

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

STEPHEN M. LOBBIN  
sml@smlavvocati.com  
SML AVVOCATI P.C.  
969 Hilgard Ave. #1012  
Los Angeles, California 90024  
(949) 636-1391 (Phone)

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

**IN THE UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

**SOCIAL POSITIONING INPUT  
SYSTEMS, LLC,**

**Plaintiff,**

**vs.**

**LOCATION BASED  
TECHNOLOGIES, INC.,**

**Defendant.**

§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§

**Case No. 8:21-cv-01536  
DEMAND FOR JURY TRIAL**

**COMPLAINT**

Plaintiff Social Positioning Input Systems, LLC (“Plaintiff” or “SPIS”) files this Complaint against Location Based Technologies, Inc. (“Defendant” or “LBT”) 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

1 infringement arising under the United States patent statutes.

2 3. Plaintiff is a Texas limited liability company with an address of 1 East  
3 Broward Boulevard, Suite 700, Ft. Lauderdale, FL 33301.

4 4. On information and belief, Defendant is a Nevada corporation with its  
5 principal office located at 7545 Irvine Center Dr., Suite 200, Irvine, CA 92618. On  
6 information and belief, Defendant may be served through its agent, David M. Morse,  
7 Sr., at the same address, or Incorp Services, Inc., at 3773 Howard Hughes Pkwy., Ste  
8 500S, Las Vegas, NV, 89169 - 6014.

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

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

16 **VENUE**

17 7. On information and belief, venue is proper in this District under 28  
18 U.S.C. § 1400(b) because Defendant is deemed to reside in this District.  
19 Alternatively, acts of infringement are occurring in this District and Defendant has a  
20 regular and established place of business in this District.

21 **COUNT I**

22 **(INFRINGEMENT OF UNITED STATES PATENT NO. 9,261,365)**

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

24 9. This cause of action arises under the patent laws of the United States  
25 and, in particular, under 35 U.S.C. §§ 271, *et seq.*

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

28 11. A copy of the '365 Patent, titled "Device, System and Method for

1 Remotely Entering, Storing and Sharing Addresses for a Positional Information  
2 Device,” is attached hereto as Exhibit A.


3 12. The ‘365 Patent is valid, enforceable, and was duly issued in full  
4 compliance with Title 35 of the United States Code.

5 13. Upon information and belief, Defendant has infringed and continues to  
6 infringe one or more claims, including at least Claim 1, of the ‘365 Patent by making,  
7 using (at least by having its employees, or someone under Defendant's control, test  
8 the accused Product), importing, selling, and/or offering for sale associated hardware  
9 and software for asset locating services (e.g., PocketFinder asset tracking platform,  
10 and any associated hardware, apps, or other software) (“Product”) covered by at least  
11 Claim 1 of the ‘365 Patent. Defendant has infringed and continues to infringe the ‘365  
12 patent either directly or through acts of contributory infringement or inducement in  
13 violation of 35 U.S.C. § 271.

14 14. The Product provides an asset tracking system for real-time GPS  
15 tracking of assets. A user can receive location information on a positional information  
16 device (e.g., mobile device or computer). Certain aspects of this element are  
17 illustrated in the screenshot(s) below and/or in those provided in connection with  
18 other allegations herein.

19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

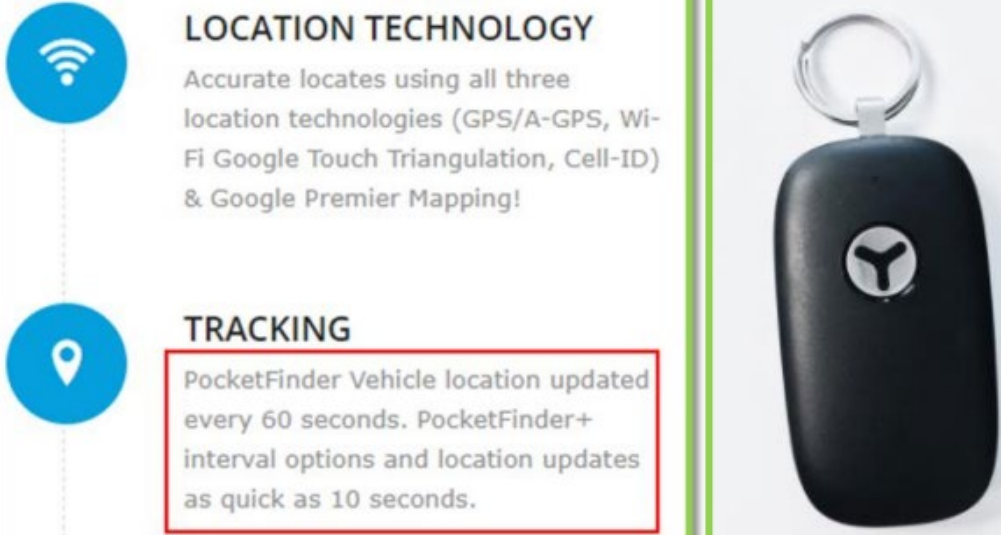


**LOCATE**  
View PocketFinder location on Google Maps™ using a smartphone, tablet or computer

**MONITOR**  
Get alerts when PocketFinder goes in or out of geo-fence zones

**TRACK**  
See where PocketFinder is going, or where it has been - up to the last 60-days

Source: <https://pocketfinder.com/>



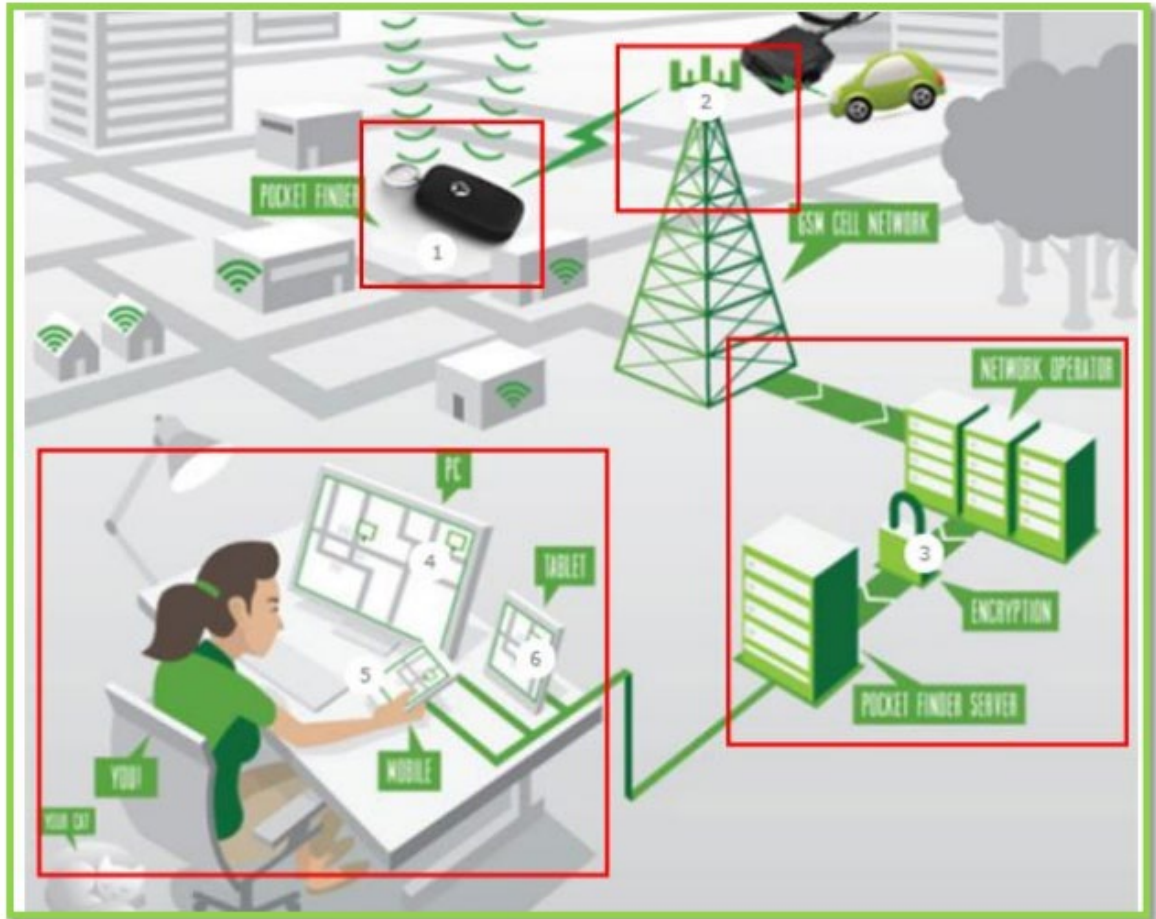
**LOCATION TECHNOLOGY**  
Accurate locates using all three location technologies (GPS/A-GPS, Wi-Fi Google Touch Triangulation, Cell-ID) & Google Premier Mapping!

**TRACKING**  
PocketFinder Vehicle location updated every 60 seconds. PocketFinder+ interval options and location updates as quick as 10 seconds.

Source: <https://pocketfinder.com/>

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

1 a first identifier of the requesting positional information device (e.g., user ID and  
2 password for the Product software used in the particular enterprise). The request is  
3 sent to the Product server for transmitting the asset location. The server receives the  
4 at least one address from a second (sending) positional information device at the asset  
5 (e.g., employee). Certain aspects of this element are illustrated in the screenshot(s)  
6 below and/or in those provided in connection with other allegations herein.



Source: <https://pocketfinder.com/howitworks/>

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

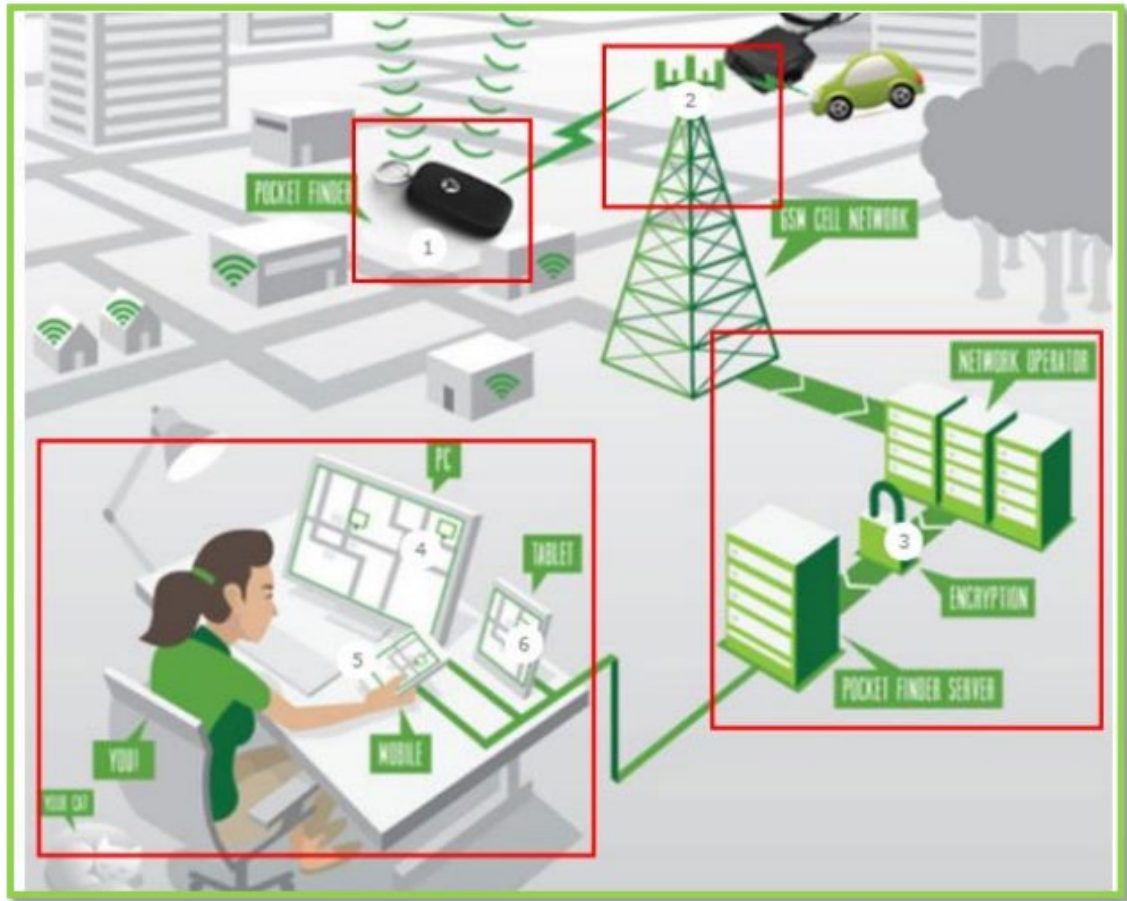
- PocketFinder sends GPS location as frequently as every 60 seconds Vehicle and 10 seconds PocketFinder+ through the cellular network.
  - Cellular carrier sends encrypted data to PocketFinder servers.
- Customer logs into secure account using smartphone, tablet, or computer.

Source: <https://pocketfinder.com/howitworks/>

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.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



Source: <https://pocketfinder.com/howitworks/>

- PocketFinder sends GPS location as frequently as every 60 seconds Vehicle and 10 seconds PocketFinder+ through the cellular network.
- Cellular carrier sends encrypted data to PocketFinder servers.

- PocketFinder receives GPS location data from multiple satellites or triangulation of multiple Wi-Fi signals through Google's Wi-Fi Touch.

Source: <https://pocketfinder.com/howitworks/>

17. A second identifier for the second (sending) positional information

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



13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28 Source: <https://apps.apple.com/us/app/pocketfinder-2/id468281892/?platform=iphone>  
Source: <https://pocketfinder.com/>



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

- PocketFinder sends GPS location as frequently as every 60 seconds Vehicle and 10 seconds PocketFinder+ through the cellular network.
- Cellular carrier sends encrypted data to PocketFinder servers.

- PocketFinder receives GPS location data from multiple satellites or triangulation of multiple Wi-Fi signals through Google's Wi-Fi Touch.

Source: <https://pocketfinder.com/howitworks/>

The screenshot shows a web form for activating a PocketFinder device. It features a table with columns: 'Your PocketFinder Tracker Device', 'Service Plans', 'Activation Code', 'Activate Device & Plan', and 'Activation Status'. The 'Your Device?' column has a dropdown menu. The 'Service Plans' column has a dropdown menu. The 'Activation Code' column has a text input field labeled 'Activation/IMEI Code'. The 'Activate Device & Plan' column has a blue button labeled 'Activate Device & Service Plan'. The 'Activation Status' column shows 'Not Activated'. Below the table is an orange button labeled 'Add an Additional Device' and a green button labeled 'Next'.

Source: <https://www.pocketfinder.net/NewAccount.aspx>

The screenshot shows the 'PocketFinder Login' page. It has a green header with the text 'PocketFinder Login'. Below the header are two text input fields: 'User Name\*' and 'Password\*'. At the bottom of the form are two buttons: a green button labeled 'Login' and a green button labeled 'Forgot my password'.

Source: <https://www.pocketfinder.net/>

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

3 19. Defendant's actions complained of herein are causing irreparable harm  
4 and monetary damage to Plaintiff and will continue to do so unless and until  
5 Defendant is enjoined and restrained by this Court.

6 20. Plaintiff is in compliance with 35 U.S.C. § 287.

7 **DEMAND FOR JURY TRIAL**

8 21. Under Rule 38 and L.R. 38-1, Plaintiff requests a trial by jury of any issues  
9 so triable by right.

10 **PRAYER FOR RELIEF**

11 WHEREFORE, Plaintiff asks the Court to:

12 (a) Enter judgment for Plaintiff on this Complaint on all causes of action  
13 asserted herein;

14 (b) Enter an Order enjoining Defendant, its agents, officers, servants,  
15 employees, attorneys, and all persons in active concert or participation with Defendant  
16 who receive notice of the order from further infringement of United States Patent No.  
17 9,261,365 (or, in the alternative, awarding Plaintiff a running royalty from the time of  
18 judgment going forward);

19 (c) Award Plaintiff damages resulting from Defendant's infringement in  
20 accordance with 35 U.S.C. § 284;

21 (d) Award Plaintiff pre-judgment and post-judgment interest and costs; and

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

24 Dated: September 19, 2021

Respectfully submitted,

25 /s/ Stephen M. Lobbin  
26 ***Attorney(s) for Plaintiff Social Positioning***  
27 ***Input Systems, LLC***  
28