

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA**

SOCIAL POSITIONING INPUT
SYSTEMS, LLC,

Plaintiff,

vs.

ACTSOFT, INC.,

Defendant.

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Case No:

PATENT CASE

COMPLAINT

Plaintiff Social Positioning Input Systems, LLC (“Plaintiff” or “SPIS”) files this Complaint against Actsoft, Inc. (“Defendant” or “Actsoft”) 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 Florida corporation with its principal office located at 10006 N. Dale Mabry Hwy., Suite 100, Tampa, FL 33618. On information and belief, Defendant may be served with process through its registered agent, Fee & Jefferies, P.A., 1227 Franklin Street, Tampa, FL 33602.

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. Alternatively, acts of infringement are occurring in this District and Defendant has a regular and established place of business in 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 '365 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 associated hardware and software for 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 (e.g., Actsoft) 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.



Source: <https://workforce.actsoft.com/encore/gps-tracking/>




Fleet management, simplified.

Keep tabs on your vehicles' locations in order to minimize theft and loss, eliminate any off-hours or unauthorized use by workers, and reduce excessively high maintenance costs with regular upkeep alerts.

- Use GPS tracking to prevent your fleet cars from being stolen or used improperly.
- Increase safety by monitoring the speeds and driving habits of your employees while they're using company vehicles.
- Save on fuel costs by identifying the most efficient routes for your staff to take.

Source: <https://www.actsoft.com/solutions/fleet/>



GPS Tracking

Track vehicles from any web browser. Monitor near real-time or historical information for any single vehicle or specific groups. Quickly locate where vehicles are on a live-view map and monitor their activities.



Source: <https://workforce.actsoft.com/encore/fleet-2/>

Traffic Overlay on Maps

Place near real-time traffic grids onto your solution's live view map, and make better decisions about which routes mobile employees should take to job sites.

- Stay up-to-date with roadway congestion in near real-time.
- Increase efficiency through smarter route planning.
- Save time and fuel.

Source: <https://workforce.actsoft.com/encore/gps-tracking/>

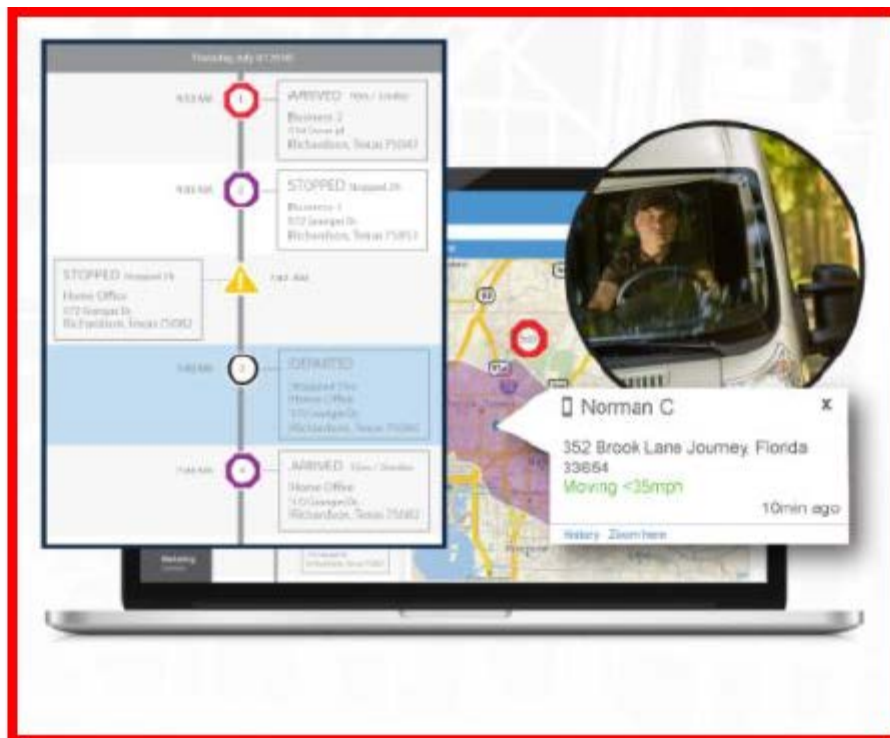
		
<h3>GPS Tracking</h3> <p>See the near real-time positions of your vehicles, and determine the most fuel-efficient routes for them to take.</p>	<h3>Geofences</h3> <p>Create custom digital boundaries to monitor any entries or exits of specified areas by your business vehicles.</p>	<h3>Alerts</h3> <p>Receive on-the-fly notifications about any unauthorized driving behaviors from your fleet drivers.</p>

Source: <https://www.actsoft.com/products/encore-fleet/>




Source: <https://workforce.actsoft.com/encore/fleet-2/>

15. The Product software sends a request from a first (requesting) positional information device (e.g., mobile device or desktop with software installed) to a server. The request is for the real-time location (e.g., stored address) of a vehicle or vehicles, and includes a first identifier of the requesting positional information device (e.g., user ID and password for the Product software used in the particular enterprise). The request is sent to the Product server for transmitting the vehicle location. 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://workforce.actsoft.com/encore/gps-tracking/>




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Keep tabs on your vehicles' locations in order to minimize theft and loss, eliminate any off-hours or unauthorized use by workers, and reduce excessively high maintenance costs with regular upkeep alerts.

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Source: <https://www.actsoft.com/solutions/fleet/>



GPS Tracking

Track vehicles from any web browser. Monitor near real-time or historical information for any single vehicle or specific groups. Quickly locate where vehicles are on a live-view map and monitor their activities.

Source: <https://workforce.actsoft.com/encore/fleet-2/>



Geotab GO9

Use the Geotab GO9's vast array of capabilities in tandem with the power of your Actsoft solution for a truly robust fleet management experience. Compatible with any vehicle's OBD II port, the Geotab GO9 is able to collect and report detailed driving data; provide battery and engine health diagnostics; pick up precise vehicle movements with a built-in, auto-calibrating accelerometer and gyroscope; and more.

Source: <https://workforce.actsoft.com/encore/fleet-2/>

LOGIN

Attention! All current customers seeing this page for the first time, you will need to enter your old login one last time.

Email:

Password:

Remember Me [Forgot your password?](#)

Source: <https://login.actsoft.com/>

16. The at least one address is received from the server at the requesting positional information device. A second identifier for the second (sending) positional information device is determined based on the first identifier. For example, before activating the tracking device (i.e., sending 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 vehicle location (address in the sending positional information device is retrieved). 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.youtube.com/watch?v=MIMMyUCvHH4>



Source: <https://www.geotab.com/documentation/go9-support-document/>

Geotab platform security is designed for end-to-end protection of your data. Key implementations include:

- GO device and network interfaces use authentication, encryption, and message integrity verification.
- GO devices are individualized. Each device uses a unique ID and non-static security key – making it difficult to fake a device’s identity.

Source: <https://www.geotab.com/documentation/go9-support-document/>

A screenshot of a login page titled "LOGIN". It features a light blue box with the text: "Attention! All current customers seeing this page for the first time, you will need to enter your old login one last time." Below this is a button labeled "Old Login". The form includes fields for "Email:" and "Password:", followed by a "Sign In" button. At the bottom, there is a checkbox for "Remember Me" and a link for "Forgot your password?".

Source: <https://login.actsoft.com/>

17. Defendant’s actions complained of herein will continue unless Defendant is

enjoined by this court.

18. 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.

19. 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: October 15, 2020

Respectfully submitted,

/s/ Howard L. Wernow

Howard L. Wernow, B.C.S.

Fla Bar No. 107560

SAND SEBOLT & WERNOW CO., LPA

4940 Munson Street NW

Canton, Ohio 44718

Telephone: 330-244-1174

Facsimile: 330-244-1173

Howard.Wernow@sswip.com

*Board Certified in Intellectual Property Law
by the Florida Bar*

JAY JOHNSON (Pro Hac Vice Application Forthcoming)

KIZZIA JOHNSON, PLLC

1910 Pacific Ave., Suite 13000

Dallas, Texas 75201

(214) 451-0164

Fax: (214) 451-0165

jay@kjpllc.com

ATTORNEYS FOR PLAINTIFF