UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

BCS SOFTWARE, LLC, Plaintiff v. **SENSUS USA, INC.** Defendant	**Case No. 6:20-cv-3** **JURY TRIAL DEMANDED**

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff BCS Software, LLC ("Plaintiff" or "BCS") hereby files this Original Complaint for Patent Infringement against Defendant Sensus USA, Inc. ("Defendant" or "Sensus"), and alleges, on information and belief, as follows:

THE PARTIES

1. BCS Software, LLC is a limited liability company organized and existing under the laws of the State of Texas with its principal place of business in Austin, Texas.
2. On information and belief, Defendant Sensus USA, Inc. ("Sensus"). Sensus is a Delaware limited liability company having a principal place of business at 637 Davis Drive, Morrisville, NC 27560. On information and belief, the registered agent for service of process in Texas for Sensus USA, Inc. is Corporation Service Company d/b/a CSC, 211 E. 7th Street, Suite 620, Austin, Texas 78701.

JURISDICTION AND VENUE

3. This action arises under the patent laws of the United States, 35 U.S.C. § 1, *et seq*. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

4. Defendant has committed acts of infringement in this judicial district.

5. On information and belief, Defendant maintains regular and systematic business interests in this district and throughout the State of Texas including through their representatives, employees and physical facilities.

6. On information and belief, the Court has personal jurisdiction over Defendant because Defendant has committed, and continues to commit, acts of infringement in the state of Texas, has conducted business in the state of Texas, and/or has engaged in continuous and systematic activities in the state of Texas. On information and belief, Defendant's accused instrumentalities that are alleged herein to infringe were and continue to be used, imported, offered for sale, and/or sold in the Western District of Texas.

7. On information and belief, Defendant voluntarily conducts business and solicits customers in the State of Texas and customers within this District, including, but not limited to, the City of Cedar Park, Texas and the City of Comanche, Texas.

8. On information and belief, Defendant generates substantial revenue from such customers located within this District and from the acts of infringement as carried out in this District. As such, the exercise of jurisdiction over Defendant would not offend the traditional notions of fair play and substantial justice.

9. Venue is proper in the Western District of Texas pursuant to 28 U.S.C. § 1400(b).

NOTICE OF BCS' PATENTS

10. BCS is owner by assignment of U.S. Patent No. 6,240,421 entitled "System, software and apparatus for organizing, storing and retrieving information from a computer database." A copy may be obtained at: https://patents.google.com/patent/US6240421B1/en?oq=6240421.

11. BCS is owner by assignment of U.S. Patent No. 6,421,821 entitled "Flow chart-based programming method and system for object-oriented languages." A copy may be obtained at: https://patents.google.com/patent/US6421821B1/en?oq=6421821.

12. BCS is owner by assignment of U.S. Patent No. 6,438,535 entitled "Relational database method for accessing information useful for the manufacture of, to interconnect nodes in, to repair and to maintain product and system units." A copy may be obtained at: https://patents.google.com/patent/US6438535B1/en?oq=6438535.

13. BCS is owner by assignment of U.S. Patent No. 6,658,377 entitled "Method and system for text analysis based on the tagging, processing, and/or reformatting of the input text." A copy may be obtained at: https://patents.google.com/patent/US6658377B1/en?oq=6658377.

14. BCS is owner by assignment of U.S. Patent No. 6,662,179 entitled "Relational database method for accessing information useful for the manufacture of, to interconnect nodes in, to repair and to maintain product and system units." A copy may be obtained at: https://patents.google.com/patent/US6662179B2/en?oq=6662179.

15. BCS is owner by assignment of U.S. Patent No. 6,895,502 entitled "Method and system for securely displaying and confirming request to perform operation on host computer." A copy may be obtained at: https://patents.google.com/patent/US6895502B1/en?oq=6895502.

16. BCS is owner by assignment of U.S. Patent No. 7,200,760 entitled "System for persistently encrypting critical software data to control the operation of an executable software

program." A copy may be obtained at:

https://patents.google.com/patent/US7200760B2/en?oq=7200760.

17. BCS is owner by assignment of U.S. Patent No. 7,302,612 entitled "High level operational support system." A copy may be obtained at:

https://patents.google.com/patent/US7302612B2/en?oq=7302612.

18. BCS is owner by assignment of U.S. Patent No. 7,533,301 entitled "High level operational support system." A copy may be obtained at:

https://patents.google.com/patent/US7533301B2/en?oq=7533301.

19. BCS is owner by assignment of U.S. Patent No. 7,730,129 entitled "Collaborative communication platforms." A copy may be obtained at:

https://patents.google.com/patent/US7730129B2/en?oq=7730129.

20. BCS is owner by assignment of U.S. Patent No. 7,774,296 entitled "Relational database method for accessing information useful for the manufacture of, to interconnect nodes in, to repair and to maintain product and system units." A copy may be obtained at:

https://patents.google.com/patent/US7774296B2/en?oq=7774296.

21. BCS is owner by assignment of U.S. Patent No. 7,840,893 entitled "Display and manipulation of web page-based search results." A copy may be obtained at:

https://patents.google.com/patent/US7840893B2/en?oq=7840893.

22. BCS is owner by assignment of U.S. Patent No. 7,890,809 entitled "High level operational support system." A copy may be obtained at:

https://patents.google.com/patent/US7890809B2/en?oq=7890809.

23. BCS is owner by assignment of U.S. Patent No. 7,895,282 entitled "Internal electronic mail system and method for the same." A copy may be obtained at:

https://patents.google.com/patent/US7895282B1/en?oq=7895282."

24. BCS is owner by assignment of U.S. Patent No. 7,996,464 entitled "Method and system for providing a user directory." A copy may be obtained at: https://patents.google.com/patent/US7996464B1/en?oq=7996464.

25. BCS is owner by assignment of U.S. Patent No. 7,996,469 entitled "Method and system for sharing files over networks." A copy may be obtained at: https://patents.google.com/patent/US7996469B1/en?oq=7996469.

26. BCS is owner by assignment of U.S. Patent No. 8,171,081 entitled "Internal electronic mail within a collaborative communication system." A copy may be obtained at: https://patents.google.com/patent/US8171081B1/en?oq=8171081.

27. BCS is owner by assignment of U.S. Patent No. 8,176,123 entitled "Collaborative communication platforms." A copy may be obtained at: https://patents.google.com/patent/US8176123B1/en?oq=8176123.

28. BCS is owner by assignment of U.S. Patent No. 8,285,788 entitled "Techniques for sharing files within a collaborative communication system." A copy may be obtained at: https://patents.google.com/patent/US8285788B1/en?oq=8285788.

29. BCS is owner by assignment of U.S. Patent No. 8,554,838 entitled "Collaborative communication platforms." A copy may be obtained at: https://patents.google.com/patent/US8554838B1/en?oq=8554838.

30. BCS is owner by assignment of U.S. Patent No. 8,819,120 entitled "Method and system for group communications." A copy may be obtained at: https://patents.google.com/patent/US8819120B1/en?oq=8819120.

31. BCS is owner by assignment of U.S. Patent No. 8,984,063 entitled "Techniques for providing a user directory for communication within a communication system." A copy may be obtained at: https://patents.google.com/patent/US8984063B1/en?oq=8984063.

32. BCS is owner by assignment of U.S. Patent No. 9,396,456 entitled "Method and system for forming groups in collaborative communication system." A copy may be obtained at: https://patents.google.com/patent/US9396456B1/en?oq=9396456.

U.S. PATENT NOS. 7,302,612, 7,533,301 AND 7,890,809

33. BCS is the owner, by assignment, of U.S. Patent No. 7,302,612 ("the '612 Patent"), U.S. Patent No. 7,533,301 ("the '301 Patent) and U.S. Patent No. 7,890,809 ("the '809 Patent"), each entitled HIGH LEVEL OPERATIONAL SUPPORT SYSTEM (hereinafter collectively referred to as "the Patents-in-Suit").

34. The '809 Patent issued on February 15, 2011, and is a continuation of the '301 Patent, which issued on May 12, 2009. The '301Patent is a continuation of the '612 Patent, which issued on November 27, 2007. Thus, the Patents-in-Suit share a common specification.

35. The Patents-in-Suit are valid, enforceable, and were duly issued in full compliance with Title 35 of the United States Code.

36. The Patents-in-Suit were invented by Messrs. Blaine Nye and David Sze Hong.

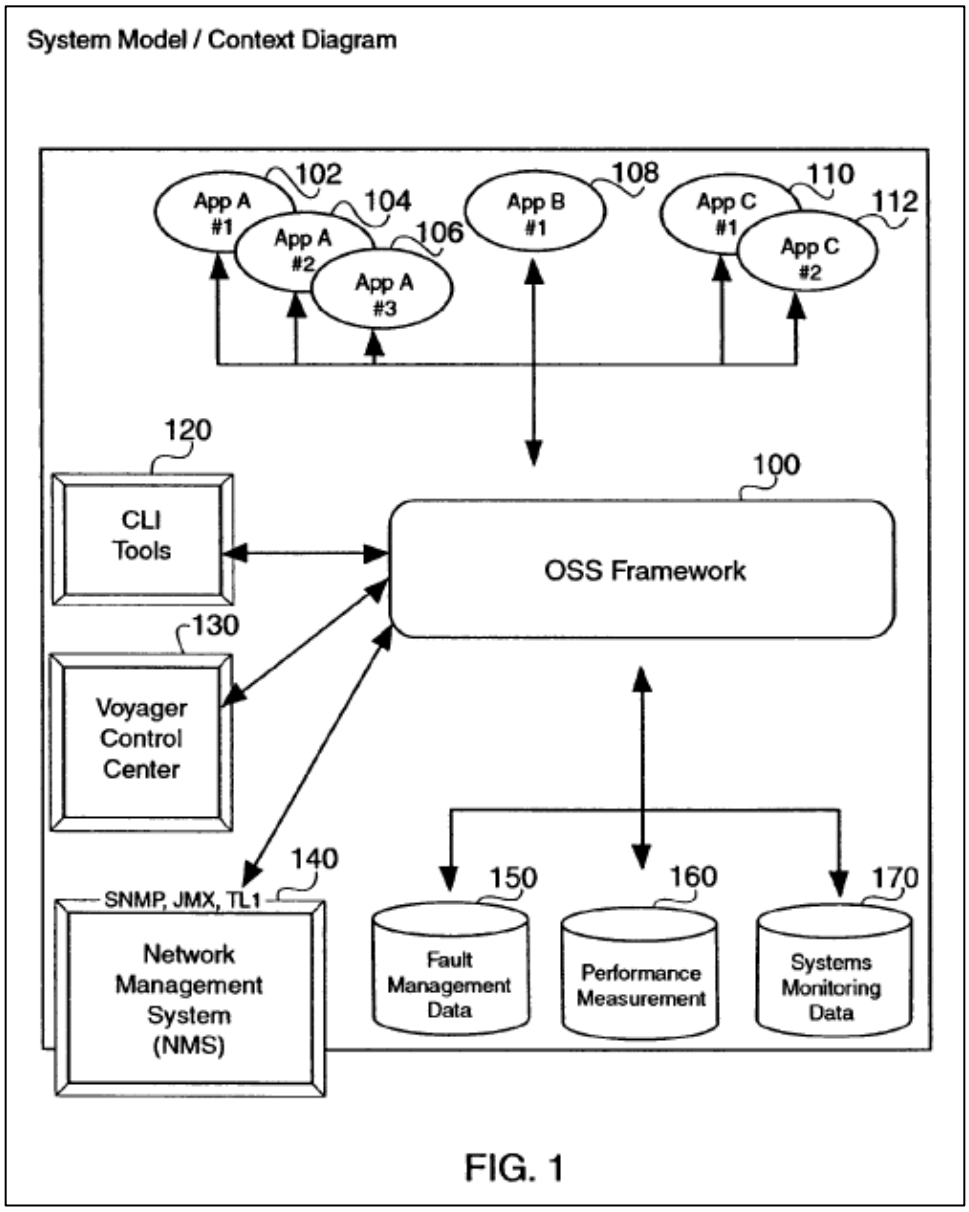
37. The priority date of each of the Patents-in-Suit is at least May 1, 2003.

38. The Patents-in-Suit relate to:

> A high-level Operational Support System (OSS) framework provides the infrastructure and analytical system to enable all applications and systems to be managed dynamically at runtime regardless of platform or programming technology. Applications are automatically discovered and managed. Java

> applications has the additional advantage of auto-inspection (through reflection) to determine their manageability. Resources belonging to application instances are associated and managed with that application instance. This provides operators the ability to not only manage an application, but its distributed components as well. They are presented as belonging to a single application instance node that can be monitored, analyzed, and managed. The OSS framework provides the platform-independent infrastructure that heterogeneous applications require to be monitored, controlled, analyzed and managed at runtime. New and legacy applications written in C++ or Java are viewed and manipulated identically with zero coupling between the applications themselves and the tools that scrutinize them.

'809 Patent (Abstract).



Id. (Figure 1).

39. The field of the invention of the Patents-in-Suit is to improvements in "wireless communication carriers. More particularly, it relates to operational support system (OSS), application/systems management, and network management." *Id.*, col. 1:17-20.

40. As disclosed in the Patents-in-Suit, "[m]any network management technologies exist that allow operators to manage applications and devices at runtime. For instance, SNMP, TL1

and JMX each attempt to provide operators with the ability to manipulate and affect change at runtime." *Id*., col. 1:22-26.

41. As disclosed in the Patents-in-Suit, "[t]he fundamental of each is similar. It is to manipulate the objects of an application through messaging." *Id*., col. 1:26-27.

42. As disclosed in the Patents-in-Suit, "SNMP is the standard basic management service for networks that operate in TCP/IP environments. It is intended primarily to operate well-defined devices easily and does so quite successfully. However, it is limited to the querying and updating of variables." *Id*., col. 1:28-32.

43. As disclosed in the Patents-in-Suit, "Transaction Language 1 (TL1) is a set of ASCII-based instructions, or 'messages,' that an operations support system (OSS) uses to manage a network element (NE) and its resources. *Id*., col. 1:32-35.

44. As disclosed in the Patents-in-Suit, "JMX is a Java centric technology that permits the total management of objects: not only the manipulation of fields, but also the execution of object operations. It is designed to take advantage of the Java language to allow for the discovery and manipulation of new or legacy applications or devices." *Id*., col. 1:35-40.

45. As disclosed in the Patents-in-Suit, "Operational Support for enterprise applications is currently realized using a variety of technologies and distinct, separate services. For instance, network management protocols (SNMP, JMX, TL1, etc.) provide runtime configuration and some provide operation invocation, but these technologies are not necessarily geared toward applications." *Id*., col. 1:40-45.

46. As disclosed in the Patents-in-Suit, "[s]ome are language specific (e.g., JMX) and require language agnostic bridging mechanisms that must be implemented, configured and maintained. SNMP is generic (e.g., TL1 and SNMP) and very simple in nature, but it requires

application developers to implement solutions to common OSS tasks on top of SNMP. *Id*., col. 1:46-51.

47. As disclosed in the Patents-in-Suit, "TL1 is also ASCII based and generic. However, while it is very flexible and powerful, it is another language that must be mastered, and its nature is command line based. As a result, it is not intuitively based in presentation layer tools. While all the technologies has their respective benefits, they do not provide direct means of providing higher level OSS functionality. Conventionally, applications are monitored, analyzed and managed at runtime." *Id*., col. 1:52-59.

48. As disclosed in the Patents-in-Suit, one or more claims "provid[e] a high-level operational support system framework comprises monitoring a health of a plurality of applications. The health of the plurality of applications is assessed, and the health of the plurality of applications is analyzed, whereby each of the plurality of applications are managed dynamically at runtime regardless of a platform of each of the plurality of applications." *Id*., col. 1:64–2:3.

49. Consequently, the Patents-in-Suit improve the computer functionality itself and represents a technological improvement to the operation of computers.

50. The '809 Patent was examined by United States Patent Examiner Joshua Lohn. During the examination of the '809 Patent, the United States Patent Examiner searched for prior art in the following US Classifications: 714/38, 714/47, 719/320.

51. After conducting a search for prior art during the examination of the '809 Patent, the United States Patent Examiner identified and cited U.S. Patent No. 6,748,555 to Teegan et al as one of the most relevant prior art references found during the search.

52. After conducting a search for prior art during the examination of the ’809 Patent, the United States Patent Examiner identified and cited U.S. Patent No. 6,862,698 to Shyu as one of the most relevant prior art references found during the search.

53. After conducting a search for prior art during the examination of the ’809 Patent, the United States Patent Examiner identified and cited U.S. Patent No. 7,003,560 to Mullen et al as one of the most relevant prior art references found during the search.

54. After conducting a search for prior art during the examination of the ’809 Patent, the United States Patent Examiner identified and cited U.S. Patent No. 7,100,195 to Underwood as one of the most relevant prior art references found during the search.

55. After conducting a search for prior art during the examination of the ’809 Patent, the United States Patent Examiner identified and cited U.S. Patent Application No. 2003/0037288 by Harper et al as one of the most relevant prior art references found during the search.

56. After conducting a search for prior art during the examination of the ’809 Patent, the United States Patent Examiner identified and cited U.S. Patent Application No. 2003/0204791 by Helgren et al as one of the most relevant prior art references found during the search.

57. After conducting a search for prior art during the examination of the ’809 Patent, the United States Patent Examiner identified and cited U.S. Patent Application No. 2004/0073566 by Trivedi as one of the most relevant prior art references found during the search.

58. After conducting a search for prior art during the examination of the ’809 Patent, the United States Patent Examiner identified and cited U.S. Patent Application No. 2004/0088401 by Tripathi et al as one of the most relevant prior art references found during the search.

59. After conducting a search for prior art during the examination of the ’809 Patent, the United States Patent Examiner identified and cited U.S. Patent Application No. 2005/0044535 by Coppert as one of the most relevant prior art references found during the search.

60. After conducting a search for prior art during the examination of the ’809 Patent, the United States Patent Examiner identified and cited U.S. Patent Application No. 6,748,555 by Shyu as one of the most relevant prior art references found during the search.

DEFENDANT’S PRODUCTS

61. On information and belief, Defendant makes, uses, imports, sells, and/or offers for sale a multitude of products and services broadly defined under the so-called “FlexNet” name. On information and belief, FlexNet comprises a communications platform for delivering network data via long-range radio and a smart metering infrastructure for supporting IoT networks. On information and belief, FlexNet provides features for enabling smart meters and sensors to transmit and receive customer usage data and manage electric, water, gas, lighting and smart grid systems. On information and belief, Defendant performs and induces others to perform the step of monitoring from a physical server a health of a plurality of client applications and a health of said plurality of client applications distributed components, using a common monitoring protocol, said monitoring being independent of a programming technology of said plurality of client applications and respective distributed components.

62. Individually and collectively, the foregoing are the “Accused Instrumentalities.”

COUNT I

(Infringement of U.S. Patent No. 7,890,809)

63. BCS incorporates the above paragraphs by reference.

64. Defendant has been on notice of the '809 Patent at least as early as the date it received service of this Original Complaint.

65. On information and belief, Defendant has infringed and continue to infringe at least Claims 1-9 of the '809 Patent by making, using, importing, selling, and/or, offering for sale the Accused Instrumentalities.

66. Defendant, with knowledge of the '809 Patent, infringe the '809 Patent by inducing others to infringe the '809 Patent. In particular, Defendant intend to induce their customers to infringe the '809 Patent by encouraging customers to use the Accused Instrumentalities in a manner that results in infringement.

67. On information and belief, Defendant makes, uses, imports, sells, and/or offers for sale a multitude of products and services broadly defined under the so-called "FlexNet" name. On information and belief, FlexNet comprises a communications platform for delivering network data via long-range radio and a smart metering infrastructure for supporting IoT networks. On information and belief, FlexNet provides features for enabling smart meters and sensors to transmit and receive customer usage data and manage electric, water, gas, lighting and smart grid systems. On information and belief, Defendant performs and induces others to perform the step of monitoring from a physical server a health of a plurality of client applications and a health of said plurality of client applications distributed components, using a common monitoring protocol, said monitoring being independent of a programming technology of said plurality of client applications and respective distributed components.

68. On information and belief, FlexNet comprises applications such as Remote Management using Advanced Metering Infrastructure (AMI) Solution and Outage Management using Sensus Phase Detection. The AMI solution utilizes FlexNet Communication Network to retrieve data from smart meters in the grid and provides usage data for fault monitoring and billing. The Phase Detection Application determines the distribution phase of each meter on the grid. Both the solution and the application are used by utilities in integration with FlexNet. Distributed components for the solution include smart meters and sensors. The FlexNet analytics provides a dashboard where all the data is gathered and displayed to the user for monitoring. Various events such as outages, leakages, failures, etc. are detected and displayed on the dashboard. Hence, the health of applications and health of corresponding distributed components (such as meters and sensors) is monitored using FlexNet ("common monitoring protocol"). On information and belief, the monitoring is independent of a programming technology of said plurality of client applications and respective distributed components.

Source: https://sensus.com/communication-networks/sensus-technologies/flexnet-north-america/#water-applications

Applications at scale

Whether you're seeking insights from customer data or require real-time updates on the health of your distribution system, the options are boundless when powered by FlexNet. For example:

Remote Management – Stay in control with an AMI solution that adapts to your needs. Retrieve data continuously or on-demand, and still adapt to give your customers what they want through opt-in/opt-out capabilities.

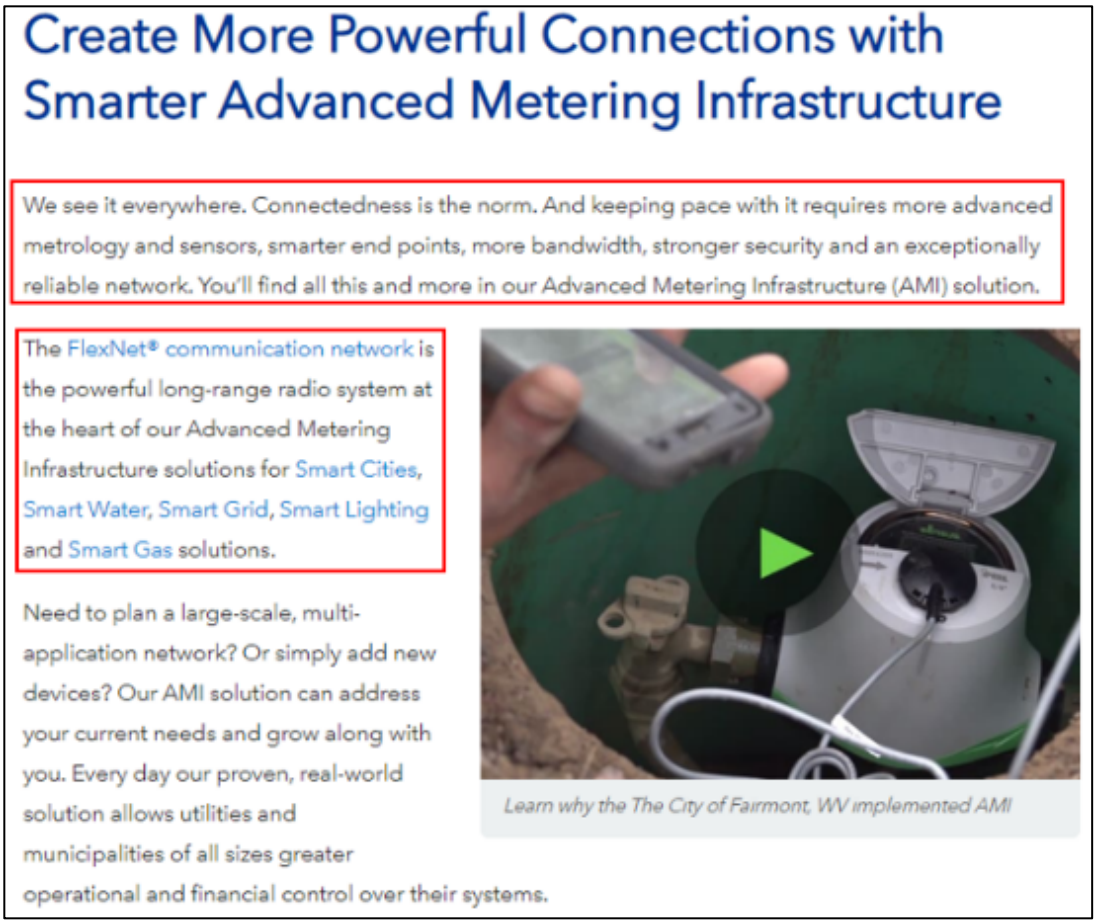
Outage Management – Zero in on where and why your outage occurred, and restore power quickly. After the storm, use Sensus phase detection to identify overloaded phases and rebalance your system.

Conservation Voltage Reduction (CVR) – Monitor real-time voltage data and optimize voltage across your entire distribution network.

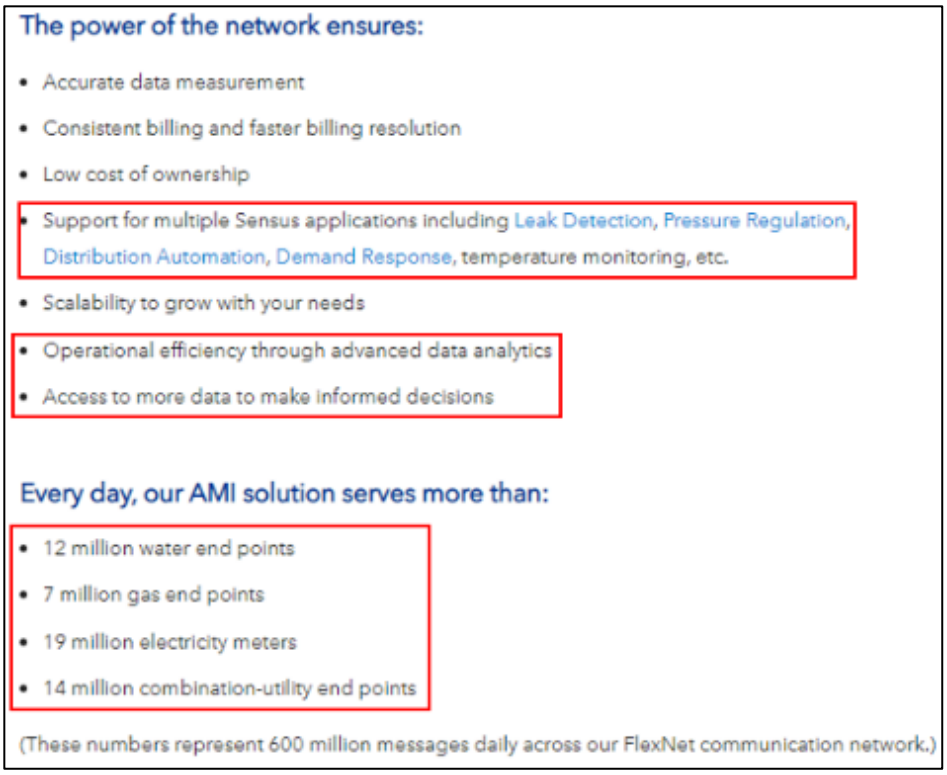
Smart Street Lighting – Seize the opportunity to conserve energy, manage your assets, reduce maintenance costs and promote public safety using our VantagePoint™ Lighting Control solution.

Take a proactive approach to balancing your grid load with the Sensus phase detection application

Source: https://sensus.com/communication-networks/flexnet-for-electric/



Source: https://sensus.com/solutions/advanced-metering-infrastructure-ami/



The power of the network ensures:

- Accurate data measurement
- Consistent billing and faster billing resolution
- Low cost of ownership
- Support for multiple Sensus applications including Leak Detection, Pressure Regulation, Distribution Automation, Demand Response, temperature monitoring, etc.
- Scalability to grow with your needs
- Operational efficiency through advanced data analytics
- Access to more data to make informed decisions

Every day, our AMI solution serves more than:

- 12 million water end points
- 7 million gas end points
- 19 million electricity meters
- 14 million combination-utility end points

(These numbers represent 600 million messages daily across our FlexNet communication network.)

Source: https://sensus.com/solutions/advanced-metering-infrastructure-ami/

Take a Proactive Approach to Balancing Your Grid Load

You have a good handle on your grid phase strategy–at least in theory. After all, there is plenty of documentation to show which meters map to which phase. But, the real world intervenes. A storm rolls through, and your team does what needs to be done to restore power quickly. Meters are swapped on the fly for good reasons, but the work order trail is missing. How can you verify the phases of your actual installations?

The Sensus phase detection application combines metrology, communications and analytics to determine the distribution phase of each meter on the grid. What's more, the functionality is embedded in existing Sensus infrastructure–no additional hardware is required.

So stop guessing; start knowing. Update your documentation to accurately reflect the installations. Balance your grid load, proactively. You even get to choose the method that works best for you. Phase detection is available as a standalone Sensus Analytics application that you manage. Or opt for the Sensus Professional Services subscription model, and leave the reporting to us.

Source: https://sensus.com/phase-detection-application/

Features

- Flexible meter selection strategies
  - RF regions
  - Substation feeder line
  - Meter list
  - Geolocation
- Easy integration–CSV and REST API file formats
- Optimized for FlexNet® use–versions 2.x or newer
- Balanced time and network usage–passive and active modes
- No additional infrastructure required

Benefits to you

- Enables proactive mapping and transformer management
- Verifies meter restoration to the correct phases after network damage
- Eliminates cost of dispatching crews to verify phase
- Reinforces connectivity model for outage management systems

Source: https://sensus.com/phase-detection-application/

69. On information and belief, Defendant performs and induces others to perform the step of assessing said health of said plurality of client applications and said respective distributed components. This element is infringed literally, or in the alternative, under the doctrine of equivalents. For example, FlexNet assesses health of applications in AMI solution and Outage Management solution and respective distributed components (Sensors and Meters). Data gathered using these applications is used in Sensus Analytics for assessing events such as maintenance, outages, leakage, etc. and displayed to the user.

Applications at scale

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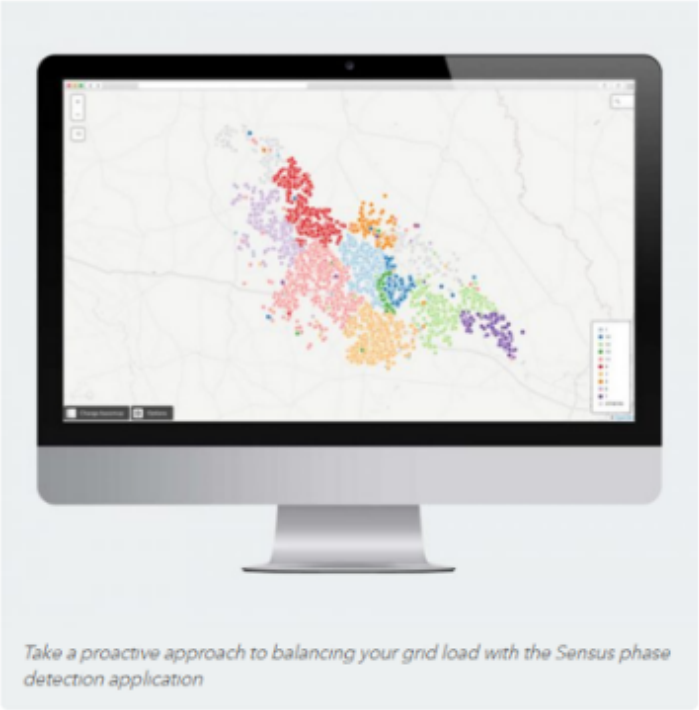

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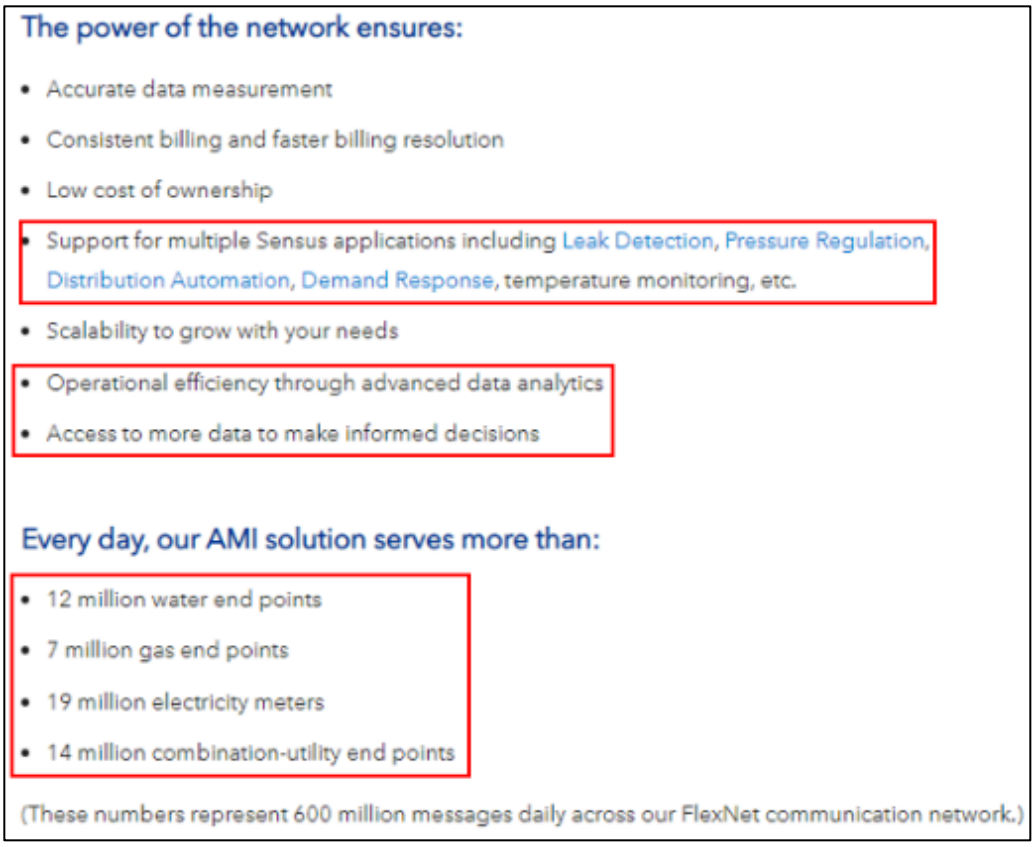

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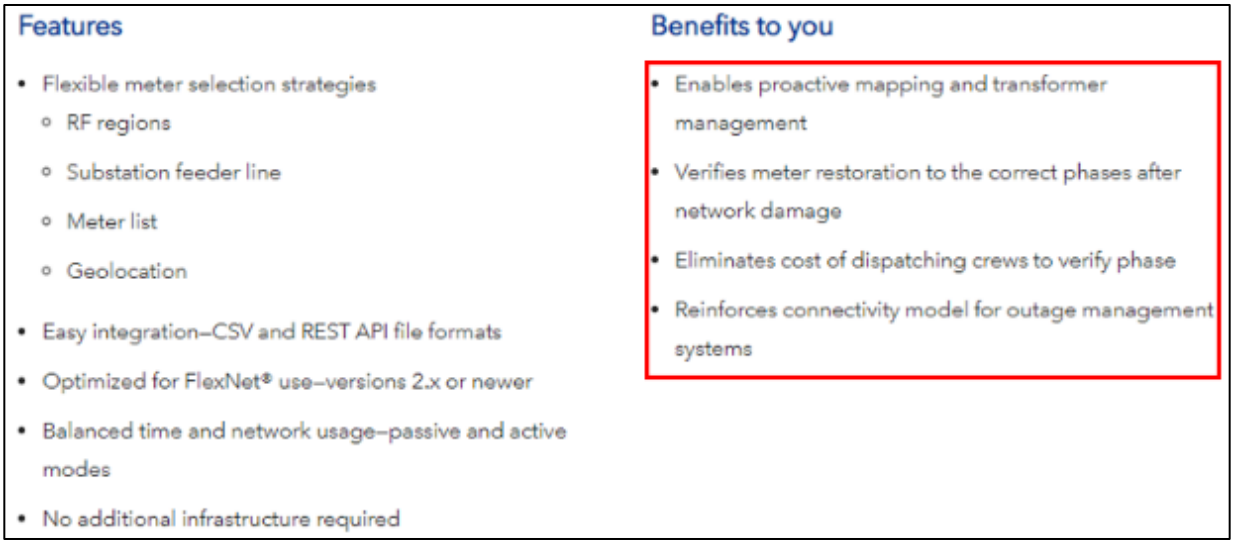

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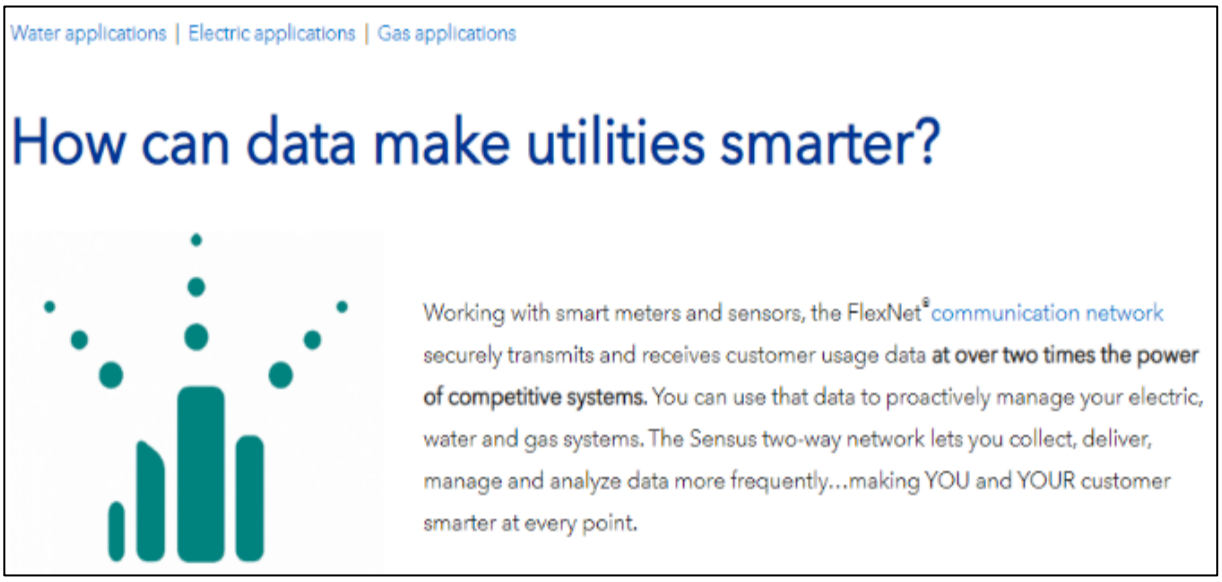
- Eliminates cost of dispatching crews to verify phase
- Reinforces connectivity model for outage management systems

Source: https://sensus.com/phase-detection-application/

Source: https://sensus.com/solutions/analytics/

70. On information and belief, Defendant performs and induces others to perform the step of associating said health of said plurality of client applications and said respective distributed components as belonging to a single application node. This element is infringed literally, or in the alternative, under the doctrine of equivalents. For example, FlexNet analyses and associates all the collected data from sensors, meters and Advanced Metered Infrastructure (AMI). The health of the applications comprised in FlexNet such as AMI solution and its corresponding components (meters) is displayed on the Sensus Analytics dashboard

("application node").



Source: https://sensus.com/communication-networks/sensus-technologies/flexnet-north-america/#water-applications

Making Your Meter Data Insights Simple, Relevant and Actionable

This is analytics without intimidation

With Advanced Metering Infrastructure (AMI), SCADA and other systems, utilities are receiving thousands of times the data compared to just a few years ago. Right now, data is likely flooding your business in massive bursts. No doubt, collecting it all quickly and effectively in an MDM is a top priority. Equally important is what you learn from that data. Analyzing all available information is the best way to optimize your systems and make the most of your investment. What's more, finding the right insights into your operations can help improve everything from process efficiency, to customer service, to improving bottom line revenue.

Our solution: Right-sized analytics

Some utilities need an MDM for simple but accurate data collection, management and reporting. Some utilities are ready for advanced analytics tools to make data-driven decisions on important issues such as preventative maintenance, leak detection or outage management. No matter how basic or complex your needs are, Sensus Analytics is the right size for you. Only buy the apps you need. When you're ready for what's next, it's quick and easy to add more apps.

Source: https://sensus.com/solutions/analytics/

71. BCS has been damaged by Defendant's infringement of the '809 Patent.

COUNT II

(Infringement of U.S. Patent No. 7,302,612)

72. BCS incorporates the above paragraphs by reference.

73. Defendant has been on notice of the ’612 Patent at least as early as the date it received service of this Original Complaint.

74. On information and belief, Defendant has infringed and continues to infringe Claims 1-20 of the ’612 Patent by making, using, importing, selling, and/or, offering for sale the Accused Instrumentalities.

75. On information and belief, Defendant, with knowledge of the ’612 Patent, infringes the ’612 Patent by inducing others to infringe the ’612 Patent. In particular, Defendant intends to induce customers to infringe the ’612 Patent by encouraging customers to use the Accused Instrumentalities in a manner that results in infringement.

76. On information and belief, Defendant also induces others, including its customers, to infringe the ’612 Patent by providing technical support for the use of the Accused Instrumentalities.

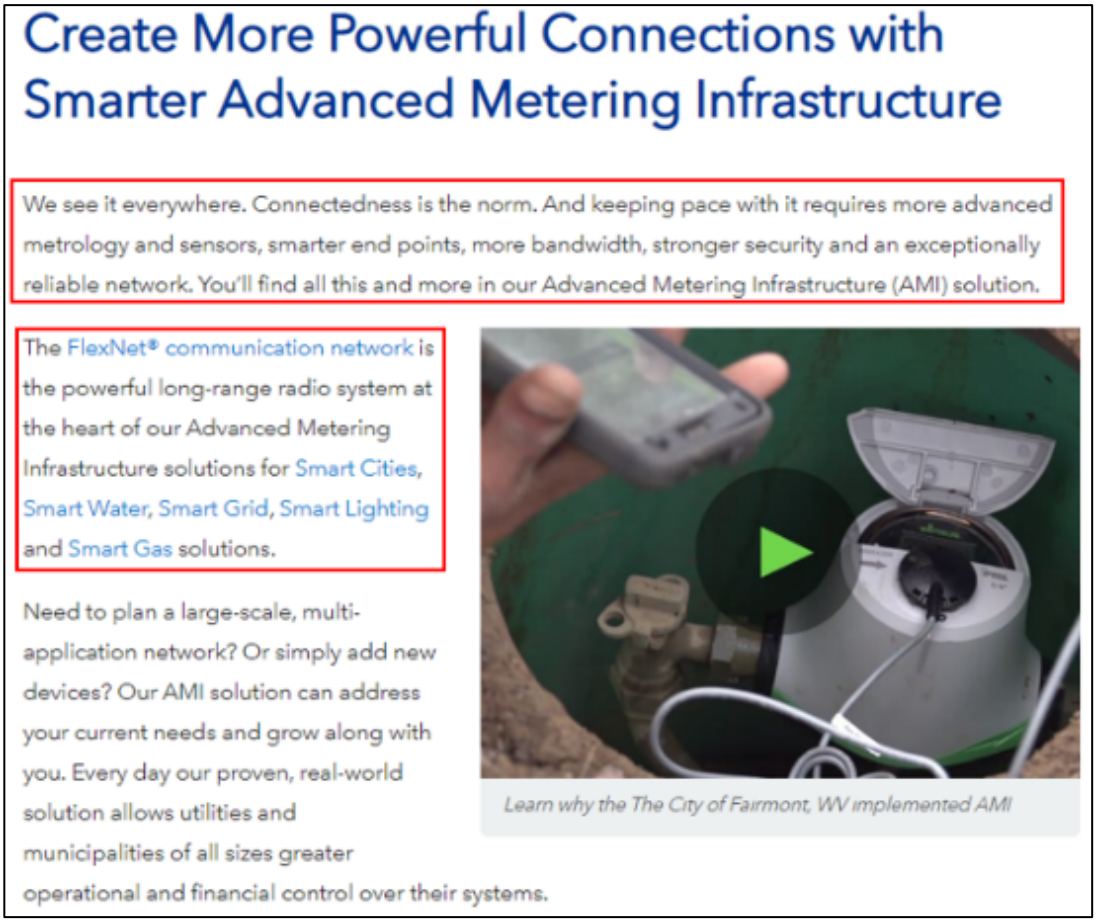
77. On information and belief, Defendant makes, uses, imports, sells, and/or offers for sale a multitude of products and services broadly defined under the so-called “FlexNet” name. On information and belief, FlexNet comprises a communications platform for delivering network data via long-range radio and a smart metering infrastructure for supporting IoT networks. FlexNet provides features for enabling smart meters and sensors to transmit and receive customer usage data and manage electric, water, gas, lighting and smart grid systems. Defendant performs and induces others to perform the step of monitoring from a physical server a health of a plurality of client applications and a health of said plurality of client applications distributed components, using a common monitoring protocol, said monitoring

being independent of a programming technology of said plurality of client applications and respective distributed components.

78. On information and belief, FlexNet comprises applications such as Remote Management using Advanced Metering Infrastructure (AMI) Solution and Outage Management using Sensus Phase Detection. The AMI solution utilizes the FlexNet Communication Network to retrieve data from smart meters in the grid and provides usage data for fault monitoring and billing. The Phase Detection Application determines the distribution phase of each meter on the grid. Both the solution and the application are used by utilities in integration with FlexNet. Distributed components for the solution include smart meters and sensors. The FlexNet analytics application provides a dashboard where all the data is gathered and displayed to the user for monitoring. Various events such as outages, leakages, failures, etc. are detected and displayed on the dashboard. Hence, the health of applications and health of corresponding distributed components (such as meters and sensors) is monitored using FlexNet ("common monitoring protocol"). On information and belief, the monitoring is independent of a programming technology of said plurality of client applications and respective distributed components.

Source: https://sensus.com/communication-networks/sensus-technologies/flexnet-north-america/#water-applications

Source: https://sensus.com/communication-networks/flexnet-for-electric/



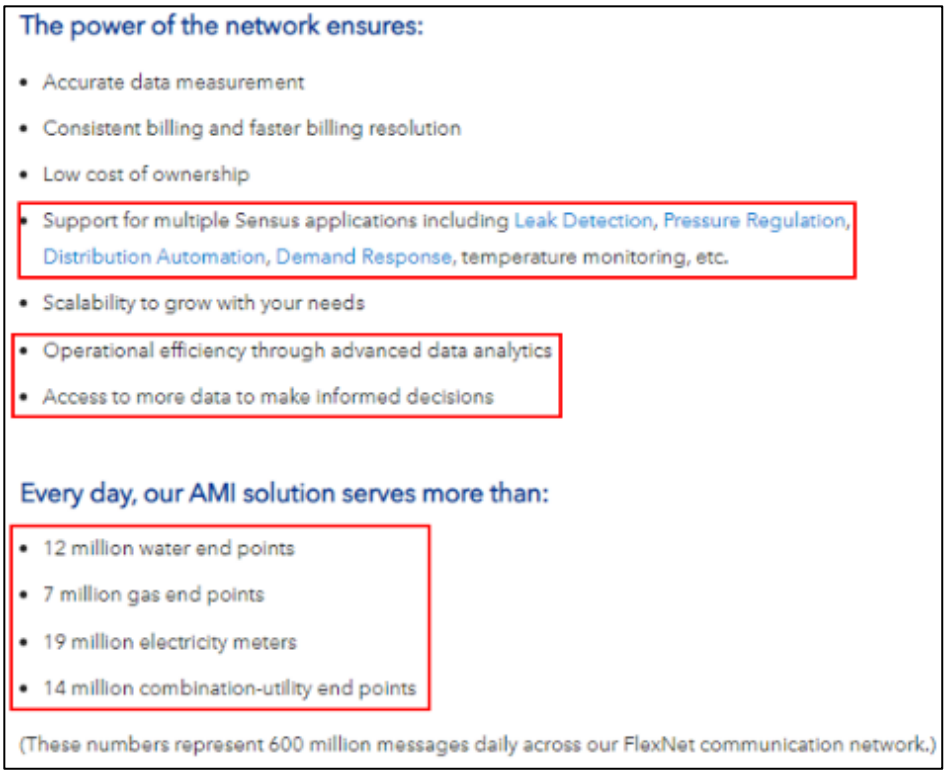
Create More Powerful Connections with Smarter Advanced Metering Infrastructure

We see it everywhere. Connectedness is the norm. And keeping pace with it requires more advanced metrology and sensors, smarter end points, more bandwidth, stronger security and an exceptionally reliable network. You'll find all this and more in our Advanced Metering Infrastructure (AMI) solution.

The FlexNet® communication network is the powerful long-range radio system at the heart of our Advanced Metering Infrastructure solutions for Smart Cities, Smart Water, Smart Grid, Smart Lighting and Smart Gas solutions.

Need to plan a large-scale, multi-application network? Or simply add new devices? Our AMI solution can address your current needs and grow along with you. Every day our proven, real-world solution allows utilities and municipalities of all sizes greater operational and financial control over their systems.

Source: https://sensus.com/solutions/advanced-metering-infrastructure-ami/



The power of the network ensures:

- Accurate data measurement
- Consistent billing and faster billing resolution
- Low cost of ownership
- Support for multiple Sensus applications including Leak Detection, Pressure Regulation, Distribution Automation, Demand Response, temperature monitoring, etc.
- Scalability to grow with your needs
- Operational efficiency through advanced data analytics
- Access to more data to make informed decisions

Every day, our AMI solution serves more than:

- 12 million water end points
- 7 million gas end points
- 19 million electricity meters
- 14 million combination-utility end points

(These numbers represent 600 million messages daily across our FlexNet communication network.)

Source: https://sensus.com/solutions/advanced-metering-infrastructure-ami/

Take a Proactive Approach to Balancing Your Grid Load

You have a good handle on your grid phase strategy–at least in theory. After all, there is plenty of documentation to show which meters map to which phase. But, the real world intervenes. A storm rolls through, and your team does what needs to be done to restore power quickly. Meters are swapped on the fly for good reasons, but the work order trail is missing. How can you verify the phases of your actual installations?

The Sensus phase detection application combines metrology, communications and analytics to determine the distribution phase of each meter on the grid. What's more, the functionality is embedded in existing Sensus infrastructure–no additional hardware is required.

So stop guessing; start knowing. Update your documentation to accurately reflect the installations. Balance your grid load, proactively. You even get to choose the method that works best for you. Phase detection is available as a standalone Sensus Analytics application that you manage. Or opt for the Sensus Professional Services subscription model, and leave the reporting to us.

Source: https://sensus.com/phase-detection-application/

Features

- Flexible meter selection strategies
  - RF regions
  - Substation feeder line
  - Meter list
  - Geolocation
- Easy integration–CSV and REST API file formats
- Optimized for FlexNet® use–versions 2.x or newer
- Balanced time and network usage–passive and active modes
- No additional infrastructure required

Benefits to you

- Enables proactive mapping and transformer management
- Verifies meter restoration to the correct phases after network damage
- Eliminates cost of dispatching crews to verify phase
- Reinforces connectivity model for outage management systems

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79. On information and belief, Defendant performs and induces others to perform the step of assessing said health of said plurality of client applications and said respective distributed components. This element is infringed literally, or in the alternative, under the doctrine of equivalents. For example, FlexNet assesses health of applications in AMI solution and Outage Management solution and respective distributed components (Sensors and Meters). Data gathered using these applications is used in Sensus Analytics for assessing events such as maintenance, outages, leakage, etc. and displayed to the user.

Applications at scale

Whether you're seeking insights from customer data or require real-time updates on the health of your distribution system, the options are boundless when powered by FlexNet. For example:

Remote Management - Stay in control with an AMI solution that adapts to your needs. Retrieve data continuously or on-demand, and still adapt to give your customers what they want through opt-in/opt-out capabilities.

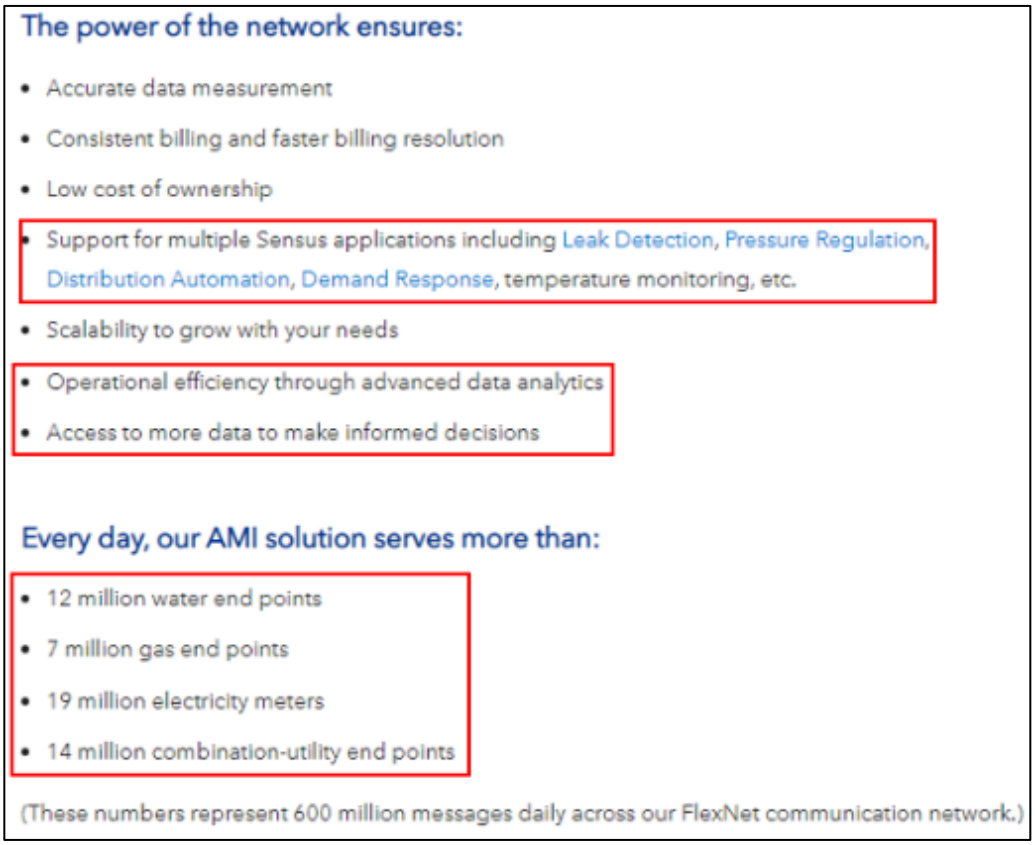
Outage Management - Zero in on where and why your outage occurred, and restore power quickly. After the storm, use Sensus phase detection to identify overloaded phases and rebalance your system.

Conservation Voltage Reduction (CVR) - Monitor real-time voltage data and optimize voltage across your entire distribution network.

Smart Street Lighting - Seize the opportunity to conserve energy, manage your assets, reduce maintenance costs and promote public safety using our VantagePoint™ Lighting Control solution.

Take a proactive approach to balancing your grid load with the Sensus phase detection application

Source: https://sensus.com/communication-networks/flexnet-for-electric/



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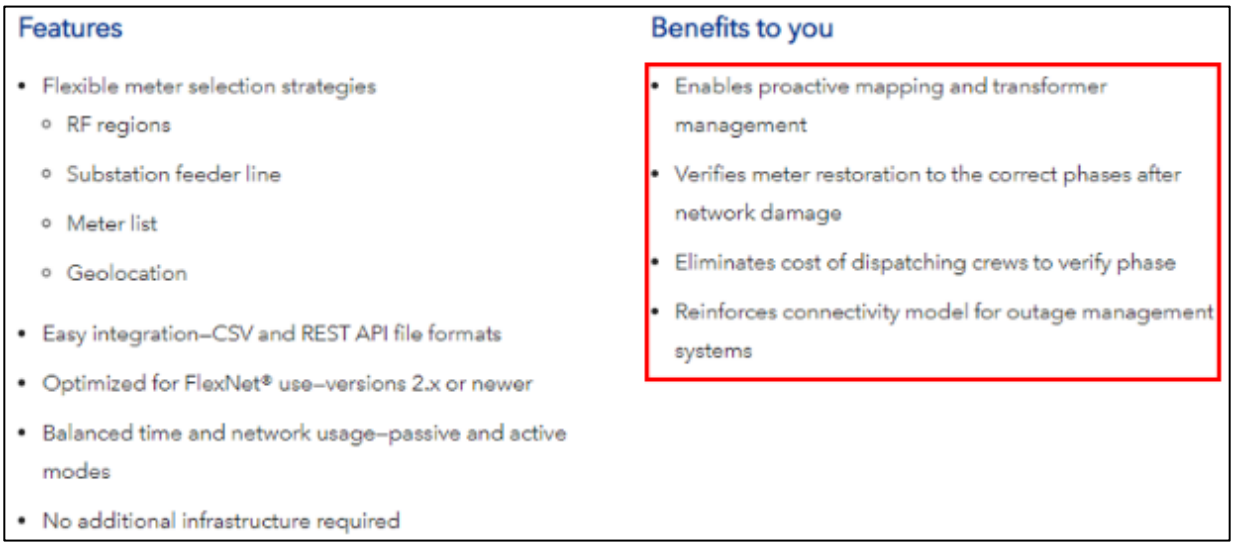

Features

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- Easy integration–CSV and REST API file formats
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Benefits to you

- Enables proactive mapping and transformer management
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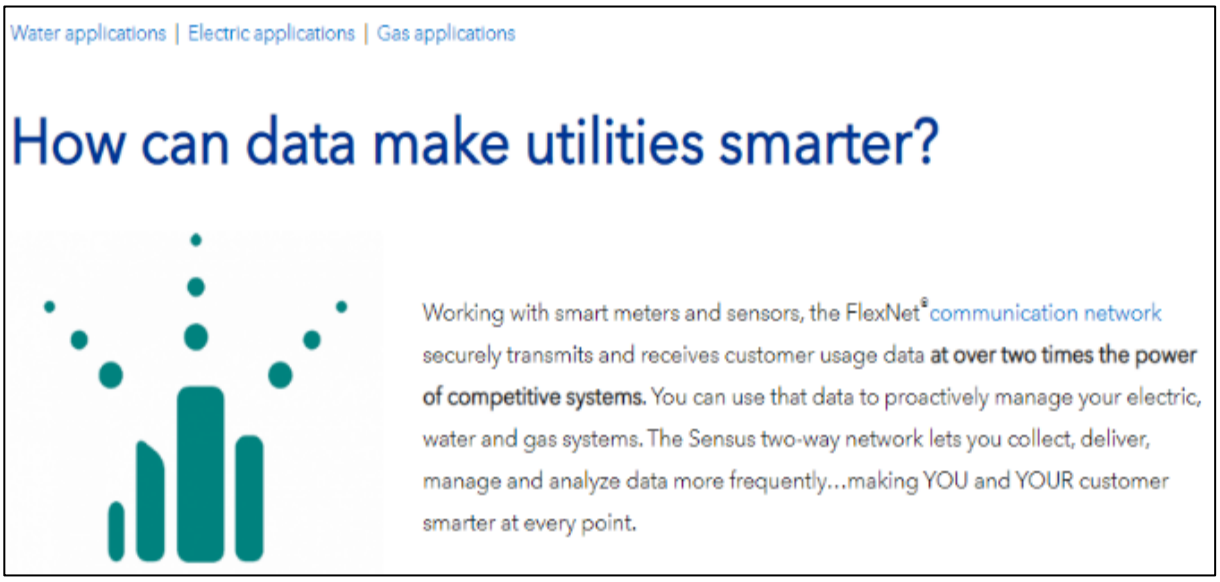
- Reinforces connectivity model for outage management systems

Source: https://sensus.com/phase-detection-application/

Source: https://sensus.com/solutions/analytics/

80. On information and belief, Defendant performs and induces others to perform the step of associating said health of said plurality of client applications and said respective distributed components as belonging to a single application node. This element is infringed literally, or in the alternative, under the doctrine of equivalents. For example, FlexNet analyses and associates all the collected data from sensors, meters and Advanced Metered Infrastructure (AMI). The health of the applications comprised in FlexNet such as AMI solution and its corresponding components (meters) is displayed on the Sensus Analytics dashboard

("application node").



Source: https://sensus.com/communication-networks/sensus-technologies/flexnet-north-america/#water-applications

Making Your Meter Data Insights Simple, Relevant and Actionable

This is analytics without intimidation

With Advanced Metering Infrastructure (AMI), SCADA and other systems, utilities are receiving thousands of times the data compared to just a few years ago. Right now, data is likely flooding your business in massive bursts. No doubt, collecting it all quickly and effectively in an MDM is a top priority. Equally important is what you learn from that data. Analyzing all available information is the best way to optimize your systems and make the most of your investment. What's more, finding the right insights into your operations can help improve everything from process efficiency, to customer service, to improving bottom line revenue.

Our solution: Right-sized analytics

Some utilities need an MDM for simple but accurate data collection, management and reporting. Some utilities are ready for advanced analytics tools to make data-driven decisions on important issues such as preventative maintenance, leak detection or outage management. No matter how basic or complex your needs are, Sensus Analytics is the right size for you. Only buy the apps you need. When you're ready for what's next, it's quick and easy to add more apps.

Source: https://sensus.com/solutions/analytics/

81. BCS has been damaged by Defendant's infringement of the '612 Patent.

COUNT III

(Infringement of U.S. Patent No. 7,533,301)

82. BCS incorporates the above paragraphs by reference.

83. Defendant has been on notice of the ’301 Patent at least as early as the date it received service of this Original Complaint.

84. On information and belief, Defendant has infringed and continues to infringe Claims 1-24 of the ’301 Patent by making, using, importing, selling, and/or, offering for sale the Accused Instrumentalities.

85. On information and belief, Defendant, with knowledge of the ’301 Patent, infringe the ’301 Patent by inducing others to infringe the ’301 Patent. In particular, Defendant intends to induce customers to infringe the ’301 Patent by encouraging customers to use the Accused Instrumentalities in a manner that results in infringement.

86. On information and belief, Defendant also induces others, including customers, to infringe the ’301 Patent by providing technical support for the use of the Accused Instrumentalities.

87. On information and belief, at all times Defendant owns and controls the operation of the Accused Instrumentalities in accordance with an end user license agreement.

88. On information and belief, the Accused Instrumentalities infringe Claim 1 of the ’301 Patent by providing a method of providing a high-level operational support system (OSS) framework by automatically discovering, with a server comprising the OSS framework, a plurality of applications that comply with a predefined framework. Defendant, with knowledge of the ’301 Patent, infringes the ’301 Patent by inducing others to infringe the ’301 Patent. In particular, Defendant intends to induce their customers to infringe the ’301

Patent by encouraging customers to use the Accused Instrumentalities in a manner that results in infringement.

89. On information and belief, Defendant makes, uses, imports, sells, and/or offers for sale a multitude of products and services broadly defined under the so-called "FlexNet" name. On information and belief, FlexNet comprises a communications platform for delivering network data via long-range radio and a smart metering infrastructure for supporting IoT networks. On information and belief, FlexNet provides features for enabling smart meters and sensors to transmit and receive customer usage data and manage electric, water, gas, lighting and smart grid systems. On information and belief, Defendant performs and induces others to perform the step of monitoring from a physical server a health of a plurality of client applications and a health of said plurality of client applications distributed components, using a common monitoring protocol, said monitoring being independent of a programming technology of said plurality of client applications and respective distributed components.

90. On information and belief, FlexNet comprises applications such as Remote Management using Advanced Metering Infrastructure (AMI) Solution and Outage Management using Sensus Phase Detection. The AMI solution utilizes FlexNet Communication Network to retrieve data from smart meters in the grid and provides usage data for fault monitoring and billing. The Phase Detection Application determines the distribution phase of each meter on the grid. Both the solution and the application are used by utilities in integration with FlexNet. Distributed components for the solution include smart meters and sensors. The FlexNet analytics provides a dashboard where all the data is gathered and displayed to the user for monitoring. Various events such as outages, leakages, failures, etc. are detected and displayed on the dashboard. Hence, the health of applications and health of corresponding distributed

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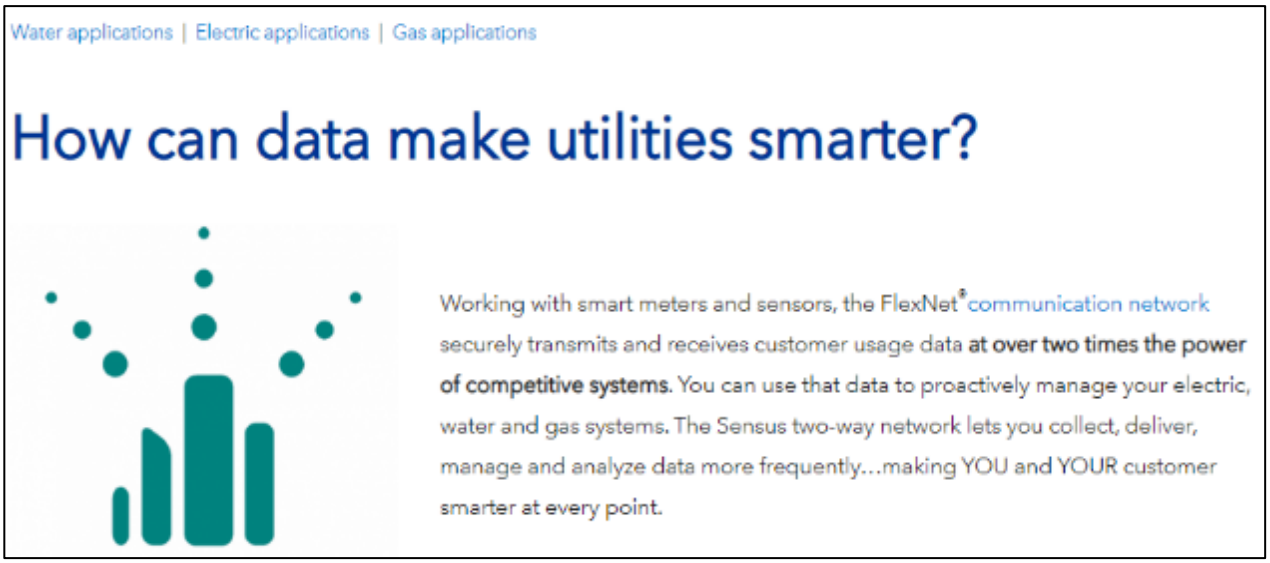

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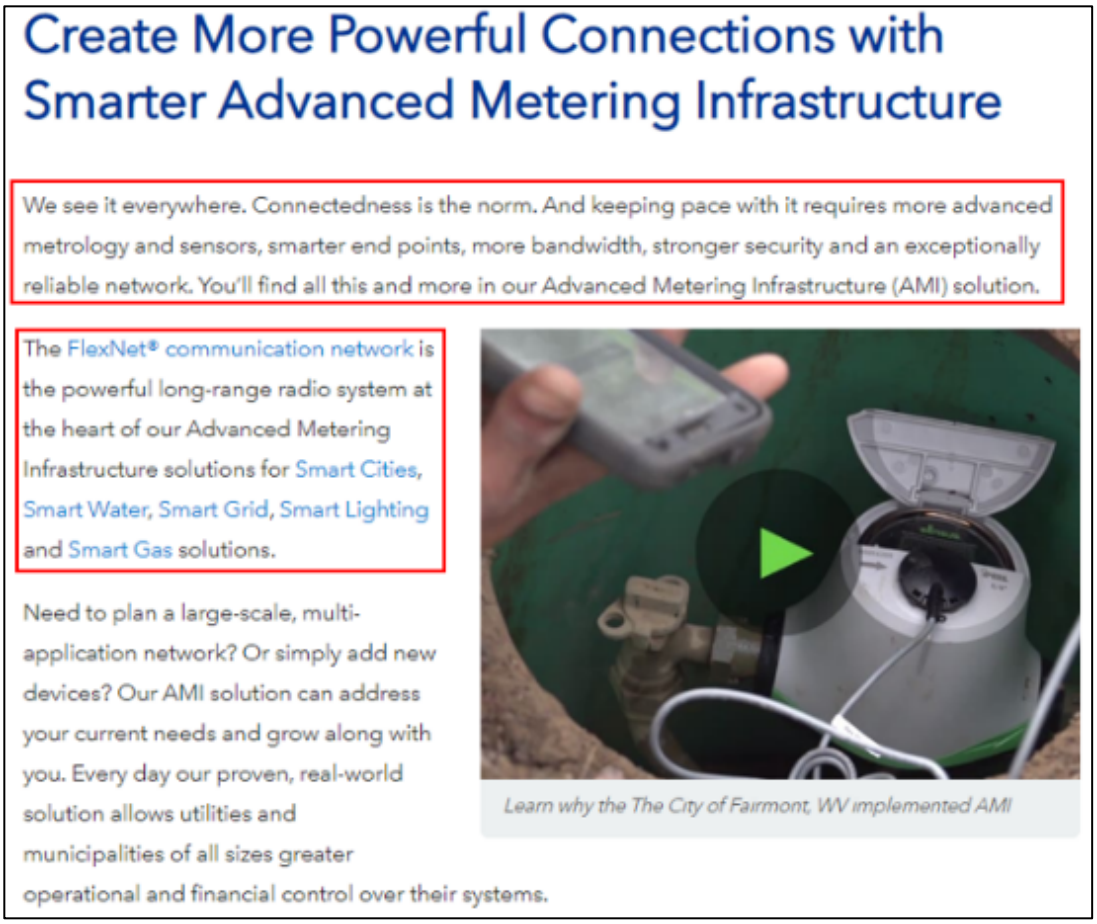

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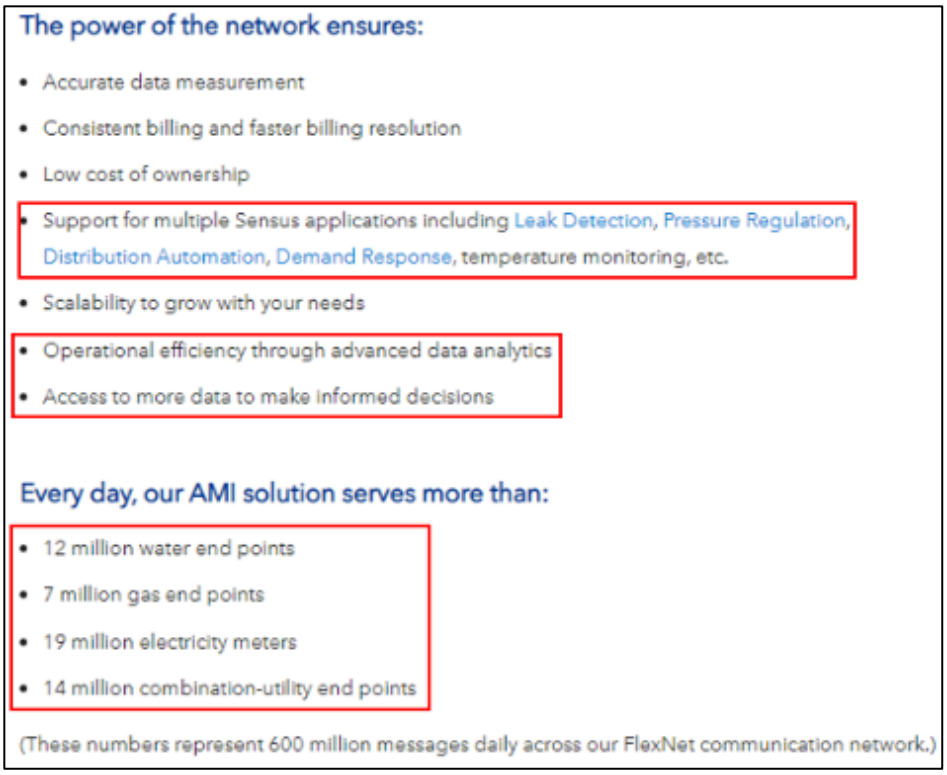

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Source: https://sensus.com/phase-detection-application/

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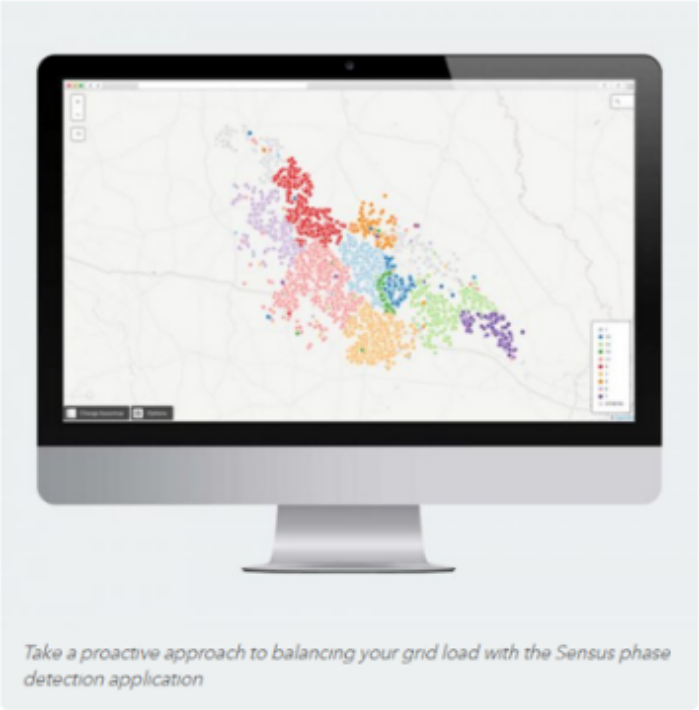

Take a proactive approach to balancing your grid load with the Sensus phase detection application

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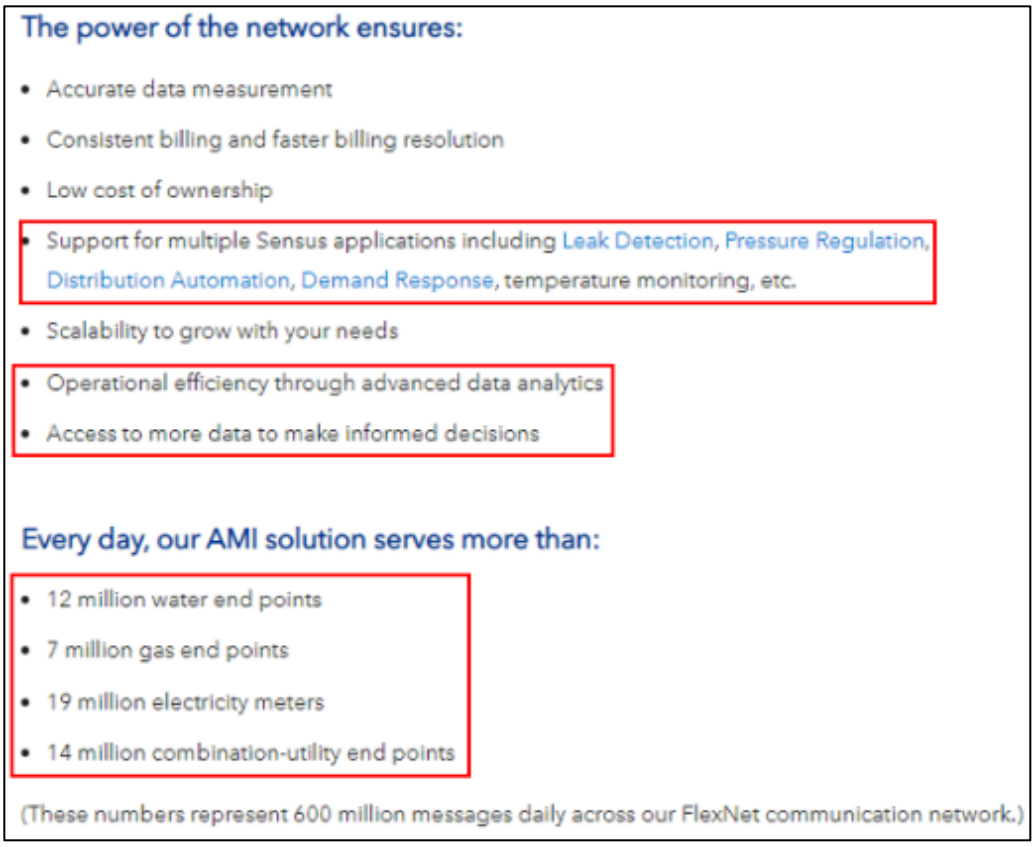

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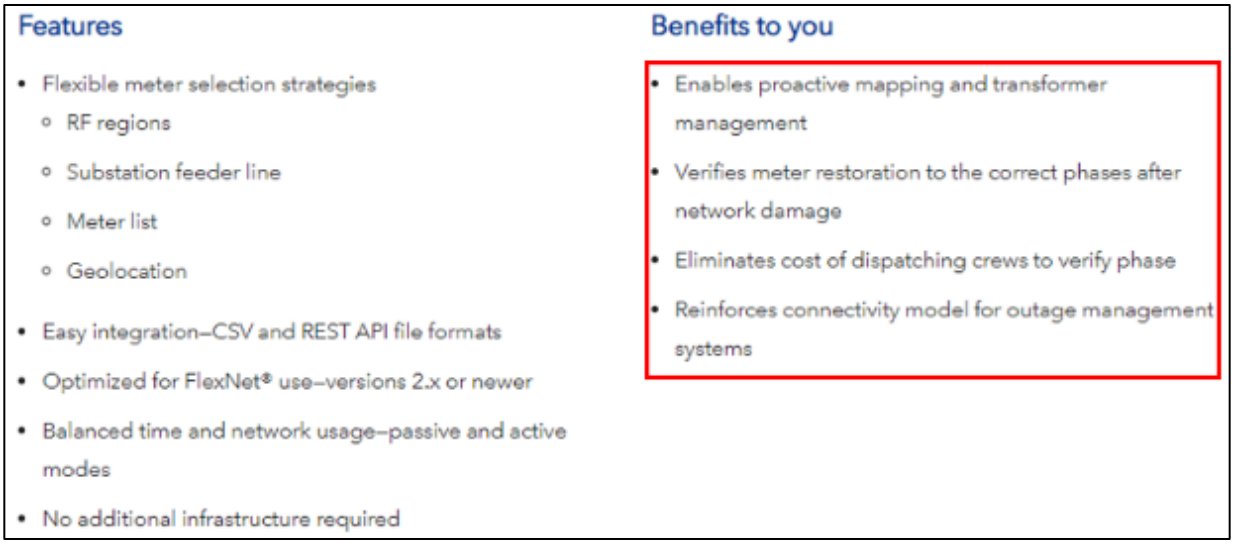

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Source: https://sensus.com/solutions/analytics/

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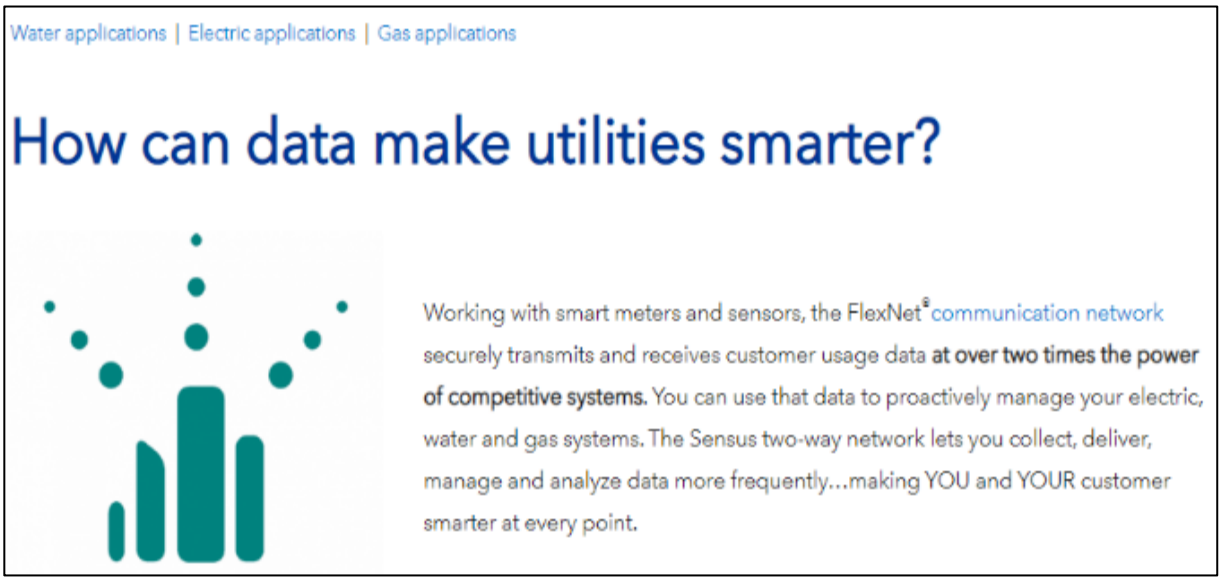

Source: https://sensus.com/communication-networks/sensus-technologies/flexnet-north-america/#water-applications

Source: https://sensus.com/solutions/analytics/

93. BCS has been damaged by Defendant's infringement of the '301 Patent.

PRAYER FOR RELIEF

WHEREFORE, BCS respectfully requests the Court enter judgment against Defendant:

1. declaring that the Defendant has infringed each of the Patents-in-Suit;
2. awarding BCS its damages suffered as a result of Defendant's infringement of the Patents-in-Suit;
3. awarding BCS its costs, attorneys fees, expenses, and interest;
4. awarding BCS ongoing post-trial royalties; and
5. granting BCS such further relief as the Court finds appropriate.

JURY DEMAND

BCS demands trial by jury, under Fed. R. Civ. P. 38.

Dated: January 2, 2020

Respectfully Submitted

/s/ Thomas G. Fasone III

M. Scott Fuller
Texas Bar No. 24036607
sfuller@ghiplaw.com
Thomas G. Fasone III
Texas Bar No. 00785382
tfasone@ghiplaw.com
GARTEISER HONEA, PLLC
119 W. Ferguson Street
Tyler, Texas 75702
Telephone: (903) 705-7420
Facsimile: (888) 908-4400

Raymond W. Mort, III
Texas State Bar No. 00791308
raymort@austinlaw.com
THE MORT LAW FIRM, PLLC
100 Congress Ave, Suite 2000
Austin, Texas 78701
Tel/Fax: (512) 865-7950

ATTORNEYS FOR PLAINTIFF
BCS SOFTWARE LLC