IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

SOCIAL POSITIONING INPUT SYSTEMS, LLC,	§ § §	
Plaintiff,	§ §	Case No: 1:20-cv-06241
vs.	§ §	PATENT CASE
SPYTEC GPS, INC.,	§ §	
Defendant.	§ § §	

COMPLAINT

Plaintiff Social Positioning Input Systems, LLC ("Plaintiff" or "SPIS") files this Complaint against Spytec GPS, Inc. ("Defendant" or "Spytec") 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 New York corporation with its principal office located at 135 W. 36TH St., 13TH Floor, New York, New York, 10018. On information and belief, Defendant may be served with process through its registered agent,

Jonathan Mark, 135 W. 36TH St., 13TH Floor, New York, New York, 10018.

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 acts of infringement are occurring in this District and Defendant has a regular and established place of business in this District, for example, at 5435 Beaumont Center Blvd. E., Tampa, Florida 33634.

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 a Fleet tracking software for monitoring real-time GPS locations to receive real-time locations of fleet vehicles (i.e. location information) through positional information devices (i.e. mobile device with installed SpyTec app). 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://spytec.com/pages/gps-business-solutions
Source: https://spytec.com/products/hardwired-gps-tracker

15.   The Product software sends a request from a positional information device (i.e. mobile device with app installed) to a Spytec server by selecting the GPS tracker (i.e. sending positional information device) installed on the vehicle whose location (at least one address stored) needs to be checked. 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://spytec.com/pages/how-it-works
Source: https://spytec.com/pages/the-app
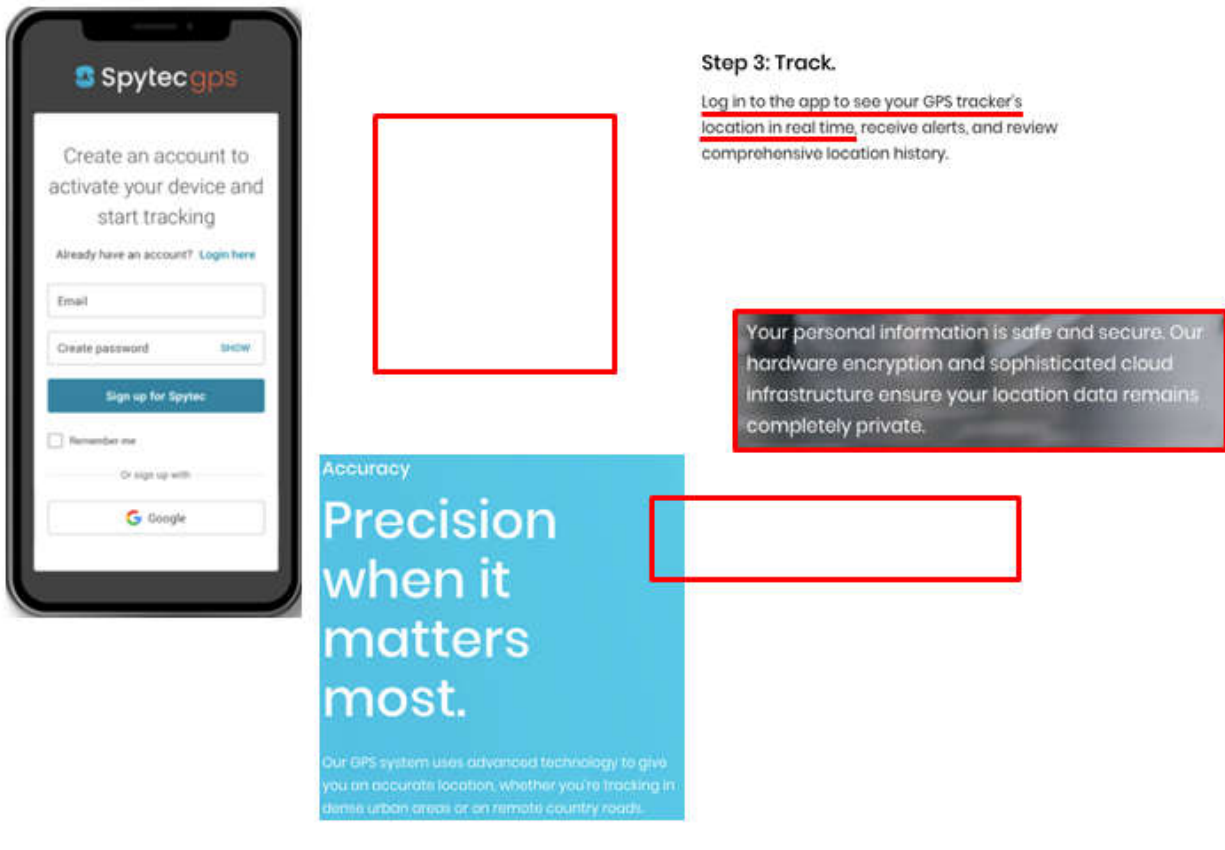
16.   The request to show the current location (i.e., at least one address stored) of the vehicle includes a first identifier (e.g, user ID and password) of the requesting positional information device (e.g., mobile device with app installed). Thus, to fetch real-time location information associated with a vehicle, the user logs on using the username and password (i.e. a first identifier) from the requesting positional information device (i.e. 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://spytec.com/pages/how-it-works
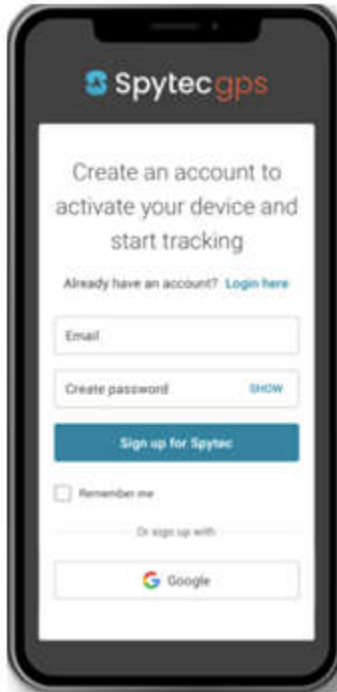
17.   The software provides the requesting positional information device the current location (i.e., the at least one address) of the vehicle on which the GPS tracker is installed. The application, installed on the mobile (i.e. the requesting positional information device) receives, from the Spytec server, the location (i.e. at least one server) associated to the GPS tracker (i.e. installed on the vehicle). Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.
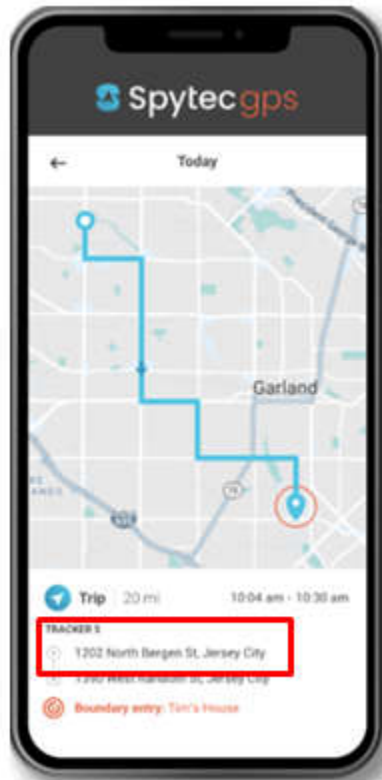
18.   The Product application installed on the mobile (i.e. requesting positional information device), requests the SpyTec server for the tracker's GPS location (i.e. at least one address stored). Before activating the GPS tracker (i.e. the sending positional information device), the tracker's IMEI number (i.e. second identifier) needs to be added to the user's account which includes the the user login ID and password (i.e. the first identifier). Hence, the tracker's IMEI (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.

Source : https://activation.spytec.com/gps/activation/
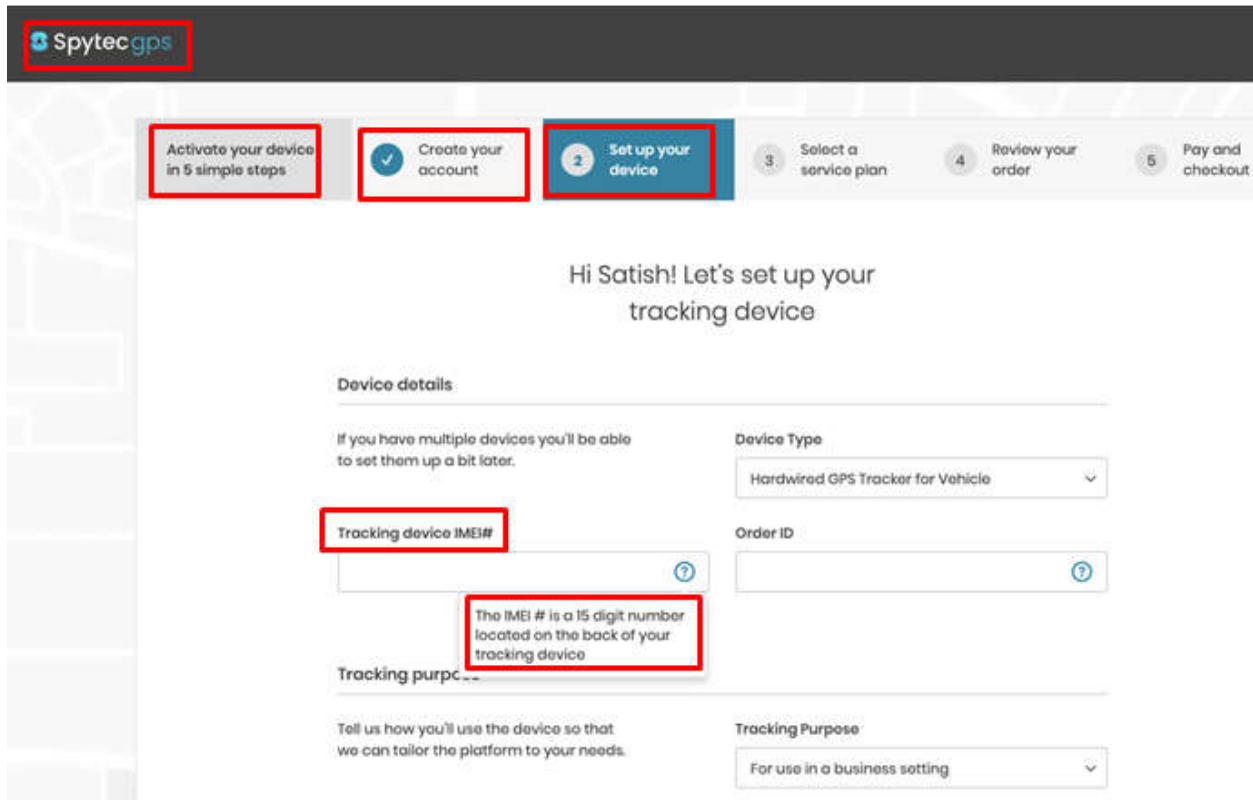
19.   Defendant's actions complained of herein will continue unless Defendant is enjoined by this court.

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: August 7, 2020   Respectfully submitted,

                                               /s/ Jay Johnson
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