IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA

SOCIAL POSITIONING INPUT   §
SYSTEMS, LLC,   §
                                    §
      Plaintiff,   §   **Case No:1:21-CV-1071**
                                    §
vs.   §   **PATENT CASE**
                                    §
NETSOFT HOLDINGS, LLC,   §
                                    §
      Defendant.   §
_____   §

COMPLAINT

Plaintiff Social Positioning Input Systems, LLC ("Plaintiff" or "SPIS") files this Complaint against Netsoft Holdings, LLC ("Defendant" or "Netsoft Holdings") 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 1 East Broward Boulevard, Suite 700, Ft. Lauderdale, FL 33301.

4.   On information and belief, Defendant is an Indiana limited liability company with its principal office located at 11650 Olio Rd., Ste. 1000193, Fishers, IN, 46037-7619. On information and belief, Defendant may be served through its agent, David Nevogt, 13682

Kingston Drive, Fishers, IN, 46055.

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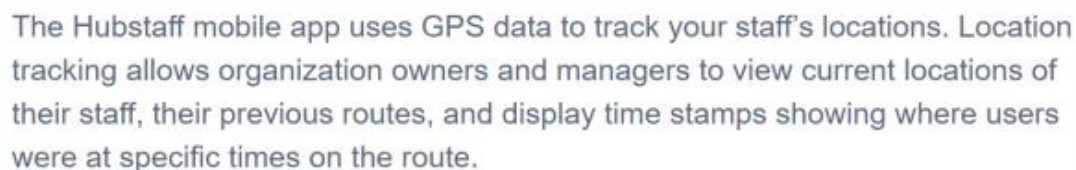
10.   Plaintiff is the owner by assignment of the '365 Patent with sole rights to enforce the '365 Patent and sue infringers.

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.
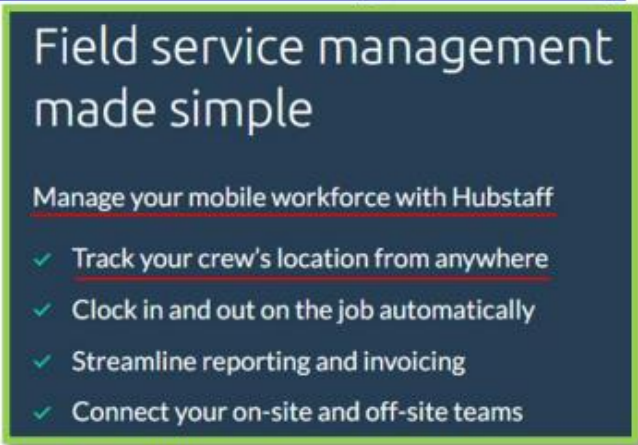
13.   Upon information and belief, Defendant has infringed and continues to infringe one or more claims, including at least Claim 1, of the '365 Patent by making, using (at least by having its employees, or someone under Defendant's control, test the accused Product), importing, selling, and/or offering for sale associated hardware and software for asset locating services (e.g., Hubstaff asset tracking platform, and any associated hardware, apps, or other software) ("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 an asset 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.

The Hubstaff mobile app uses GPS data to track your staff's locations. Location tracking allows organization owners and managers to view current locations of their staff, their previous routes, and display time stamps showing where users were at specific times on the route.

Source: https://support.hubstaff.com/hubstaff-mobile-app-location-tracking/

Field service management made simple

Manage your mobile workforce with Hubstaff

✓ Track your crew's location from anywhere
✓ Clock in and out on the job automatically
✓ Streamline reporting and invoicing
✓ Connect your on-site and off-site teams

Source: https://hubstaff.com/solutions/field-services

Source: https://hubstaff.com/solutions/field-services

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 an asset, 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. The server receives the at least one address from a second (sending) positional information device at the asset. Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.

The Hubstaff mobile app uses GPS data to track your staff's locations. Location tracking allows organization owners and managers to view current locations of their staff, their previous routes, and display time stamps showing where users were at specific times on the route.

Source: https://support.hubstaff.com/hubstaff-mobile-app-location-tracking/

The **Map** page will display location tracking records from when you and your team started tracking time to where you stopped tracking. Drag the slider up to see the full list of employee location-tracking information.

ℹ Only organization owners and organization managers have access to view team location tracking data. If you are configured as a user, you'll only see your personal location data.
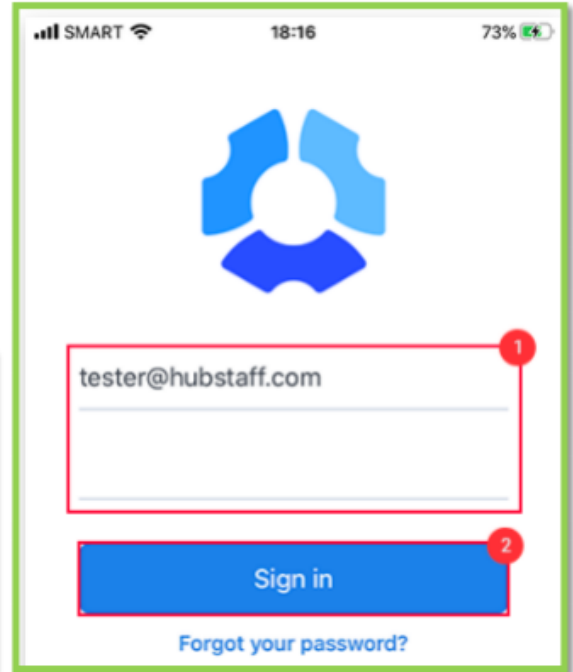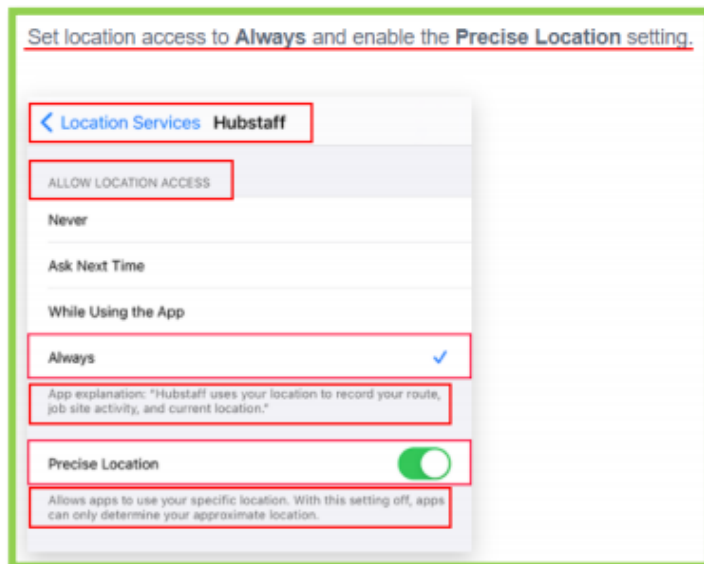
Source: https://support.hubstaff.com/hubstaff-mobile-app-location-tracking/

Source: https://support.hubstaff.com/hubstaff-mobile-app-location-tracking/

Source: https://hubstaff.com/solutions/field-services
Source: https://support.hubstaff.com/install-hubstaff-ios-device/

16.   The at least one address is received from the server at the requesting positional information device. For example the Product's server transmits the position of an asset (at least one address) to the requesting 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.
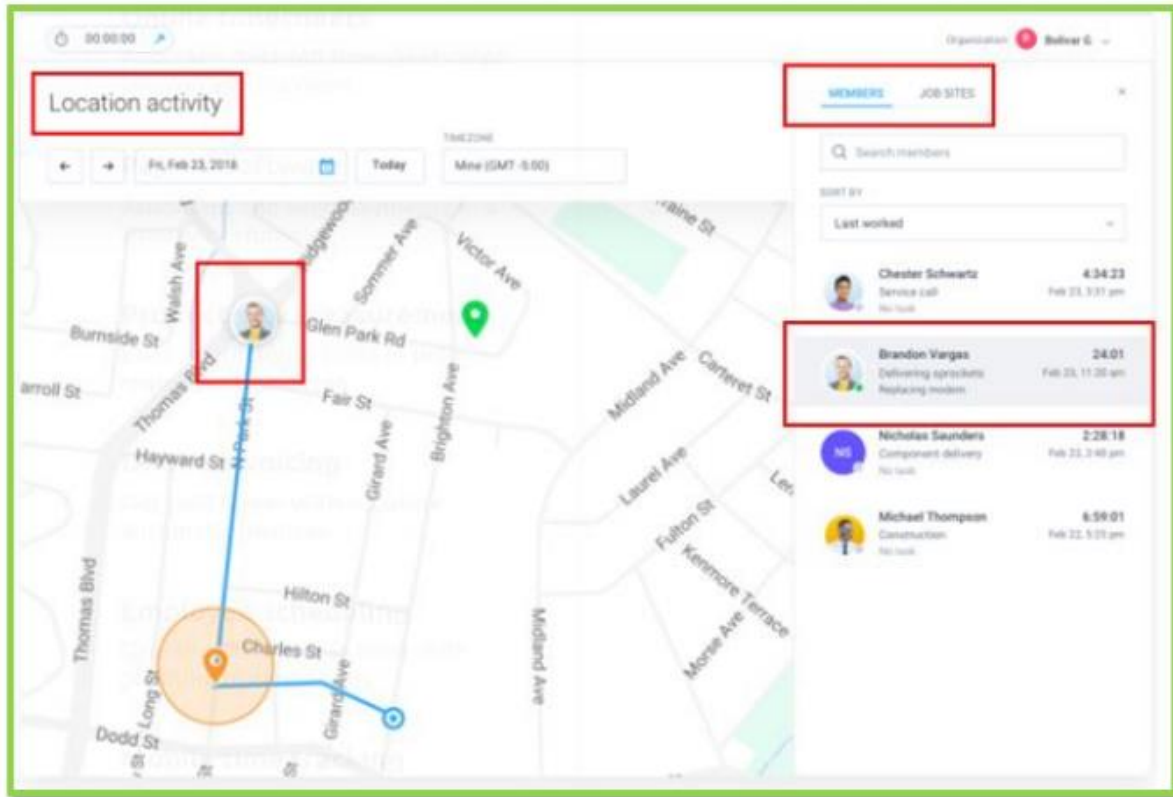
Set location access to **Always** and enable the **Precise Location** setting.

< Location Services   **Hubstaff**

ALLOW LOCATION ACCESS

Never

Ask Next Time

While Using the App

Always   ✓

App explanation: "Hubstaff uses your location to record your route, job site activity, and current location."

Precise Location   🟢

Allows apps to use your specific location. With this setting off, apps can only determine your approximate location.

Source: https://support.hubstaff.com/enable-location-services-hubstaff/

The **Map** page will display location tracking records from when you and your team started tracking time to where you stopped tracking. Drag the slider up to see the full list of employee location-tracking information.

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Source: https://support.hubstaff.com/hubstaff-mobile-app-location-tracking/

Source: https://hubstaff.com/solutions/field-services

17. A second identifier for the second (sending) positional information device is determined based on the first identifier and the server retrieves the at least one address stored in the at least one sending positional information device. The Product application installed on the requesting positional information device requests (from the server) the asset's GPS location (i.e., at least one stored address stored). As shown above, before activating the tracker (i.e., the sending positional information device), a unique tracking device's ID number (i.e., second identifier) needs to be added to the user's account identified by the user login ID and password (i.e., the first identifier). Hence, the tracker device's ID number or field employee credentials (i.e., second identifier) is mapped to the user's login ID (i.e., the first identifier) for tracking the real-time location (i.e., at least one stored address stored) of the vehicle. Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with
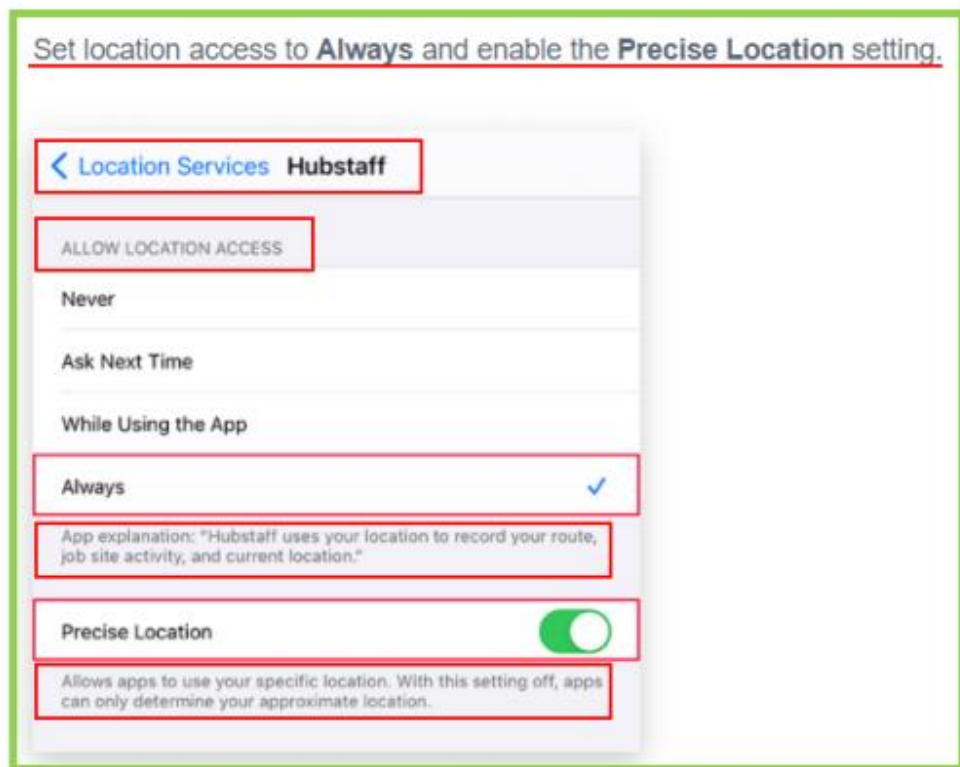
other allegations herein.

> The Hubstaff mobile app uses GPS data to track your staff's locations. Location tracking allows organization owners and managers to view current locations of their staff, their previous routes, and display time stamps showing where users were at specific times on the route.

Source: https://support.hubstaff.com/hubstaff-mobile-app-location-tracking/
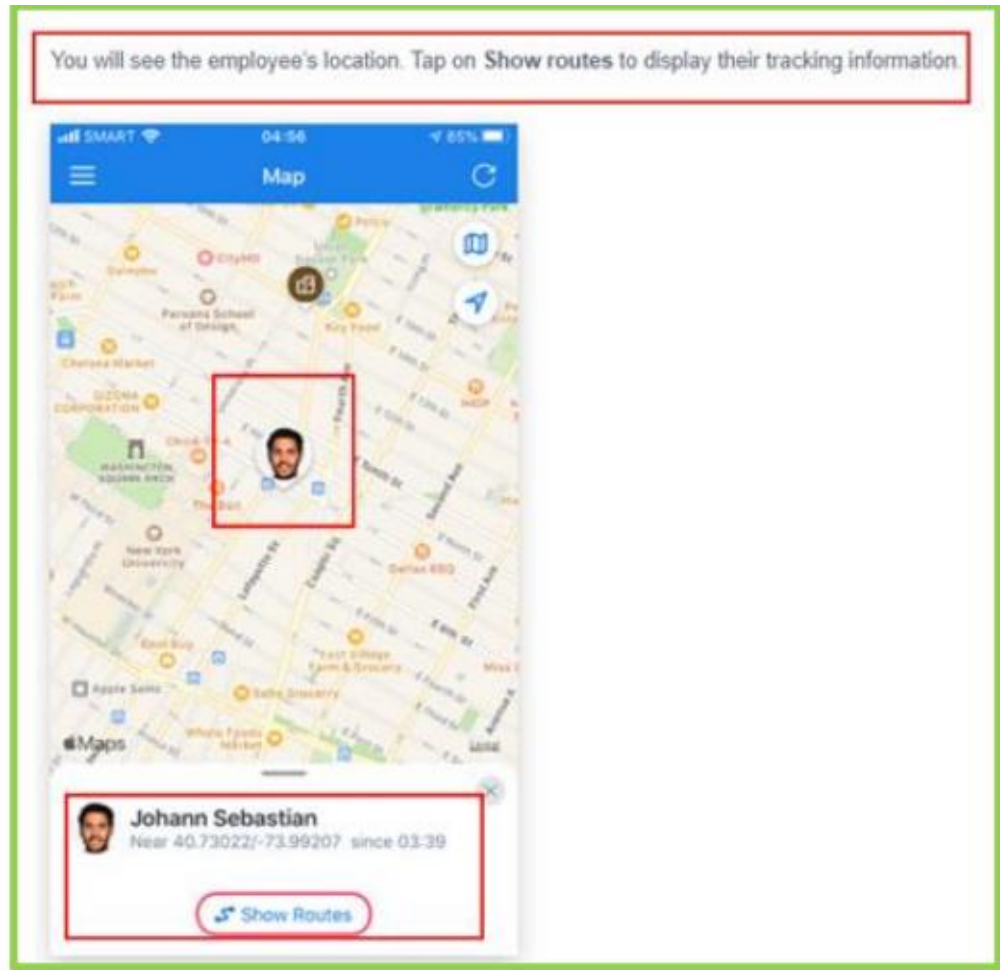
> The **Map** page will display location tracking records from when you and your team started tracking time to where you stopped tracking. Drag the slider up to see the full list of employee location-tracking information.
>
> ⓘ Only organization owners and organization managers have access to view team location tracking data. If you are configured as a user, you'll only see your personal location data.
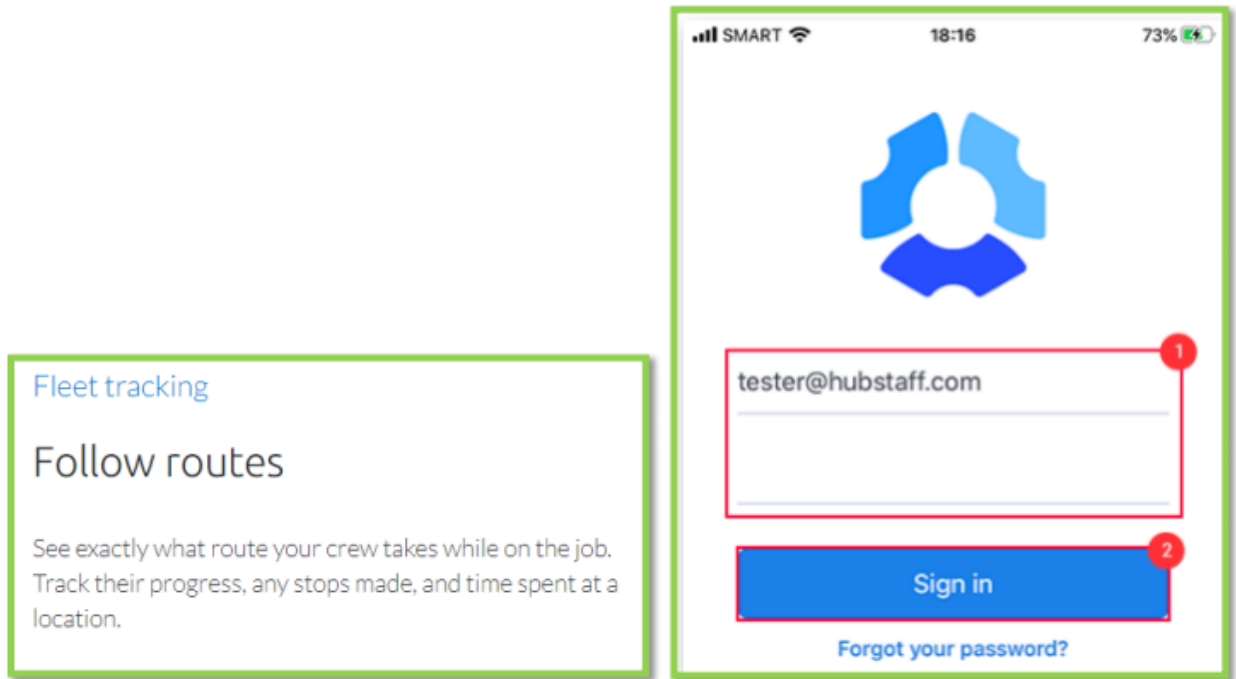
Source: https://support.hubstaff.com/hubstaff-mobile-app-location-tracking/

> Set location access to **Always** and enable the **Precise Location** setting.
>
> ‹ Location Services   **Hubstaff**
>
> ALLOW LOCATION ACCESS
>
> Never
>
> Ask Next Time
>
> While Using the App
>
> Always   ✓
>
> App explanation: "Hubstaff uses your location to record your route, job site activity, and current location."
>
> Precise Location   🟢
>
> Allows apps to use your specific location. With this setting off, apps can only determine your approximate location.

Source: https://support.hubstaff.com/enable-location-services-hubstaff/

Source: https://support.hubstaff.com/hubstaff-mobile-app-location-tracking/

Source: https://hubstaff.com/solutions/field-services
Source: https://support.hubstaff.com/install-hubstaff-ios-device/

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

19.   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.

20.   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: April 29, 2021   Respectfully submitted,

/s/ Francis Niper

Francis Niper
The Law Office of Francis R. Niper
120 E Market St., Ste 1219
Indianapolis, IN 46204

ATTORNEY FOR PLAINTIFF

EXHIBIT A