

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

SOCIAL POSITIONING INPUT
SYSTEMS, LLC,

Plaintiff,

vs.

AGILIS SYSTEMS, LLC,

Defendant.

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Case No:

PATENT CASE

COMPLAINT

Plaintiff Social Positioning Input Systems, LLC (“Plaintiff” or “SPIS”) files this Complaint against Agilis Systems, LLC (“Defendant” or “Agilis”) for infringement of United States Patent No. 9,261,365 (hereinafter “the ‘365 Patent”).

PARTIES AND JURISDICTION

1. This is an action for patent infringement under Title 35 of the United States Code. Plaintiff is seeking injunctive relief as well as damages.

2. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 (Federal Question) and 1338(a) (Patents) because this is a civil action for patent infringement arising under the United States patent statutes.

3. Plaintiff is a Texas limited liability company with a virtual office located at 1801 NE 123 Street, Suite 314, Miami, FL 33181.

4. On information and belief, Defendant is a Delaware limited liability company with its principal office located at 16305 Swingley Ridge Rd., #100, Chesterfield, MO 63017. On information and belief, Defendant may be served with process through its registered agent,

Cogency Global Inc., 850 New Burton Road, Suite 201, Dover, DE 19904.

5. On information and belief, this Court has personal jurisdiction over Defendant because Defendant has committed, and continues to commit, acts of infringement in this District, has conducted business in this District, and/or has engaged in continuous and systematic activities in this District.

6. On information and belief, Defendant's instrumentalities that are alleged herein to infringe were and continue to be used, imported, offered for sale, and/or sold in this District.

VENUE

7. On information and belief, venue is proper in this District under 28 U.S.C. § 1400(b) because Defendant is deemed to be a resident of this District.

COUNT I
(INFRINGEMENT OF UNITED STATES PATENT NO. 9,261,365)

8. Plaintiff incorporates paragraphs 1 through 7 herein by reference.

9. This cause of action arises under the patent laws of the United States and, in particular, under 35 U.S.C. §§ 271, *et seq.*

10. Plaintiff is the owner by assignment of the '365 Patent with sole rights to enforce the '044 Patent and sue infringers.

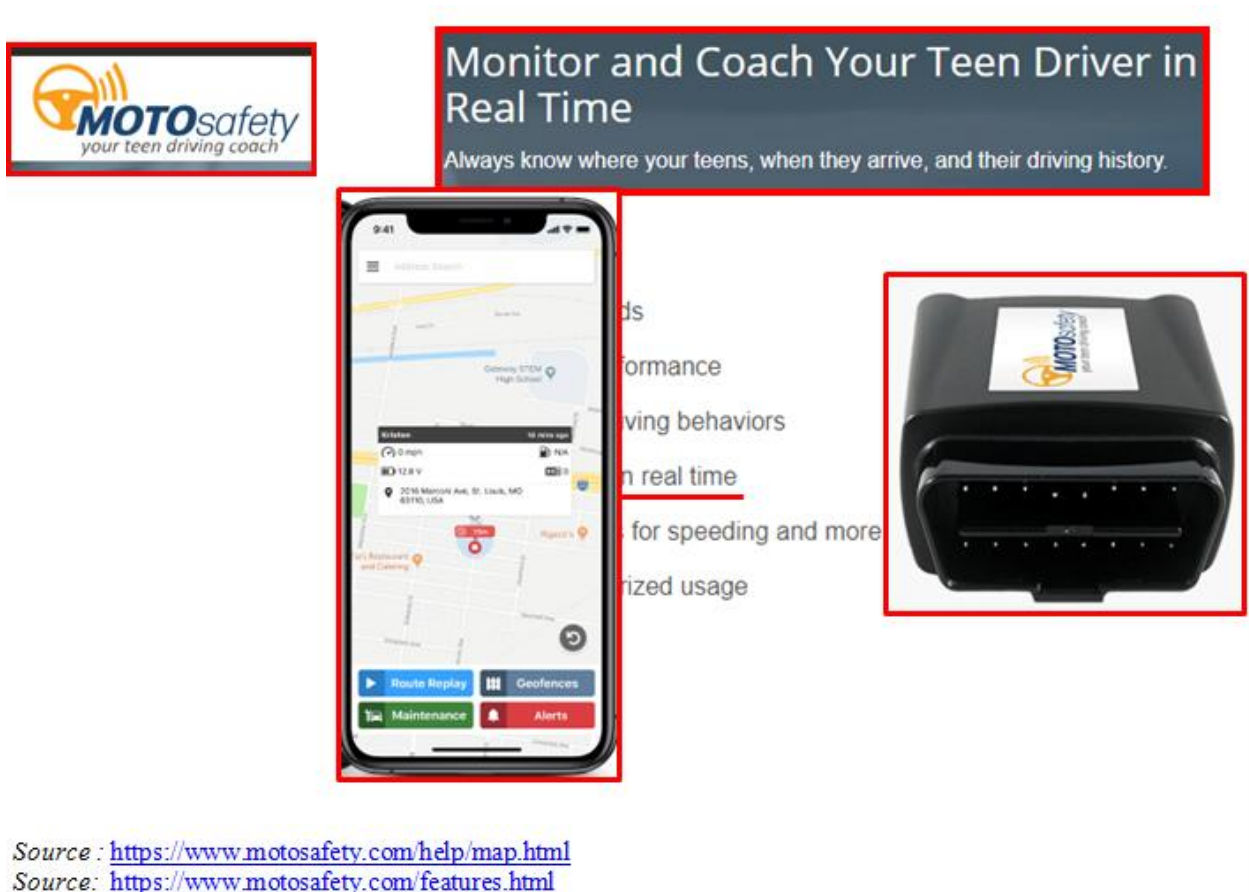
11. A copy of the '365 Patent, titled "Device, System and Method for Remotely Entering, Storing and Sharing Addresses for a Positional Information Device," is attached hereto as Exhibit A.

12. The '365 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

13. Upon information and belief, Defendant has infringed and continues to infringe one or more claims, including at least Claim 1, of the '365 Patent by making, using (at least by

having its employees, or someone under Defendant's control, test the accused Product), importing, selling, and/or offering for sale a mobile website with associated hardware and software for determining vehicle locating services (“Product”) covered by at least Claim 1 of the ‘365 Patent. Defendant has infringed and continues to infringe the ‘365 patent either directly or through acts of contributory infringement or inducement in violation of 35 U.S.C. § 271.

14. The Product provides software called “Moto Safety” for monitoring real-time GPS locations to receive real-time locations of driver (i.e., location information) through one or more positional information devices (e.g., desktop or other mobile devices). Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.



Source : <https://www.motosafety.com/help/map.html>
Source: <https://www.motosafety.com/features.html>

15. The Product, through the Moto Safety GPS software, provides for sending a request from a positional information device (e.g., mobile device with app installed) to a server by selecting a vehicle driver to show the current location of the vehicle (at least one address). The current location is stored in a GPS tracker (i.e.n sending positional information device) that is installed on to the vehicle to be tracked. Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.



- ✓ Monitor your teen even when you're not in front of your computer
- ✓ Get instant locations and review driving history
- ✓ Drill down to the street level for greater detail
- ✓ Receive alert summaries either immediately, hourly or daily
- ✓ Receive mobile app notifications

As described in greater detail below, we will store and use Personal Info information about who you are, where your wireless device is located at where and when you browse on our website in order to provide our serv improve the quality of our services and this website. Such information m servers, to be used (generally in an anonymous format) to monitor the st network and data processing systems.

Simple Device - Installs in Seconds

- ✓ Plugs into the OBDII port under the dash (not compatible with electric vehicles*)
- ✓ Is not much bigger than a car key
- ✓ Requires no mobile phone or data plan
- ✓ Transmits location every minute

[View a Plug-In Device Installation Video](#)

[Click here to download instructions for the MOTOsafety wired device](#)

**The wired device should be purchased for electric vehicles or older vehicles without OBD ports.*



Source : <https://www.motosafety.com/features.html>

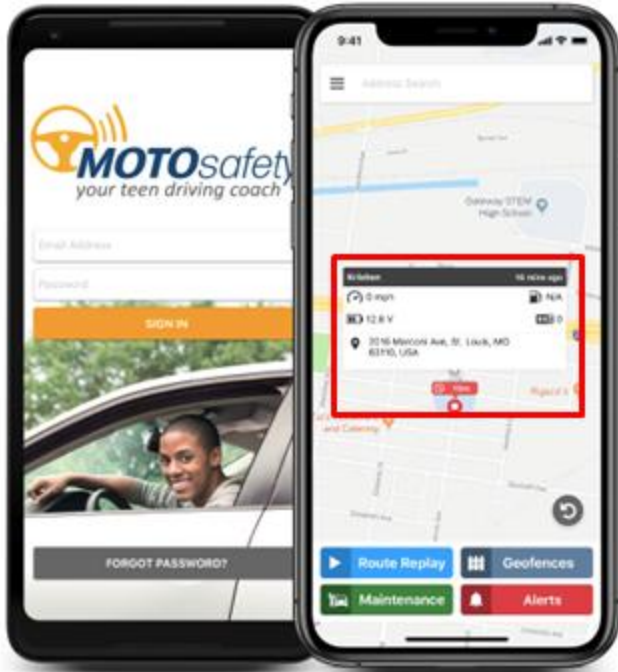
Source : <https://www.motosafety.com/privacy.html>

16. The request to show the current location (i.e., at least one address stored) of the vehicle includes a first identifier (e.g, user ID and password) of the requesting positional information device (e.g., mobile device with app installed). Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.



Source : <https://www.motosafety.com/features.html>

17. The Moto Safety software provides the requesting positional information device, from Moto Safety server, the current location (i.e., the at least one address) of the vehicle on which the GPS tracker is installed. This is provided to the requesting positional information device (e.g., mobile device with app installed). Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.



Source : <https://www.motosafety.com/features.html>

18. The MotoSafety application installed on the requesting positional information device requests (from the server) for the vehicle's GPS location (i.e., at least one address stored). As shown above, before activating the GPS tracker (i.e., the sending positional information device), the tracker's activation code (i.e., second identifier) needs to be added to the user's account identified by the the user login ID and password (i.e., the first identifier). Hence, the tracker's activation code (i.e., second identifier) is mapped to the user's login ID (i.e., the first identifier) for tracking. Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.



Congratulations on Your MOTOSafety Purchase Let's Get Started.

New Customers
Fill out the following to complete your registration:

Activation Code:

E-mail Address:

Create Your Password:

Confirm Password:

I agree to the Terms and Conditions

Already a Customer?
Simply log in and we'll walk you through the process of adding your new units.

Email Address:

Sign In

[Forgot Your Password?](#)

VEHICLE TRACKERS:

Next

Source : <https://www.motosafety.com/getstarted/>

19. Defendant's actions complained of herein will continue unless Defendant is enjoined by this court.

20. Defendant's actions complained of herein are causing irreparable harm and monetary damage to Plaintiff and will continue to do so unless and until Defendant is enjoined and restrained by this Court.

21. Plaintiff is in compliance with 35 U.S.C. § 287.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff asks the Court to:

(a) Enter judgment for Plaintiff on this Complaint on all causes of action asserted herein;

(b) Enter an Order enjoining Defendant, its agents, officers, servants, employees, attorneys, and all persons in active concert or participation with Defendant who receive notice of the order from further infringement of United States Patent No. 9,261,365 (or, in the alternative, awarding Plaintiff a running royalty from the time of judgment going forward);

(c) Award Plaintiff damages resulting from Defendant's infringement in accordance with 35 U.S.C. § 284;

(d) Award Plaintiff pre-judgment and post-judgment interest and costs; and

(e) Award Plaintiff such further relief to which the Court finds Plaintiff entitled under law or equity.

Dated: June 28, 2020

Respectfully submitted,

/s/ Jimmy Chong

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