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7 *Attorney(s) for Plaintiff Social Positioning Input Systems, LLC*

8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

10 **SOCIAL POSITIONING INPUT**
11 **SYSTEMS, LLC,**

12 *Plaintiff,*

13 v.

14 **TRUELITE TRACE, INC. d/b/a**
15 **FLEETUP,**

16 *Defendant.*

CASE NO.: 5:20-cv-07362

COMPLAINT FOR PATENT
INFRINGEMENT

JURY TRIAL DEMANDED

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18 Plaintiff Social Positioning Input Systems, LLC (“Plaintiff” or “SPIS”) files
19 this Complaint against Truelite Trace, Inc. d/b/a FleetUp (“Defendant” or “FleetUp”)
20 for infringement of United States Patent No. 9,261,365 (hereinafter “the ‘365 Patent”)
21 and allege as follows:
22

23 **PARTIES AND JURISDICTION**

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

27
28 2. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331

1 (Federal Question) and 1338(a) (Patents) because this is a civil action for patent
2 infringement arising under the United States patent statutes.

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

6 4. On information and belief, Defendant is a Delaware corporation with its
7 principal office located at 675 N. 1st St., Ste. 1100, San Jose, CA 95112. On
8 information and belief, Defendant may be served with process through its registered
9 agent, A Registered Agent, Inc., 8 The Green, Ste. A, Dover, DE 19901.

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

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

21 **VENUE**

22 7. On information and belief, venue is proper in this District under 28
23 U.S.C. § 1400(b) because Defendant is deemed to be a resident of this District.
24 Alternatively, acts of infringement are occurring in this District and Defendant has a
25 regular and established place of business in this District.
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COUNT I
(INFRINGEMENT OF UNITED STATES PATENT NO. 9,261,365)

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

4 9. This cause of action arises under the patent laws of the United States
5 and, in particular, under 35 U.S.C. §§ 271, *et seq.*
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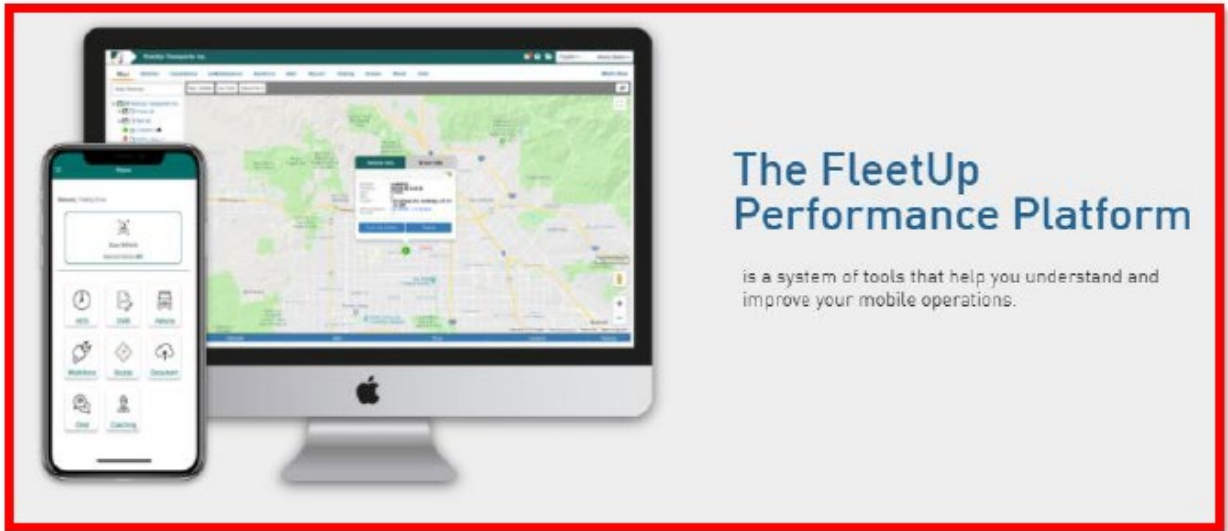
7 10. Plaintiff is the owner by assignment of the ‘365 Patent with sole rights
8 to enforce the ‘365 Patent and sue infringers.

9 11. A copy of the ‘365 Patent, titled “Device, System and Method for
10 Remotely Entering, Storing and Sharing Addresses for a Positional Information
11 Device,” is attached hereto as Exhibit A.
12

13 12. The ‘365 Patent is valid, enforceable, and was duly issued in full
14 compliance with Title 35 of the United States Code.
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16 13. Upon information and belief, Defendant has infringed and continues to
17 infringe one or more claims, including at least Claim 1, of the ‘365 Patent by making,
18 using (at least by having its employees, or someone under Defendant's control, test
19 the accused Product), importing, selling, and/or offering for sale associated hardware
20 and software for asset locating services (“Product”) covered by at least Claim 1 of the
21 ‘365 Patent. Defendant has infringed and continues to infringe the ‘365 patent either
22 directly or through acts of contributory infringement or inducement in violation of 35
23 U.S.C. § 271.
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1 14. The Product provides a vehicle tracking system (e.g., FleetUp) for real-
2 time GPS tracking of assets. A user can receive location information on a positional
3 information device (e.g., mobile device or computer). Certain aspects of this element
4 are illustrated in the screenshot(s) below and/or in those provided in connection with
5 other allegations herein.
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16 Source: <https://fleetup.com/products/fleet-performance-platform/>

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Real-Time Tracking

for packages, pallets, trailers, containers, construction equipment, mining equipment, forklifts, portable assets, and more.

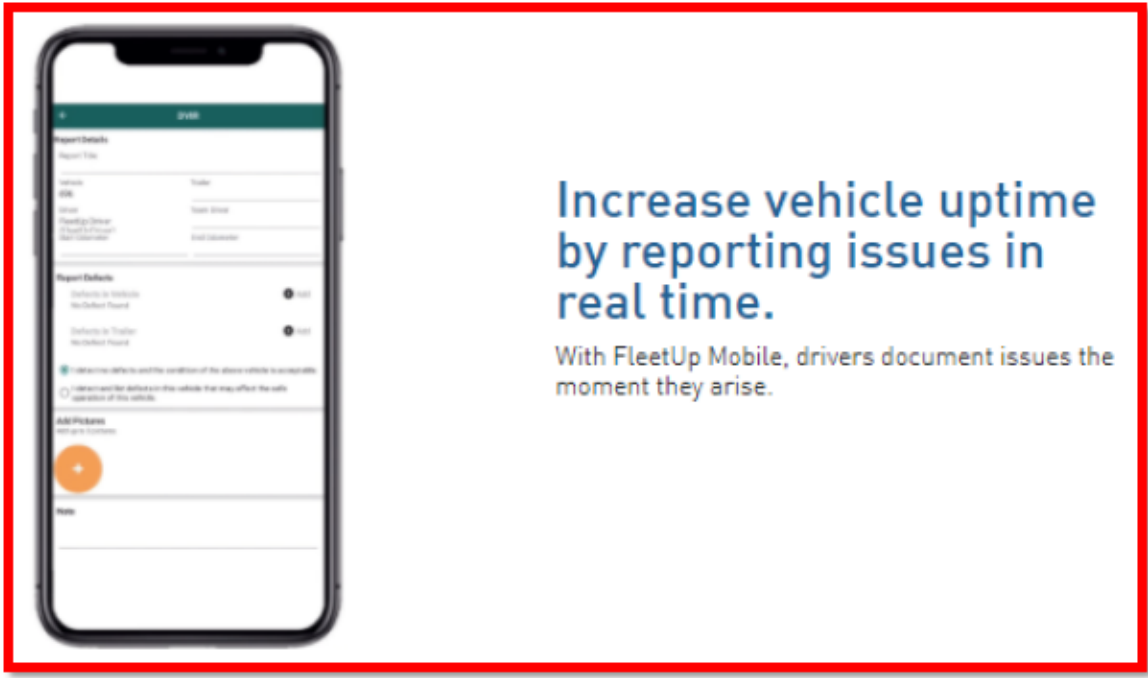
Source: <https://fleetup.com/products/gps-asset-tracking-devices/>



5TA

Portable and discreet Asset Tracker

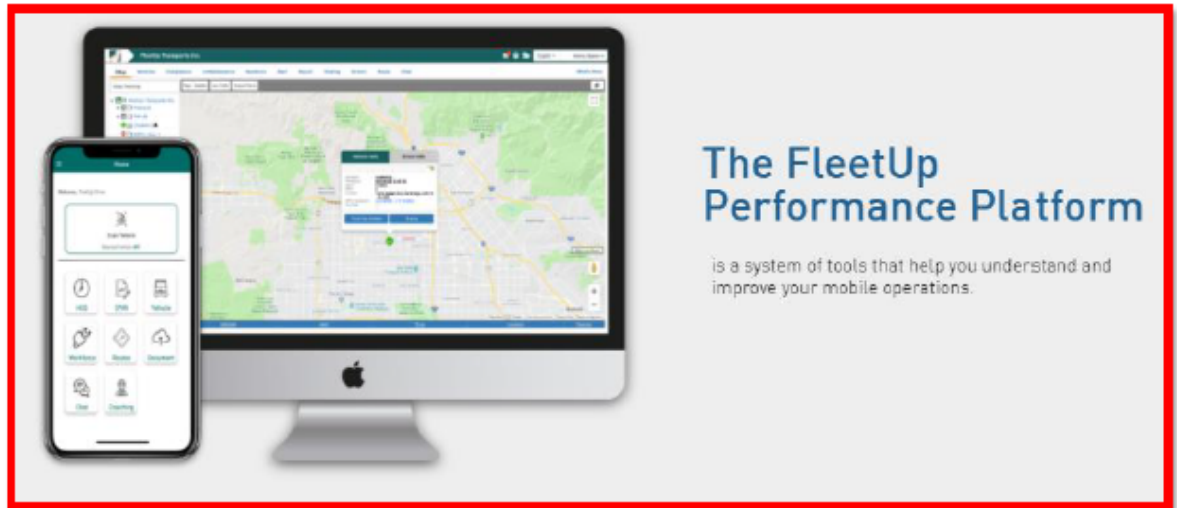
Source: <https://fleetup.com/products/gps-asset-tracking-devices/>



Source: <https://fleetup.com/solutions/dvir/>

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.

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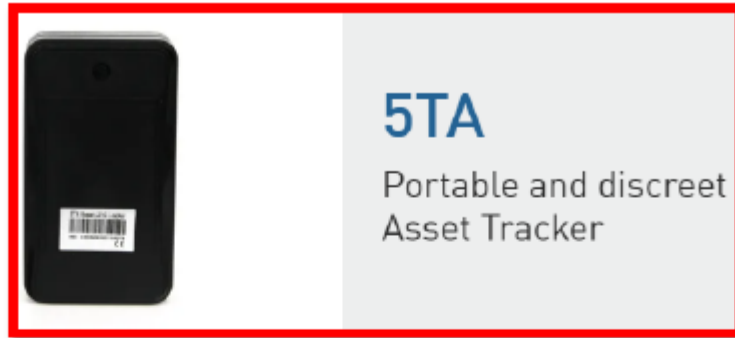


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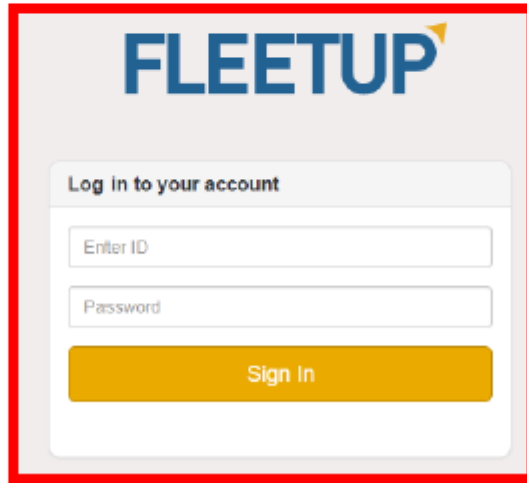
Real-Time Tracking
for packages, pallets, trailers,
containers, construction equipment, mining
equipment, forklifts, portable assets, and more.

Source: <https://fleetup.com/products/gps-asset-tracking-devices/>

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Source: <https://fleetup.com/products/gps-asset-tracking-devices/>



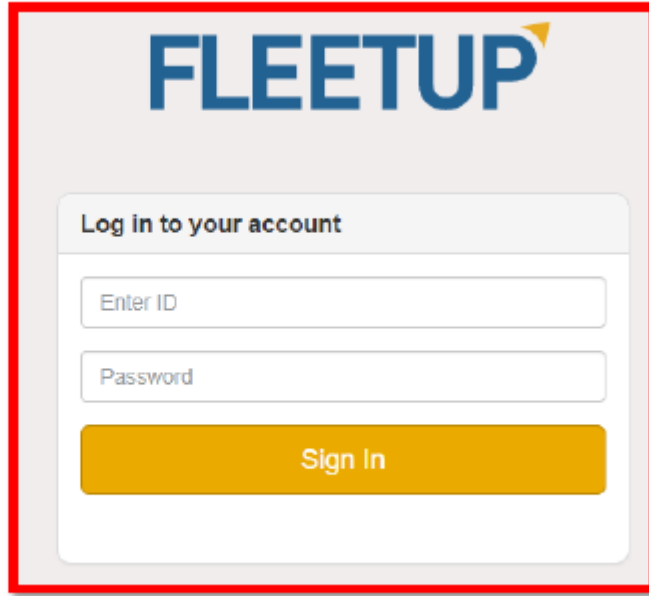
Source: <https://online.fleetuptrace.com/login.html>

 The banner has a blue and yellow maze background with a yellow car icon. The text "AN EASY-TO-REACH AND EASY-TO-USE PLATFORM" is centered at the top. Below are four icons with text:

- Icon: A computer monitor with three upward arrows. Text: "Built for both desktop and mobile devices."
- Icon: A smartphone with signal waves. Text: "Built for Android and iOS."
- Icon: A group of three people. Text: "Accessible to multiple approved parties (for example, dispatchers, managers, mechanics, back office staff, etc.)"
- Icon: A circular refresh symbol. Text: "Reveals near real-time data with 10-second updates."

Source: <https://fleetup.com/products/fleet-performance-platform/>

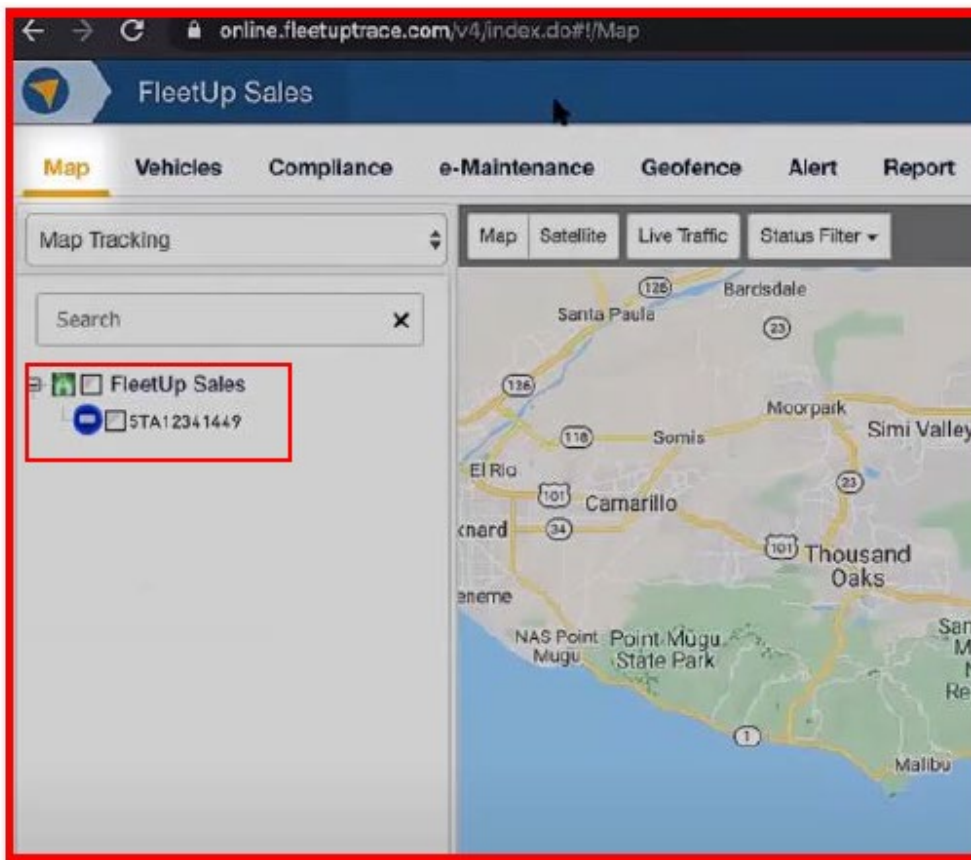
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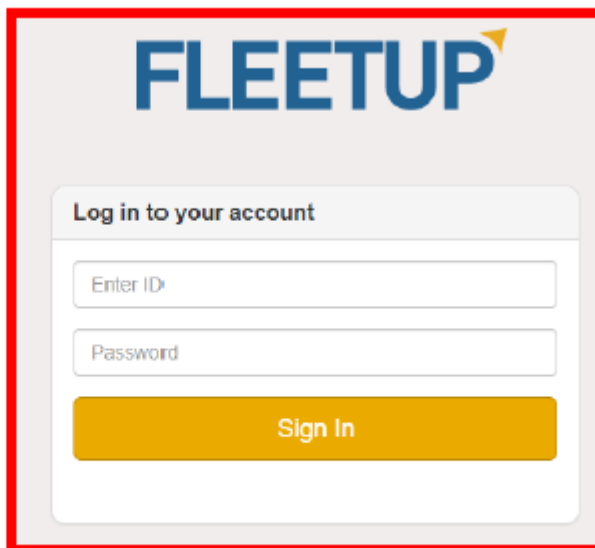
Source: <https://online.fleetuptrace.com/login.html>

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.

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Source: <https://www.youtube.com/watch?v=WyvG6BqhGzA>



Source: <https://online.fleetuptrace.com/login.html>

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

Dated: October 20, 2020

Respectfully submitted,

/s/ Stephen M. Lobbin

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***Attorney(s) for Plaintiff Social Positioning
Input Systems, LLC***