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18
 19 **UNITED STATES DISTRICT COURT**
 20 **DISTRICT OF NEVADA**

21 JACKSON LABS TECHNOLOGIES, INC.,
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 Plaintiff,
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 vs.
 24
 OROLIA USA, INC.,
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 Defendant.
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CASE NO.:

**COMPLAINT FOR DECLARATORY
 JUDGMENT AND DEMAND FOR
 JURY TRIAL**

COMPLAINT FOR DECLATORY JUDGEMENT

1
2 Plaintiff Jackson Labs Technologies, Inc. hereby asserts the following claim for Declaratory
3 Judgment against Defendant Orolia USA, Inc., and alleges as follows:

4 **PARTIES**

5 1. Jackson Labs Technologies, Inc. (“JLT”) is a corporation organized under the laws of
6 the State of Nevada with its principal place of business located at 10080 Alta Dr., Las Vegas, Nevada
7 89145.

8 2. Orolia USA, Inc. (“Orolia”) is a corporation organized and existing under the laws of
9 the State of New York with an address at 1565 Jefferson Road, Rochester, New York 14623.

10 **JURISDICTION AND VENUE**

11 3. This Court has subject matter jurisdiction over this action and the matters pleaded
12 herein under 28 U.S.C. §§ 1331 and 1338(a) because the action arises under the patent laws of the
13 United States, 35 U.S.C. § 101, *et seq.*

14 4. JLT seeks a declaratory judgment pursuant to 28 U.S.C. § 2201 *et seq.*

15 5. This Court has personal jurisdiction over Orolia because, among other things, Orolia’s
16 activities in this district give rise to the claim, and upon information and belief, because Orolia is
17 doing business in and has substantial ongoing contacts with the State of Nevada.

18 6. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b) and (c).

19 **GENERAL FACTUAL ALLEGATIONS**

20 7. JLT designs and manufactures precision timing, frequency, and test & measurement
21 instruments based on the latest RF, microprocessor, and software technologies.

22 8. Among the products designed and made by JLT is the RSR Transcoder™, which
23 allows retrofitting of legacy GPS equipment to next-generation GNSS, SAASM, M-Code, INS, and
24 other PVT/PNT sources.

25 9. Orolia purports to be the owner of all right, title, and interest in United States Patent
26 No. 10,241,211 (“the ‘211 patent”) entitled “Methods Of Location Using GNSS Simulators and
27 Devices Thereof.”

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FACTUAL ALLEGATIONS REGARDING DECLARATORY JUDGMENT

10. On or about July 24, 2019, the General Counsel of Orolia, Isabelle Melody, sent a letter to the CEO of JLT (“ July 24th letter”) at JLT’s Alta Drive address in Las Vegas.

11. Orolia’s July 24th letter states that Orolia was recently granted the ‘211 patent and that it “covers any method, device, medium or system which receives GNSS information and simulates transmission on another GNSS constellation.” A copy of the ‘211 patent is attached as Exhibit A.

12. Although failing to identify a purportedly infringed claim or provide any explanation for a determination of infringement, Orolia’s July 24th letter contends that JLT is infringing claims of the ‘211 patent, stating in particular “[w]e hereby request that Jackson Labs Technologies, Inc. (Jackson Labs) immediately stops using our patented technology.”

13. On October 4, 2019, counsel for JLT sent a letter (“October 4th letter”) in response to Orolia’s July 24th letter stating that Orolia, as a patent holder alleging patent infringement, “must identify with particularity the accused products and the patent claims purported to be infringed by each accused product and provide a claim chart showing the alleged correspondence of each claim element with a specific feature on the accused product.”

14. On or about October 18, 2019, counsel for Orolia sent a letter (“October 18th letter”) responding to JLT’s October 4th letter stating that “Jackson Labs’ RSR Transcoder product meets every limitation of a least independent claim 1 in the ‘211 patent based on Jackson Labs own public statements.”

15. Orolia’s October 18th letter attached a table that purports to be a claim chart comparing method claim 1 of the ‘211 patent to JLT’s RSR TranscoderTM device.”

16. The October 18th letter repeats Orolia’s accusation that “Jackson Labs is practicing the invention of the ‘211 Patent.”

17. On November 5, 2019, counsel for JLT sent a ten page single-spaced letter (“November 5th letter”) responding in detail to Orolia’s October 18th letter, and identifying several reasons why JLT does not directly infringe method claim 1, or any other claim of the ‘211 patent, or have liability for contributory infringement or for inducing others to infringe the ‘211 patent.

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1 18. On or about November 26, 2019, counsel for Orolia sent a two paragraph response
2 (“November 26th letter”) to JLT’s detailed November 5th letter, stating in a conclusory fashion and
3 without further explanation that “your attempts to limit the scope of the claims of the ‘211 Patent
4 based on the terms ‘communication network’ and ‘coverage area’ are baseless and do not support
5 non-infringement.”

6 19. In spite of JLT’s identification of specific and detailed reasons why it is not infringing
7 the ‘211 patent, Orolia’s November 26th letter repeats Orolia’s false and unsupported accusation that
8 “Jackson Labs is practicing the invention of the ‘211 Patent by making and selling the RSR
9 Transcoder.”

10 20. JLT’s RSR TranscoderTM device does not fall within the scope of any claim of the
11 ‘211 patent, and JLT does not engage in any activity that would render it liable for direct or indirect
12 infringement of any claim of the ‘211 patent.”

13 21. Based on the foregoing facts, an actual and justiciable controversy has arisen and
14 exists between JLT and Orolia concerning whether the JLT’s RSR TranscoderTM device falls within
15 the scope of any claim of Orolia’s ‘211 patent and whether JLT is engaged in any activity that
16 constitutes direct or indirect infringement of the ‘211 patent.

17 **DECLARATORY JUDGMENT OF NON-INFRINGEMENT OF THE ‘211 PATENT**

18 22. JLT incorporates by reference herein all the allegations set forth in paragraphs 1-21 of
19 this Complaint for Declaratory Judgment.

20 23. JLT does not infringe, has not infringed, does not and has not induced the infringement
21 of, and does not and has not contributed to the infringement of any claim of the ‘211 patent.

22 **DEMAND FOR JURY TRIAL**

23 JLT hereby makes a demand for a trial by jury as to all issues so triable.

24 **WHEREFORE**, JLT respectfully requests that the Court grant the following relief in
25 conjunction with this Complaint for Declaratory Judgment:

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1 A. Declare and enter judgment that JLT does not infringe, has not infringed, does not
2 induce the infringement of, has not induced the infringement of, and does not contribute to the
3 infringement of, and has not contributed to the infringement of any claim of the '211 patent;

4 B. Enter an Order enjoining Orolia, its agents, servants, officers, directors, employees,
5 attorneys, privies, representatives, successors, assigns, and parent and subsidiary entities, and any
6 and all persons acting on their behalf or in concert or participation with any of them, from threatening
7 to assert or asserting any claim of the '211 patent against JLT, its agents, employees, suppliers, or
8 customers.

9 C. Enter an Order declaring this case exceptional and awarding JLT its costs, expenses,
10 and attorney fees in this action; and,

11 D. Enter an Order granting JLT such other and further relief as the Court deems just in
12 the circumstances of this case.

13 DATED December 6, 2019.

14 **EVANS FEARS & SCHUTTERT LLP**

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16 By: 

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