

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Tenaha Licensing LLC, Plaintiff, v. Status Solutions, LLC, Defendant.	Case No. _____ Patent Case Jury Trial Demanded
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COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Tenaha Licensing LLC (“Tenaha”), by and through undersigned counsel, complains against Status Solutions, LLC (“Status Solutions”) 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 Status Solutions, LLC is a limited liability company organized and existing under the laws of Virginia with its principal place of business at 999 County Line Road West, Suite A, Westerville, OH 43082. Upon information and belief, Defendant can be served with process c/o Corporation Service Company, its Statutory Agent, 50 West Broad Street, Suite 1330, Columbus, OH 43215.

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 Status Solutions because it has engaged in systematic and continuous business activities in the Southern District of Ohio and is headquartered in this District. Specifically, Status Solutions provides its full range of services to residents in this District. As described below, Status Solutions 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 Status Solutions is headquartered in this District. 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 Status Solutions.

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.

COUNT I: INFRINGEMENT OF THE '869 PATENT

13. Tenaha incorporates the above paragraphs herein by reference.

14. **Direct Infringement.** Status Solutions 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, Status Solutions offers the communication platform, Status Solutions Automated Alerting (SARA), (the “Status Solutions product”), to provide emergency and non-emergency notifications to users. The Status Solutions product allows operators to send customized messages to target users in mass. *See* <http://www.statussolutions.com/technologies/automated-alerting>; Figure 1.

AUTOMATED ALERTING (SARA)



SARA (Situational Awareness and Response Assistant) is a risk management solution and mass notification system. Continue reading to learn how SARA can integrate all your alarm systems.

Originally a military term referring to a pilot's operational status and knowledge of immediate threats, situational awareness is now a broader risk management strategy and an actual technology framework for improving life safety, security, environmental monitoring and mass notification. With SARA, the **Situational Awareness and Response Assistant**, any organization can improve communication, workflow and service through **automated alerting** - especially in the event of an emergency. If you can **read, hear and see** what's happening in real time, you can **do** something about it. From a blown fuse to a life-and-death scenario, SARA helps prevent operational disruptions and speeds emergency response. Real-time and historical reports then let you **analyze** response times and protocols to identify problems and make improvements to prevent loss of life, property, business and convenience or comfort.

Integrated alarm management and automatic mass notification

SARA is an automated alerting engine that integrates stand-alone alarm and communication systems for centralized monitoring, alerting and reporting. Such unification ensures that critical data is delivered to the right people so they can address an unfolding situation in the right way. Inefficient, stand-alone alarms are converted into real-time, detailed notifications to key individuals, select groups/response teams or entire populations via the designated communication end points. SARA's modes and actions automatically set alerting/mass notification in motion when a triggering event occurs, according to your protocols and escalation paths. Your existing networks, sensors and devices work together, without silos, to improve communication and information flow. Such interoperability also means that legacy systems don't have to be ripped out and replaced.

One alerting platform, multiple situational awareness capabilities

We work with each customer and our valued business partners (VBPs) to design a reliable, scalable and sustainable SARA system for maximum performance, minimal maintenance and easy administration. The inputs and outputs will differ based on the customer environment, but the goal is to prevent ignorance-based loss by ensuring that awareness transactions - alerts - are delivered to the people who need to know what's happening, where it's happening, and what to do about it. Following the discovery process, we'll determine the best design for your situational awareness framework to produce your desired outcomes. Following is a list of SARA's capabilities:

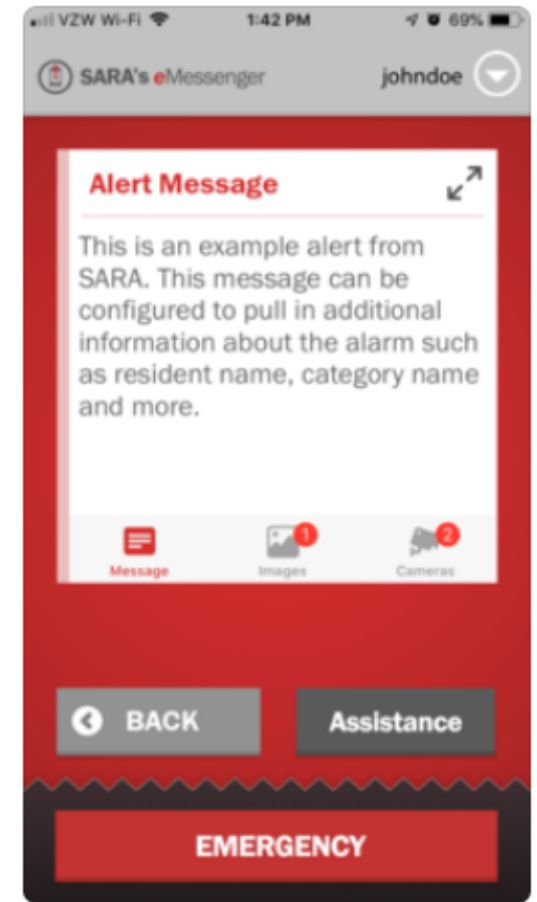
- Centralized monitoring, alerting and reporting for all life safety, security and environmental monitoring systems
- Mass notification capabilities and services to broadcast real-time emergency alerts plus general announcements, courtesy reminders and other content
- Local or premise-based mobile duress with approximate location data through vector mapping
- Wide-area mobile duress with GPS tracking, advanced fall detection and hands-free, two-way talk
- Desktop alerts including color-coded text and audio
- Video paging to desktops including live video from integrated security cameras
- Mobile dashboards for built-in, seamless situational awareness on the go
- Digital signage via CCTV
- Self-service via online, mobile and kiosk options
- Predictive analytics to predict future risks through more personal, proactive and predictive alerting and reporting
- Assignment of point-of-care alerts to clinician/caregiver mobile devices

Figure 1. The Status Solutions 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://itunes.apple.com/us/app/emessenger/id794864161?mt=8>; Figure 2.

iPhone Screenshots





SARA's eMessenger Mobile is an advanced alerting capability of Status Solutions' Situational Awareness and Response Assistant (SARA), an automated alerting engine that provides integrated alarm monitoring, alerting/mass notification and reporting. SARA's eMessenger Mobile turns Apple iPhone and iPad devices into mobile command and control centers for emergency alerting and response management.

All life safety, security and environmental controls within a facility can be integrated with SARA for a single point of alarm management and therefore complete situational awareness. And with situational awareness comes the ability to deliver information about potential threats in real time to virtually any communication device – especially mobile ones equipped with SARA's eMessenger Mobile – for faster, more efficient response, especially in an emergency.

Organizations can retire obsolete communication technologies, such as pagers, and expand their use of mobile devices for greater flexibility and situational awareness in the palms of users' hands. Responders then can deal with an unfolding event more quickly, initiate alerts and associated response plans more effectively, and escalate/notify others as necessary – all from one interface. Therefore, SARA's eMessenger Mobile is critical to and unique in risk management because it:

- +Turns mobile devices into command and control centers with intuitive dashboards for situational awareness and response management
- +Delivers color-coded alerts from disparate alarm systems across a single facility, multi-building campus or large enterprise
- +Allows users to receive and initiate detailed alerts, including the nature of an alarm plus location data
- +Escalates alerting and response management by enabling key individuals or select groups of responders to be notified in a single touch
- +Provides approximate location data so clinicians and staff can locate an alarm source more quickly

Command and control on the go and the ability to read, hear, see, do and then analyze information for real-time situational awareness is what SARA's eMessenger Mobile makes possible for any organization.

Figure 2.

See <http://www.statussolutions.com/technologies/wide-area-mobile-duress>; Figure 3.

SARA on Cellular enhances personal safety and security for individuals at home, work and anywhere in between. Following are some examples of where and how wide-area mobile duress can be used:

Senior living - Provide more freedom, independence and peace of mind for seniors and/or those with certain medical conditions and their families; expand community outreach and increase revenue by offering progressive amenities via home-health programs

Home health providers - Expand service offerings, including 24-7 call center services

Schools - Enhance safety and security for students and staff, including bus drivers, especially in large, outside areas and remote locations

Courthouses and other government facilities - Provide 24-7 duress alerting for judges, attorneys and public officials, such as congressional leaders, and their staff

Construction, manufacturing and transportation - Improve safety in dangerous work environments (e.g., person-down events) and for lone workers

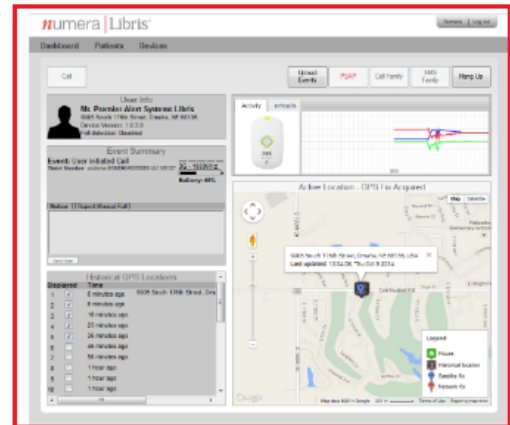


Figure 3.

See <https://www.unityconnected.com/solutions/situational-awareness-solutions/>; Figure 4.

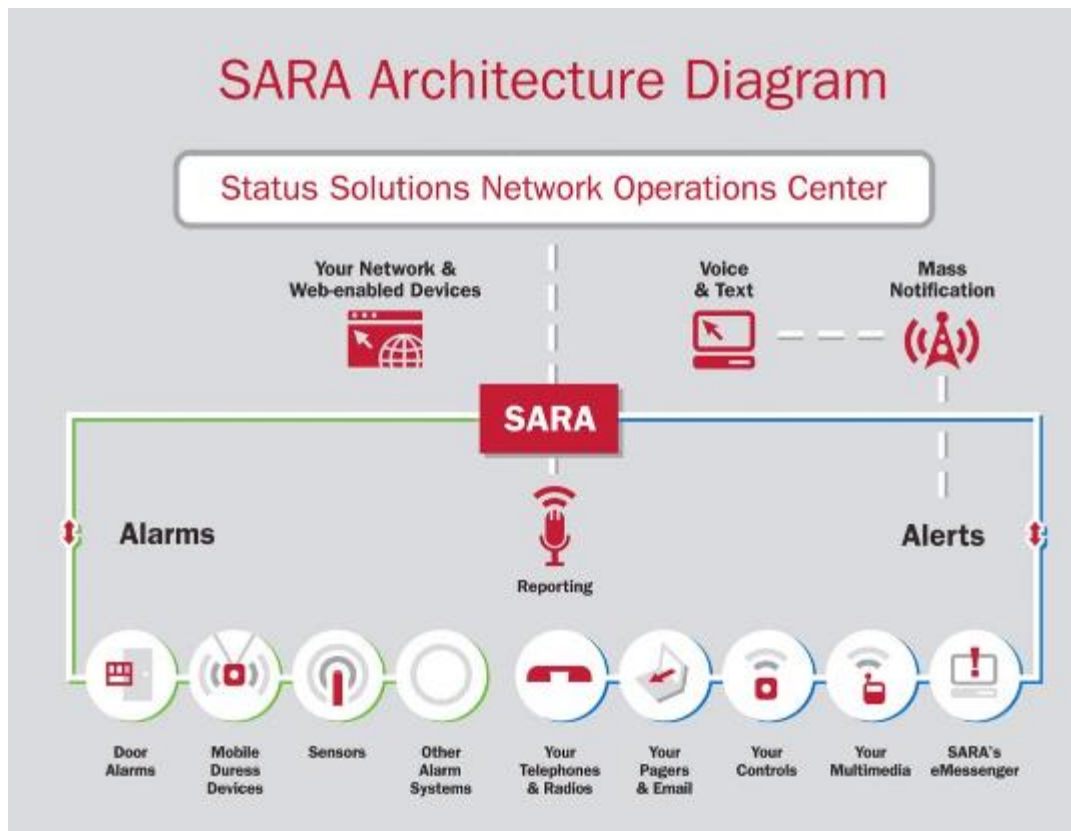


Figure 4.

15. The Status Solutions 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 Status Solutions 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 Status Solutions 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. 3-4; *see also* <http://www.statussolutions.com/outcomes/mass-notification>; Figure 5.

The SARA situational awareness system with real-time, automated alerts will help protect your people, property, and business. Read below to learn more about our mass notification system.

You can't control the weather, but you can control how you prepare for and respond to weather emergencies or other triggering events that require real-time, detailed and ongoing communication to protect people, property, business and convenience. That's why mass notification is critical to emergency preparedness/response and disaster recovery, as well as general business operations. Mass notification is an application of situational awareness that ensures pertinent information about a triggering event - an awareness transaction - is delivered automatically in as many ways as possible to those most likely to be affected, as well as both on- and off-site responders. You can set up specific alert groups, giving you the ability to broadcast information to all constituents or only to certain personnel - maintenance vs. housekeeping, for example. Mass notification also includes the ability to send alerts on demand if unplanned events or changes occur, in addition to updates as an unfolding situation changes.

Event- and campaign-triggered notifications

It's also possible - and important - to set up alerts to differentiate between different types of emergencies. For example, one can signal a fire, which means people need to evacuate immediately, while another can indicate a tornado, which means people need to shelter in place. Both alerts can be set up not just to activate sirens and strobe lights automatically but also send out instructions to the appropriate groups via multiple communication channels. This sort of event-triggered mass notification provides redundancy, which is critical to life safety. After the danger passes, your predefined groups can be notified again with all-clear messages. Mass notifications also can be campaign-triggered, meaning tailored to a specific group. For example, if a university student's meal plan is about to expire, a phone call, text and/or email can be set up to notify said student so arrangements can be made for renewal. SARA's modes and actions are situation agnostic, so the solution can be used to drive awareness transactions regarding any situation deemed important to your organization - from matters of life safety to matters of revenue.

Examples of alerting/mass notification devices

You have to define the "mass" in mass notification, the appropriate layers of redundancy, and the forms of alerting. Once the protocols and escalation paths have been established, alerting is automatic. Following are some examples of the communication devices used with SARA for mass notification:

- Desktop alerts
- Mobile dashboards
- Smartphones
- Landlines
- Pagers
- Two-way radios
- Public address systems
- Strobe lights
- Emails
- CCTVs
- LED wall boards

Figure 5.

See <http://www.statussolutions.com/casestudies/view/15/282>; Figure 6.

Leverages SARA for Mass Notification of Emergencies

Opportunity

The Wilson Workforce and Rehabilitation Center in Fishersville, Virginia, uses the Situational Awareness and Response Assistant (SARA) from Status Solutions for emergency alerting. A blue alert indicates a weather emergency, and a yellow alert is used for mass notification about a hostile intruder.

"We're an open campus ... We've got the elementary, middle, and high schools up here, plus a residential area. We have a lot people in this complex, and any number of things can happen. We have to be prepared."
- Chip Stratton, Safety and Risk Management Director

Figure 6.

See

http://www.statussolutions.com/uploads/partner_files/CS_LindnerCenter_0712_af78bae5320f.pdf; Figure 7.

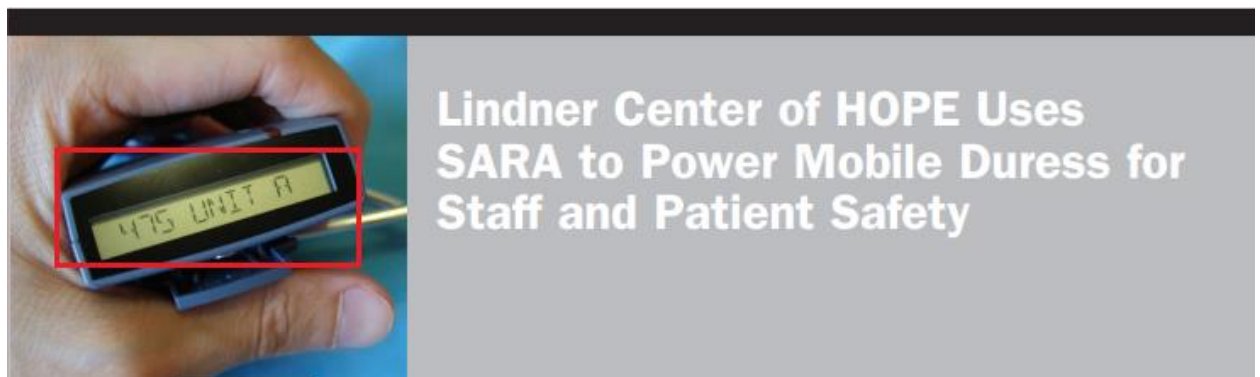


Figure 7.

16. The Status Solutions 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 Status Solutions

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 Status Solutions Mobile Application installed), wherein the non-emergency notification signal (e.g., an operator uses the Status Solutions 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 Status Solutions 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. 2-7.

17. **Induced Infringement.** Status Solutions 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 Status Solutions product in an infringing manner as described above. Upon information and belief, Status Solutions has specifically intended that its customers use the Status Solutions 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 Status Solutions and a Status Solutions customer jointly, Status

Solutions 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 Status Solutions, granting the following relief:

- A. A declaration that Status Solutions has infringed the Patent-in-Suit;
- B. An award of damages to compensate Tenaha for Status Solutions' direct infringement of the Patent-in-Suit;
- C. An award of damages, including trebling of all damages, sufficient to remedy Status Solutions' infringement of the Patent-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 29, 2019

/s/ Howard L. Wernow

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