

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

1) UBIQUITOUS CONNECTIVITY, LP,

Plaintiff,

v.

1) CENTRAL SECURITY GROUP -
NATIONWIDE, INC., d/b/a "Alert 360"

Defendant.

CIVIL ACTION NO.
4:18-cv-00368-JED-FHM

JURY TRIAL DEMANDED

FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff UBIQUITOUS CONNECTIVITY, LP (hereinafter, "Plaintiff" or "Ubiquitous"), by and through its undersigned counsel, files this First Amended Complaint for Patent Infringement against Defendant Central Security Group – Nationwide, Inc. (hereinafter, "Defendant" or "CSG") as follows:

NATURE OF THE ACTION

1. This is a patent infringement action to stop Defendant's infringement of Plaintiff's United States Patent Nos. 8,064,935 (hereinafter, the "935 Patent") and 9,602,655 (hereinafter, the "655 Patent") (collectively, the "Patents-in-Suit"), copies of which are attached hereto as **Exhibit A** and **Exhibit B**, respectively. Plaintiff is the owner of the Patents-in-Suit. Plaintiff seeks injunctive relief and monetary damages.

PARTIES

2. Ubiquitous is a limited liability partnership organized and existing under the laws of the State of Texas since February 14, 2012 and maintains its principal place of business at 2436 Tisbury Way, Little Elm, Texas, 75068 (Denton County).

3. Based upon public information, Defendant CSG is a corporation duly organized and existing under the laws of the state of Delaware since July 21, 2017 and does business under the tradename “Alert 360.”

4. Based upon public information, Defendant CSG has its principal place of business located at 2448 E. 81st Street, Suite 4300, Tulsa, Oklahoma 74137 (Tulsa County).

5. Based upon public information, Defendant CSG may be served through its registered agent, Guardian Security Systems, Inc., 2448 E. 81st Street, Suite 4200, Tulsa, Oklahoma 74137.

6. Based upon public information, Defendant ships, distributes, makes, uses, offers for sale, sells, and/or advertises its products and/or services under the “2gig Go!Control” and “Alert 360/2gig GC2” branded wireless security systems.

JURISDICTION AND VENUE

7. This action arises under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*, including 35 U.S.C. §§ 271, 281, 283, 284, and 285. This Court has subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

8. The Court has personal jurisdiction over Defendant because: Defendant has minimum contacts within the State of Oklahoma and in the Northern District of Oklahoma; Defendant has purposefully availed itself of the privileges of conducting business in the State of Oklahoma and in the Northern District of Oklahoma; CSG has sought protection and benefit from the laws of the State of Oklahoma and is incorporated there; Defendant regularly conducts business within the State of Oklahoma and within the Northern District of Oklahoma, and Plaintiff’s causes of action arise directly from Defendant’s business contacts and other activities in the State of Oklahoma and in the Northern District of Oklahoma.

9. More specifically, CSG, directly and/or through its intermediaries, ships, distributes, makes, uses, imports, offers for sale, sells, and/or advertises its products and affiliated services in the United States, the State of Oklahoma, and the Northern District of Oklahoma. Based upon public information, Defendant has committed patent infringement in the State of Oklahoma and in the Northern District of Oklahoma. Defendant solicits customers in the State of Oklahoma and in the Northern District of Oklahoma. Defendant has many paying customers who are residents of the State of Oklahoma and the Northern District of Oklahoma and who use Defendant's products in the State of Oklahoma and in the Northern District of Oklahoma.

10. Venue is proper pursuant to 28 U.S.C. §1400(b) because Defendant has its principal place of business in the Northern District of Oklahoma.

11. Venue is proper pursuant to 28 U.S.C. § 1391(b) and (c) because Defendant has its principal place of business in the Northern District of Oklahoma, which subjects it to the personal jurisdiction of this Court.

BACKGROUND INFORMATION

12. The Patents-in-Suit were duly and legally issued by the United States Patent and Trademark Office (hereinafter, "USPTO") after full and fair examinations.

13. The Patents-in-Suit trace their priority date back to USPTO Application No. 11/163,372 (the "'372 Application") which was filed on October 17, 2005 and issued after full and fair examination as U.S. Patent No. 7,257,397. *See* Ex. A at A-1 and Ex. B at B-1.

14. The '372 Application is itself a divisional of USPTO Application No. 11/160,006 (the "'006 Application") which was filed on June 6, 2005 and issue as and issued after full and fair examination as U.S. Patent No. 6,990,335. *See* Ex. A at A-1 and Ex. B at B-1.

15. The '006 Application traces its priority to USPTO Provisional Application No. 60/522,887 (the "887 Application") which was filed on November 18, 2004. *See* Ex. A at A-1 and Ex. B at B-1.

16. Plaintiff is the owner of the Patents-in-Suit, and possesses all right, title and interest in the Patents-in-Suit including the right to enforce the Patents-in-Suit, the right to license the Patents-in-Suit, and the right to sue Defendant for infringement and recover past damages. *See Exhibit C* ('935 Patent) and **Exhibit D** ('655 Patent).

THE PATENTS ARE DIRECTED TO THE CREATION OF A SET OF "ON-DEMAND BIDIRECTIONAL COMMUNICATION" TECHNOLOGIES, NOT ANY ABSTRACT IDEA.

17. The Declaration of Declaration Of Ivan Zatkovich, dated November 5, 2018, which explains the technical achievements of the claims of the Patents-in-Suit over the technology that existed in 2004, is attached to this First Amended Complaint as **Exhibit E** and incorporated herein by reference (hereinafter, "Zatkovich Decl.").

18. The '935 and '635 Patents are directed to the creation of "on-demand bidirectional communication" technologies that have various features (as identified individually by each claim). *See* Zatkovich Decl., §VIII.A.v. The "Field of Invention" section of the patents disclose that "the system relates to on demand bidirectional communication between a remote access unit and a multifunctional base control unit in a geographically remote location." '655 Patent at 1:22-26; *see also* Zatkovich Decl., §V.A. The claims here cover specific devices configured in specific ways, to create session based bidirectional communications between a multifunctional base unit and a cellphone, which were otherwise unable to communicate. *See* Zatkovich Decl., §VIII.A.i

The technical problems solved by the patents: then existing "OEM" base unit components were unable to facilitate bilateral communications with cellular telephones with then existing

communication system technologies.

19. The state of communications technology in 2004 is summarized by Dr. Zatkovich. *See* Zatkovich Decl., §IV. This summary is important because in order to properly assess the claims at issue here, the Court must understand the state of that technology in 2004, including the state of control systems (polling versus event driven systems) and the applications of those systems at the time. *See* Zatkovich Decl., §IV.A.i-iii (explaining the same). That background, with reference to the “Background of The Technology” section in the patents, is detailed by Dr. Zatkovich. *Compare id.* (explaining the technological state of the systems referenced in the patent as of 2004) *with* ’655 Patent, 1:30-3:14 (“Background of The Technology”); *see also* Zatkovich Decl., §V.B. The Court must also understand the communication paradigms that then existed within control systems. Those include one-way versus two-way (or bidirectional) communications, transmission range considerations for various communication types, early interactive telephone-based systems, and the history of smartphone development, which are also detailed by Dr. Zatkovich. *See* Zatkovich Decl., §IV.B.i-iv (explaining the same). Finally, the Court must have the requisite background regarding the 2004 state of location detection and geofencing, which includes understanding location trilateration, GPS systems, cellular tower technology, and geofencing. *See* Zatkovich Decl., §IV.C.i-iv.

20. In 2004, it is clear that “OEM” base unit systems were unable to create session-based communications with cellular telephones prior to the inventions of the ’935 and ’655 Patents. *See* Zatkovich Decl., §IV. It was never done because then-existing technology did not allow it. *See* Zatkovich Decl., §VIII.A.i.a (explaining the same). To situate the Court in time, the Patents-in-Suit “were filed in November 2004 but the first iPhone did not become available until January 2007. Although the iPhone was not the first ‘smartphone,’ it was the first example of what we now consider to be a modern smartphone.” *Id.*, §IV.B.iv. Cellular telephones did not have “apps”

as we know them today. Additionally, as of 2004, “then-existing thermostats typically monitored ambient temperature and maintained that temperature within a predetermined range.” *Id.*, §V.B. And although “progress was being made toward more sophisticated forms of remote monitoring and control (e.g., land-line connectivity to a home monitoring and control system,” *id.* (citing ’655 Patent, 1:64-67), the “then-existing land-line based solutions had significant drawbacks,” *id.*, including the fact that they used “tones or cryptic, hard-to-understand, digitized voice prompts” *id.* (citing ’655 Patent, 2:46-55). Power-line based systems also were in development but were limited to intra-building communication, and although there was commercial interest in internet based systems, there was serious drawbacks to that type of system. *Id.*

21. The Patents-in-Suit also disclose the then-existing use of cellular networks with monitoring and control systems but observe that these systems were crude and inconvenient to use because they either offered one-way communication or very unfriendly two-way communication. *See* ’655 Patent, 2:46-51 (disclosing the existence of inferior telephone interfaces) and ’655 Patent, 3:4-8 (disclosing use of a cellular phone but with the same shortcomings of other telephone interfaces). *See also* ’655 Patent, 7:15-22 (then-existing systems utilizing a cell phone required a user to dial in to a base unit, press telephone keypad keys to create touch-tone (DTMF) sounds that would be received and interpreted by the base unit, and then manually disconnect from the base unit when communication is complete).

22. In another example, the Patents-in-Suit disclose the then-existing use of a “control architecture” including a one-way communication of commands to a device under control. *See* ’655 Patent, 2:17-20. The Patents-in-Suit also disclose then-existing bi-directional communications in the limited context of Internet-based communications. *See id.*, 2:65-3:3. By contrast, then-existing telephone or mobile device based communications disclosed by the Patents-

in-Suit involve one-way techniques (e.g., DTMF/keypad tones) or two-way techniques with significant shortcomings (e.g., “hard-to-understand digitized voice prompts”). *See id.*, 2:46-52. Thus, each approach had identified shortcomings. *See Zatkovich Decl.*, §VIII.A.ii.a. These problems were overcome by Ubiquitous.

The Technical Solutions: Integration Of Cellular, User-Friendly (Automated) Two-Way Communications Into A Base Unit At A Remote Location.

23. Only with this background, can the Court understand why the patents were written the way they were: which was to inform a POSITA of technical solutions to overcome then-existing technical problems in bidirectional control systems. *See Zatkovich Decl.*, §VI. A POSITA would understand that, “[a]lthough the context of the Ubiquitous Patents’ invention is home or business appliance monitoring and environmental control, the [Patents-in-Suit] are focused on only one aspect of that industry, and that is the integration of an incompatible communication device (a cellular phone) into that space.” *See Zatkovich Decl.*, §V.C. (and related discussion).

24. “The [Patents-in-Suit] reflect improvements over the 2004-era state of the art regarding structures and features in a base unit including interfacing cellular communications with computing devices.” *See Zatkovich Decl.*, §VIII.A.ii.b.¹ The custom “base unit” is disclosed at Figure 4 of the patents. *Id.* The “subsystems” disclosed, and how a POSITA would implement them with hardware and software, are expressly disclosed in the specification. *Id.* “Thus, the innovations that went into creating the base unit reflected the key structural improvements within

¹ *See also* 7:41-48 (disclosing that technical solution avoids “voice mode” to achieve two-way communications); 7:52-54 and 7:61-67 (use of SMS, optionally involving port addresses, allows automated/on-demand communications between a mobile device and another device without requiring user intervention); and 8:59-65 (two-directional communications not requiring user intervention or crude user interfaces).

a base station for facilitating improved communication through on-demand, bi-directional command communications.” *Id.* (discussing the teachings of the specification).

25. Although the inventions of the Patents-in-Suit “can be created from components available from original equipment manufacturers (OEMs),” those components could not “simply be combined like puzzle pieces to achieve a functioning result.” *Id.* The teachings of the Patents-in-Suit would have to be followed, *e.g.*, the implementation details for sending a message from a base unit to a remote unit, the configuration of the base unit to receive simple messages from a wireless interface, and other structural improvements within a base system. *Id.* Each limitation of the alleged “representative claims” are written to overcome the shortcomings in the art. *See id.* (Table 1 and Table 2, listing claim language and the technical problem it overcomes). In the end, the Patents-in-Suit “are directed to base unit improvements that facilitated improved communication techniques during environmental monitoring and control and are not directed to an abstract idea concerning environmental monitoring and control.” *See* Zatkovich Decl., §VIII.A.ii.d.

26. The character of the claims as a whole confirms this. For Claims 19 and 1, the significance and number of limitations that directly concern communications technology is significant and plain to see. *See* Zatkovich Decl., §VIII.A.iii. The Patents-in-Suit and their claims are clearly directed to improved communications rather than any specific application of those technologies in an environment. *See* Zatkovich Decl., §VIII.iv. Moreover, “[t]his bidirectional on-demand communication interface, implemented through the base unit, was unconventional in that a cellular device was not used in this manner before. It was also unique in that it enabled unsolicited messages and information to be sent from a remote monitored and controlled device to the user’s cell phone such as sending notification of a fire alarm, a security break-in, or a child

leaving a geographic (geo-fenced) area.” *See* Zatkovich Decl., §V.C. Claims 1-18 and 19-20 of the ’935 Patent (as compared to Claim 19) and Claims 2-24 of the ’655 Patent (as compared to Claim 1) are similarly not “abstract.” *See* Zatkovich Decl., §VIII.C (explaining why). In conclusion, the claims of the Patents-in-Suit “are directed to improved communications rather than environmental monitoring and control” and teaches specific structures for achieving “improve[d] communication.” *See* Zatkovich Decl., §VIII.A.v.

THE CLAIMS OF THE PATENTS-IN-SUIT DISCLOSE “INVENTIVE CONCEPTS.”

The Inventive Concepts: The Base Unit and Cellular Remote Unit Each Embody At Least Three “Inventive Concepts.”

27. The description of the “base unit” in the specification discloses communications improvements applied to a base unit within the context of environmental monitoring and control, including the disclosure of application software to create on-demand triggers executed in response to events. *See* ’665 Patent: 5:4-13:36, 7:41-48, 7:52-54, 7:61-67, 8:1-12, 8:59-65, 10:30-36, 10:50-66, 11:24-38 and Fig. 4; Zatkovich Decl., §VIII.A.i.b. Such a “base unit” could not have been purchased off-the-shelf, and required assembly of OEM components and coding to connect the components together to assemble a base unit that could interact with a cellphone. *See* Zatkovich Decl., §VIII.A.i.b., §VIII.B.i.b.1. In addition, the use of a cellular phone to remotely control environmental devices was not available generally. *See id.*, §VIII.B.i.b.2.

28. At least three “inventive concepts” are embodied in the claims of the Patents-in-Suit at the “base unit,” including (1) two-way digital communications with a cellular phone, (2) unsolicited event notification with a cellular telephone, and (3) geo-fence based communications within these constructs. *See* Zatkovich Decl., §VIII.B.i.A. and §VIII.B.ii.1-3. As such, the “base unit” and the cellular control unit of the claims of the Patents-in-Suit were each not conventional in the pre-iPhone world of 2004, Claims 1-18 and 20 of the ’935 Patent (as compared to Claim 19)

and Claims 2-24 of the '655 Patent (as compared to Claim 1) similarly embody “inventive concepts.” *See* Zatkovich Decl., §VIII.C.

Another Inventive Concept: The Combination of The Claim Elements.

29. Additionally, the combination of the base unit and cellular remote control into a system that allows for bidirectional communication between incompatible devices was indisputably not generic or conventional in 2004. *See* Zatkovich Decl., §VIII.B.iii. Indeed, their combination reflects significantly more than any abstract idea. As thoroughly demonstrated above the claims of the Patents-in-Suit do not recite a collection of conventional components performing their ordinary functions. *See id.*, §IV.B. They embody “improvements to acknowledged deficiencies in the art, thereby fully reflecting something ‘substantially more’ than an abstract idea.” *Id.*, §IV.B.i.

THE INFRINGING PRODUCTS

30. Based upon public information, Defendant owns, operates, advertises, and/or controls the websites <https://www.centalsecuritygroup.com/home-security> and <https://www.alert360.com> through which Defendant advertises, sells, offers to sell, provides and/or educates customers about its products and services, including but not limited to Defendant’s “2gig Go!Control” and “Alert 360/2gig GC2” branded wireless security systems. (collectively, the “Accused Products and Services”). Evidence obtained from CSG’s website (and others) regarding these products is provided in **Exhibit F, Exhibit G, Exhibit H, Exhibit I and Exhibit J**.

31. CSG offers its customers the ability to download the CSG Alert 360 app, which allows users to control their 2gig Go!Control and Alert 360/2gig GC2 branded wireless security devices remotely from a mobile device such as but not limited to an iPhone, iPad, or Android device. *See* Ex. F at p. F-2 (indicating the app is available for download on the Apple App Store and for Android at Google Play).

32. According to the description of CSG's 2gig Go!Control Security System on its webpage:

Smart, Simple Home Security + Automation

HOME SECURITY	VIDEO MONITORING	HOME AUTOMATION	ENERGY MANAGEMENT
			
<p>Easily control your home's security using our mobile app and your smartphone, tablet or desktop while at work or away.</p>	<p>See what's happening at home, with your smartphone, tablet or desktop, and ensure loved ones are safe no matter where you.</p>	<p>Add comfort and convenience to your world when you control lighting, locks and more, using our automation services.</p>	<p>Cut high utility costs, better manage your home's overall energy use, and make appliances run much more efficiently.</p>
LEARN MORE	LEARN MORE	LEARN MORE	LEARN MORE

Figure 1

See Ex. F.

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33. According to the description of CSG's 360 Alert app on its webpage:

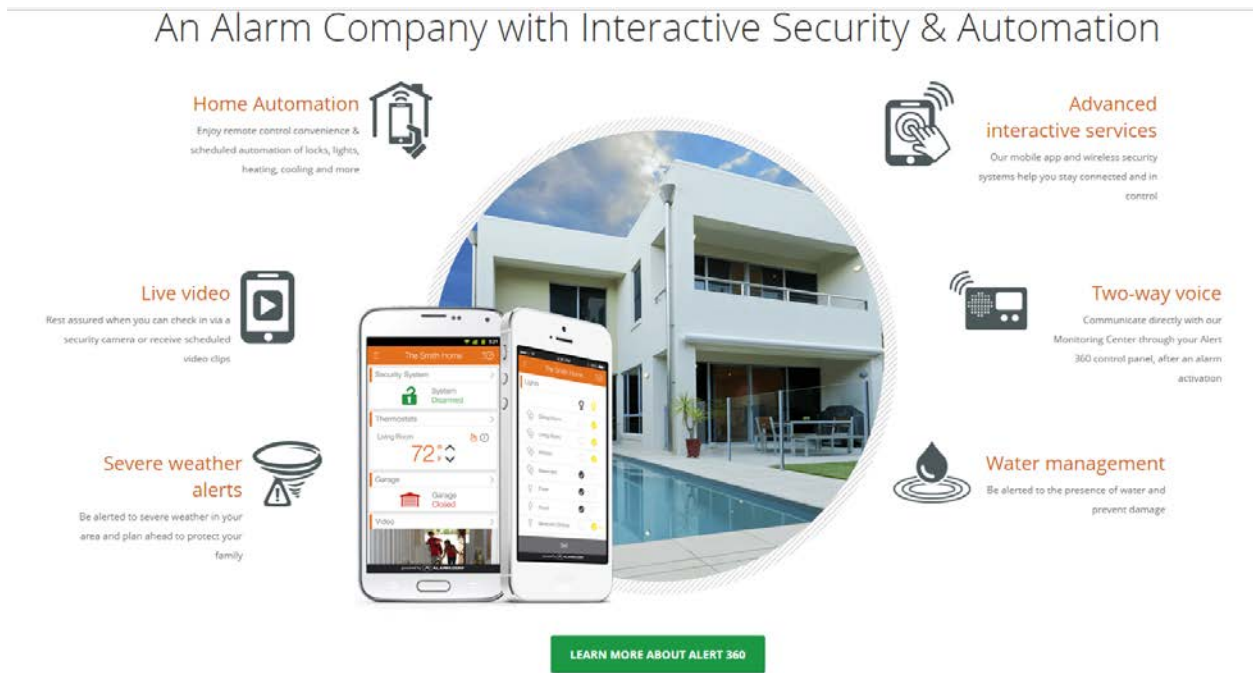


Figure 2

See Ex. F.

34. According to the description of the CSG Alert 360 app on the Applications page for Apple iPhones, the provider for the CSG Alert 360 app is Central Security Group, Inc. See Exhibit F.

35. According to the description of the CSG Alert 360 app on the Applications page for Apple iPhones:

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Figure 3

See Ex. G.

36. Based upon public information, the Alert 360 app allows users (1) to change the settings of their 2gig Go!Control and Alert 360/2gig GC2 branded wireless security systems from

their mobile devices; (2) to view images and videos captured by Alert 360 image sensors when installed; and (3) to utilize geoservices to operate the system based on location. *See* Ex. G.

37. Based upon public information, the 2gig Go!Control and Alert 360/2gig GC2 branded wireless security provided to customers also include a feature, which uses the GPS location on a user's mobile device "to set location based triggered events" *See* Ex. H.

38. Based upon public information, the 2gig Go!Control and Alert 360/2gig GC2 branded wireless security may also receive sensor readings from the alarm system and send control instructions, *i.e.* arming or disarming the sensors. *See* Ex. I, at pp. 2, 4, 6-7, and 26-27; Ex. J. at . 5, 7-9, and 29.

39. CSG provides guidance to its prospective customers through documents that provide information to educate users about the benefits of 2gig Go!Control and Alert 360/2gig GC2 branded wireless security systems and how to choose the right system for a customer's particular requirements. *See* Exs. F-J.

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 8,064,935

40. Plaintiff re-alleges and incorporates by reference paragraphs 1 – 39 above.

41. The '935 Patent issued from USPTO Application No. 11/686,993 which was filed on March 16, 2007 and is a divisional application of the '372 Application. *See* Ex. A at A-1.

42. The '935 Patent was duly issued by the USPTO on November 22, 2011. *See* Ex. A at A-1.

43. Plaintiff is informed and believes that Defendant has infringed and continues to infringe claims of the '935 Patent, either literally or under the doctrine of equivalents, through the manufacture and sale of infringing system under the 2gig Go!Control and Alert 360/2gig GC2 branded wireless security brands, and other product lines. Based upon public information,

Defendant has infringed and continues to infringe one or more claims of the '935 Patent, including Claim 19, because it ships distributes, makes, uses, imports, offers for sale, sells, and/or advertises devices, including at least the Accused Products and Services, that form a wirelessly controllable security system that incorporates a base unit (2gig-CP2) interfaced with an environmental device (security system and sensors). *See, supra*, Paragraphs 30-39, and Figures 1-3.

44. Based upon public information, Defendant has intentionally induced and continues to induce infringement of one or more claims of the '935 Patent in this district and elsewhere in the United States, by its intentional acts which have successfully, among other things, encouraged, instructed, enabled, and otherwise caused Defendant's customers to use the Accused Products and Services in an infringing manner. To the extent that Defendant is not the only direct infringer of the '935 Patent, customers that have purchased and/or used the Accused Products, including the 2gig Go!Control and Alert 360/2gig GC2 branded wireless security systems (*see* Exs. F-J), constitute direct infringers.

45. Despite knowledge of the '935 Patent as early as the filing of this complaint, based upon public information, Defendant continues to encourage, instruct, enable, and otherwise cause its customers to use its products and services, in a manner which infringes the '935 Patent. *See* Exs. F-J. Based upon public information, the provision of and sale of the Accused Products and Services is a source of revenue and a business focus of Defendant. *See* Exs. F-J.

46. Based upon public information, Defendant specifically intends its customers to use its products and services in such a way that infringes the '935 Patent by, at a minimum, providing and supporting the Accused Products and Services and instructing its customers on how to use them in an infringing manner, at least through information available on Defendant's website

including information brochures, promotional material, and contact information. *See e.g.* Exs. F-J.

47. Specifically, Defendant offers design services to select, deploy and integrate its products to assist its customers in installing and utilizing the infringing remote control system. *See e.g.* Exs. F-J. Based upon public information, Defendant knew that its actions, including but not limited to any of the aforementioned products and services, would induce, have induced, and will continue to induce infringement by its customers of the '935 Patent by continuing to sell, support, and instruct its customers on using the Accused Products and Services. *See e.g.* Exs. F-J.

48. Based upon public information, Defendant also contributes to the infringement of the '935 Patent by offering for sale and/or selling components that constitute a material part of the invention claims in the '935 Patent.

49. For example, Defendant has offered for sale and/or sold numerous 2gig Go!Control and Alert 360/2gig GC2 branded wireless security systems and security alarm devices that infringe the '935 Patent, as discussed above.

50. Based upon public information, CSG's 2gig Go!Control and Alert 360/2gig GC2 branded wireless security systems have no substantial, non-infringing uses. *See* Exs. F-J.

51. As a result, these CSG 2gig Go!Control and Alert 360/2gig GC2 branded wireless security systems can only be used in a manner that infringes the '935 Patent, and on information and belief, have been used by Defendant's customers in a manner that directly infringes one or more claims of the '935 Patent.

52. Defendant's aforesaid activities have been without authority and/or license from Plaintiff.

53. Plaintiff is entitled to recover from Defendant the damages sustained by Plaintiff as a result of Defendant's wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

54. Defendant's infringement of Plaintiff's rights under the '935 Patent will continue to damage Plaintiff, causing irreparable harm to Plaintiff for which there is no adequate remedy at law, unless enjoined by this Court.

COUNT II
INFRINGEMENT OF U.S. PATENT NO. 9,602,655

55. Plaintiff re-alleges and incorporates by reference paragraphs 1 – 39 above.

56. The '655 Patent issued from USPTO Application No. 13/271,203 which was filed on October 11, 2011 and is a continuation of the application that resulted in the issuance of the '655 Patent. *See* Ex. B at B-1.

57. The '655 Patent was duly issued by the USPTO on March 21, 2017. *See* Ex. B at B-1.

58. Plaintiff is informed and believes that Defendant has infringed and continues to infringe claims of the '655 Patent, either literally or under the doctrine of equivalents, through the manufacture and sale of infringing products under the 2gig Go!Control and Alert 360/2gig GC2 branded wireless security brands, and other product lines. Based upon public information, Defendant has infringed and continues to infringe one or more claims of the '655 Patent, including at least Claim 1, because it ships distributes, makes, uses, imports, offers for sale, sells, and/or advertises devices, including at least the Accused Products and Services, that form a wirelessly controllable security system that incorporates a base unit (2gig-CP2) interfaced with an

environmental device (security system and sensors). *See, supra*, Paragraphs 30-39, and Figures 1-3.

59. Based upon public information, Defendant has intentionally induced and continues to induce infringement of one or more claims of the '655 Patent in this district and elsewhere in the United States, by its intentional acts which have successfully, among other things, encouraged, instructed, enabled, and otherwise caused Defendant's customers to use the Accused Products and Services in an infringing manner. To the extent that Defendant is not the only direct infringer of the '655 Patent, customers that have purchased and/or used the Accused Products, 2gig Go!Control and Alert 360/2gig GC2 branded wireless security systems (*see* Exs. F-J), constitute direct infringers.

60. Despite knowledge of the '655 Patent as early as the filing of this Complaint, based upon public information, Defendant continues to encourage, instruct, enable, and otherwise cause its customers to use its products and services, in a manner which infringes the '655 Patent. *See* Exs. F-J. Based upon public information, the provision of and sale of the Accused Products and Services is a source of revenue and a business focus of Defendant. *See* Exs. F-J.

61. Based upon public information, Defendant specifically intends its customers to use its products and services in such a way that infringes the '655 Patent by, at a minimum, providing and supporting the Accused Products and Services and instructing its customers on how to use them in an infringing manner, at least through information available on Defendant's website including information brochures, promotional material, and contact information. *See e.g.* Exs. F-F.

62. Specifically, Defendant offers design services to select, deploy and integrate its products to assist its customers in installing and utilizing the infringing remote control security

system. *See e.g.* Exs. F-J. Based upon public information, Defendant knew that its actions, including but not limited to any of the aforementioned products and services, would induce, have induced, and will continue to induce infringement by its customers of the '655 Patent by continuing to sell, support, and instruct its customers on using the Accused Products and Services. *See e.g.* Exs. F-J.

63. Based upon public information, Defendant also contributes to the infringement of the '655 Patent by offering for sale and/or selling components that constitute a material part of the invention claims in the '655 Patent.

64. For example, Defendant has offered for sale and/or sold numerous 2gig Go!Control Security System systems and security alarm devices that infringe the '655 Patent, as discussed above.

65. Based upon public information, CSG's 2gig Go!Control and Alert 360/2gig GC2 branded wireless security systems have no substantial, non-infringing uses. *See* Exs. F-J.

66. As a result, the CSG's 2gig Go!Control and Alert 360/2gig GC2 branded wireless security systems can only be used in a manner that infringes the '655 Patent, and on information and belief, have been used by Defendant's customers in a manner that directly infringes one or more claims of the '655 Patent.

67. Defendant's aforesaid activities have been without authority and/or license from Plaintiff.

68. Plaintiff is entitled to recover from Defendant the damages sustained by Plaintiff as a result of Defendant's wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

69. Defendant's infringement of Plaintiff's rights under the '655 Patent will continue to damage Plaintiff, causing irreparable harm to Plaintiff for which there is no adequate remedy at law, unless enjoined by this Court.

JURY DEMAND

70. Plaintiff demands a trial by jury on all issues.

PRAYER FOR RELIEF

71. Plaintiff respectfully requests the following relief:

- A. An adjudication that one or more claims of the Patents-in-Suit has been infringed, either literally and/or under the doctrine of equivalents, by the Defendant;
- B. An adjudication that Defendant has induced infringement of one or more claims of the Patents-in-Suit based upon post-filing date knowledge of the Patents-in-Suit;
- C. An award of damages to be paid by Defendant adequate to compensate Plaintiff for Defendant's past infringement and any continuing or future infringement up until the date such judgment is entered, including interest, costs, and disbursements as justified under 35 U.S.C. § 284 and, if necessary to adequately compensate Plaintiff for Defendant's infringement, an accounting of all infringing sales including, but not limited to, those sales not presented at trial;
- D. A grant of permanent injunction pursuant to 35 U.S.C. § 283, enjoining the Defendant and its respective officers, agents, servants, employees, and attorneys, and those persons in active concert or participation with them who receive actual notice of the order by personal service or otherwise, from further

acts of infringement with respect to any one or more of the claims of the Patents-in-Suit;

- E. That this Court declare this to be an exceptional case and award Plaintiff its reasonable attorneys' fees and costs in accordance with 35 U.S.C. § 285; and,
- F. Any further relief that this Court deems just and proper.

Dated: May 19, 2021

Respectfully submitted,

/s/ James F. McDonough, III

**RIGGS, ABNEY, NEAL, TURPEN,
ORBISON & LEWIS, P.C.**

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of May, 2021, I caused to be electronically-filed the foregoing document with the Clerk of Court using the CM/ECF system, which caused it to be served on counsel who have appeared in this matter by electronic mail.

/s/ James F. McDonough, III
James F. McDonough, III