf; Figure 14.

Figure 14.

See https://www.rft.com/wp-content/uploads/2017/09/LIT31000_QRPlus-Brochure_Ex14-map-FINAL-1.pdf; Figure 15.

Figure 15.

See https://www.rft.com/wp-content/uploads/2019/01/0510-0538-E_Customer-IT-Requirements-Code-Alert-Enterprise.pdf; Figure 16.

Figure 16.

16.   The RF Technologies product satisfies claim element 15(b): "manually, and independently from the first emergency notification signal, providing a second non-emergency notification signal to at least one of the plurality of users using the low-range transceiver, wherein the non-emergency notification signal is a user-specific and event-specific notification signal that

is transmitted by an operator of the low-range transceiver to a wireless transmitter that is worn by a user, wherein the user is a person other than the operator." For example, the RF Technologies product may provide a second non-emergency notification signal manually and independently from the first emergency notification signal (e.g., an emergency notification, or any other emergency alert), providing a second non-emergency notification signal (e.g., a nurse call, infant protection notification or a general non-emergency notification etc.) to at least one of the plurality of users (e.g., a user with a smartphone) using the low-range transceiver (e.g., a smartphone with the RF Technologies Mobile Application installed), wherein the non-emergency notification signal (e.g., an operator uses the RF Technologies Paging transmitter or IP-DECT access point to send the notification) is a user-specific and event-specific notification (e.g., the notification is sent to a targeted individual) signal that is transmitted by an operator (e.g., administrator or an operator of the RF Technologies paging system or IP-DECT system) of the low-range transceiver to a wireless transmitter that is worn by a user (e.g., a user with a pager or IP-DECT handset), wherein the user is a person other than the operator (e.g., the user receiving the notification is one other than the administrator that initiated the notification to be sent). *See* Figs. 1-16; *see also* https://www.apple.com/apple-watch-series-3/; Figure 17.

Figure 17.

17.   **Induced Infringement.** RF Technologies has also actively induced, and continues

to induce, the infringement of at least claim 15 of the '869 Patent by actively inducing its

customers, including merchants and end-users, to use the RF Technologies product in an infringing manner as described above. Upon information and belief, RF Technologies has specifically intended that its customers use the RF Technologies product that infringes at least claim 15 of the '869 Patent by, at a minimum, providing access to, support for, training and instructions for its website to its customers to enable them to infringe at least claim 15 of the '869 Patent, as described above. Even where performance of the steps required to infringe at least claim 15 of the '869 Patent is accomplished by RF Technologies and a RF Technologies customer jointly, RF Technologies is responsible for the actions that cause each of the steps of at least claim 15 of the '869 Patent to be performed.

18. Tenaha is entitled to recover damages adequate to compensate it for such infringement in an amount no less than a reasonable royalty under 35 U.S.C. § 284.

JURY DEMAND

19. Under Rule 38(b) of the Federal Rules of Civil Procedure, Tenaha respectfully requests a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Tenaha asks this Court to enter judgment against RF Technologies, granting the following relief:

A. A declaration that RF Technologies has infringed the Patents-in-Suit;

B. An award of damages to compensate Tenaha for RF Technologies' direct infringement of the Patents-in-Suit;

C. An award of damages, including trebling of all damages, sufficient to remedy RF Technologies' infringement of the Patents-in-Suit under 35 U.S.C. § 284;

D. An accounting for all damages not presented at trial;

E.   A declaration that this case is exceptional, and an award to Tenaha of reasonable attorneys' fees, expenses and costs under 35 U.S.C. § 285;

F.   An award of prejudgment and post-judgment interest; and

G.   Such other relief as this Court or jury may deem proper and just.

Dated: March 26, 2019

DEVLIN LAW FIRM LLC

/s/ Timothy Devlin

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