

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

SOCIAL POSITIONING INPUT
SYSTEMS, LLC,

Plaintiff,

vs.

AIRISTA FLOW, INC.

Defendant.

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Case No:

PATENT CASE

COMPLAINT

Plaintiff Social Positioning Input Systems, LLC (“Plaintiff” or “SPIS”) files this Complaint against AiRISTA Flow, Inc. (“Defendant” or “AiRISTA”) 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 corporation with its principal office located at 12 Timber Creek Lane, Newark, Delaware 19711. On information and belief, Defendant may be served with process through its registered agent, Universal

Registered Agents, Inc., 12 Timber Creek Lane, Newark, DE 19711.

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 associated hardware and software for determining asset 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 a vehicle tracking system for real-time GPS tracking of assets. A user can receive location information on a positional information device (e.g., mobile device or computer). Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.



AiRISTA Flow solutions help educational institutions to:

- Automate student and staff Identification in facilities and on campus
- Simplify meeting regulatory compliance requirements
- Fleet management
- Automate attendance, enforce policies and simplify reporting
- Track student transportation fleet (school bus) and student bus ridership, enhanced student population safety
- Track high-value mobile assets, maximize utilization, and avoid loss and theft
- Track visitors and access, improve security



Source: <https://www.airistaflow.com/hardware/>

Source: <https://www.airistaflow.com/industries/education/>

Source: https://www.airistaflow.com/wp-content/uploads/2020/04/AiRISTA_Flow_A3_Tag_DS_03_31.pdf

Source: <https://www.airistaflow.com/applications/>

Source: <https://www.airistaflow.com/software/>

15. The Product software sends a request from a first positional information device (e.g., mobile device or desktop with software installed) to a server. The request is for an address (location) of an asset having a second positional information device (e.g., tracking device). The request includes a first identifier (e.g., login ID and password) of the first positional information device. Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.

An auto manufacturer uses an asset tag attached to vehicles in production to find missing vehicles in a 5M square foot manufacturing plant. Real-time Wi-Fi location instantly finds the missing vehicle for return to the production line. The same tag uses BLE to replace handheld scanners as the vehicles pass from one work cell zone to the next, generating a query from the production system and displaying the build orders for each vehicle at each cell. When the vehicle moves outdoor and requires rework, the GPS receiver relays via long range BLE backhaul the coordinates allowing the associate to find the outdoor location on their mobile device.

Application

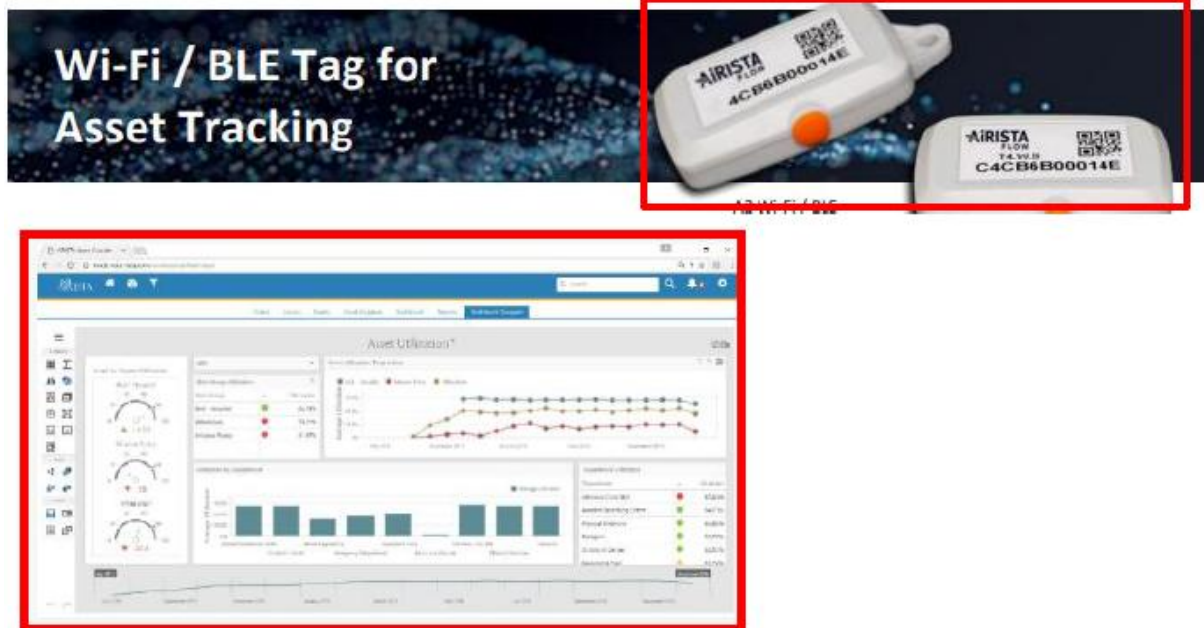
AIRISTA Flow makes RTLS solutions that provide location insights of people and assets. Our solutions help businesses:

- Track assets and locations over time
- Locate people and things in real time
- Alert and respond to employees in duress situations
- Remotely monitor environmental conditions like temp., humidity, vibration
- Ensure process execution and adherence to best practices



Source: <https://www.airistaflow.com/applications/>
Source: <https://www.airistaflow.com/software/>

16. A second identifier for the second positional information device is determined based on the first identifier. For example, before activating the tracking device (i.e., second positional information device), a unique asset tracking device ID number (i.e., second identifier) is added to the user's account under the user login ID and password (i.e., the first identifier). Hence, the tracker's activation device ID number (i.e., second identifier) is mapped to the user's login ID (i.e., the first identifier) for tracking the assets. 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.airistaflow.com/wp-content/uploads/2020/04/AiRISTA_Flow_A3_Tag_DS_03_31.pdf
 Source: <https://www.airistaflow.com/software/>

17. The software provides the requesting positional information device the current location (i.e., the at least one address) of the asset having the tracking device (e.g., the second positional information device). Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.

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- Track high-value mobile assets, maximize utilization, and avoid loss and theft
- Track visitors and access, improve security



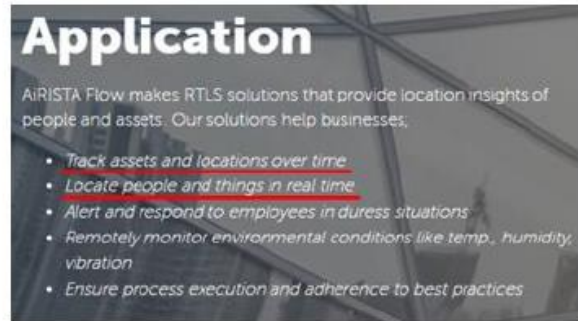
Source: <https://www.airistaflow.com/industries/education/>
 Source: <https://www.airistaflow.com/applications/>

18. The Product transmits the tracking device position (e.g., at least one address)

into the first positional information device (e.g., the mobile device). Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.

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Source: <https://www.airistaflow.com/industries/education/>

Source: <https://www.airistaflow.com/applications/>

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: July 29, 2020

Respectfully submitted,

/s/ Jimmy Chong

JIMMY CHONG, ESQ. (#4839)

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