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7 *Attorney(s) for 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 **MOJIO USA, INC.,**

15 *Defendant.*

CASE NO. 5:21-cv-08827

PATENT CASE

JURY TRIAL DEMANDED

COMPLAINT

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17 Plaintiff Social Positioning Input Systems, LLC (“Plaintiff” and/or “SPIS”) files this Complaint against Mojio USA, Inc. (“Defendant” and/or “Mojio”) for infringement of United States Patent No. 9,261,365 (hereinafter “the ‘365 Patent”).

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20 **PARTIES AND JURISDICTION**

21 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.

22 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.

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

24 4. On information and belief, Defendant is a Delaware corporation with its

1 principal office located at 14931 La Rinconada Drive, Los Gatos, CA 95032. On
2 information and belief, Defendant may be served through its agent, Kenny Hawk, 300
3 Orchard City Dr., Campbell, CA 95008, or Delaware Corporate Services Inc., 919 N
4 Market St, Ste 725, Wilmington, DE 19801.

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

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

12 VENUE

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

17 COUNT I

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

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

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

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

24 11. A copy of the '365 Patent, titled "Device, System and Method for
25 Remotely Entering, Storing and Sharing Addresses for a Positional Information
26 Device," is attached hereto as Exhibit A.

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

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

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



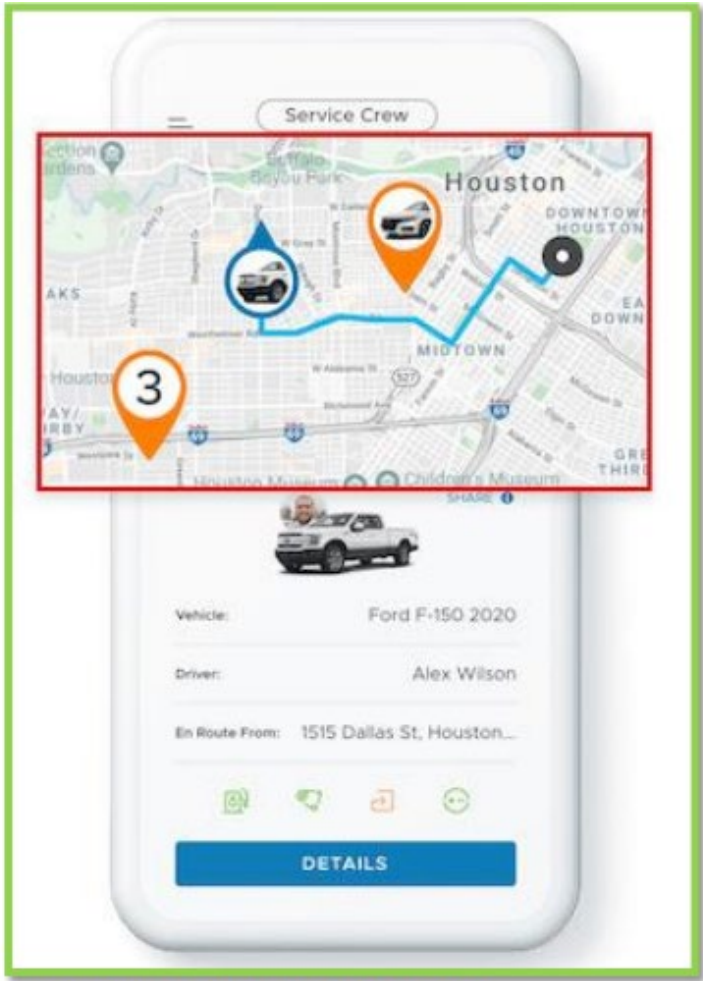
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19 Source: <https://forcebymojo.com/gps-fleet-tracking-features/>



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27 Source: <https://forcebymojo.com/gps-fleet-tracking-features/gps-tracking-devices/>

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Source: <https://forcebymojo.com/gps-fleet-tracking-features/>

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

1 **Systems where you place a GPS tracking device in your vehicles** — Once
2 plugged into your vehicle, these devices work silently in the background to
3 communicate their GPS coordinates over a 4G network. There's no reliance on
4 smartphones at all. Force by Mojio is one of these.

5 Source: <https://forcebymojo.com/blog/vehicle-tracking-vs-cell-phone-tracking-pros-and-cons/>

6 **Our GPS tracking devices just work.** Plug them into the OBD-II port
7 of each of your cars, vans and light trucks, and that's it. They do their
8 job silently in the background, tracking your vehicles in real-time and
9 sending the data to our platform via the 4G network.

10 Source: <https://forcebymojo.com/gps-fleet-tracking-features/gps-tracking-devices/>

11 These data points are continuously sent to our platform using
12 the 4G cellular data network. Force by Mojio combines it all
13 into a complete picture of everything happening with your
14 fleet of vehicles.

15 Source: <https://forcebymojo.com/gps-fleet-tracking-features/gps-tracking-devices/>



26 Source: <https://force-us.moj.io/>

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1 16. The at least one address is received from the server at the requesting
2 positional information device. For example, the Product’s server transmits the
3 position of an asset (at least one address) to the requesting positional information
4 device. Certain aspects of this element are illustrated in the screenshot(s) below
5 and/or in those provided in connection with other allegations herein.

6 **Systems where you place a GPS tracking device in your vehicles** – Once
7 plugged into your vehicle, these devices work silently in the background to
8 communicate their GPS coordinates over a 4G network. There’s no reliance on
9 smartphones at all. Force by Mojio is one of these.

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11 of each of your cars, vans and light trucks, and that’s it. They do their
12 job silently in the background, tracking your vehicles in real-time and
13 sending the data to our platform via the 4G network.

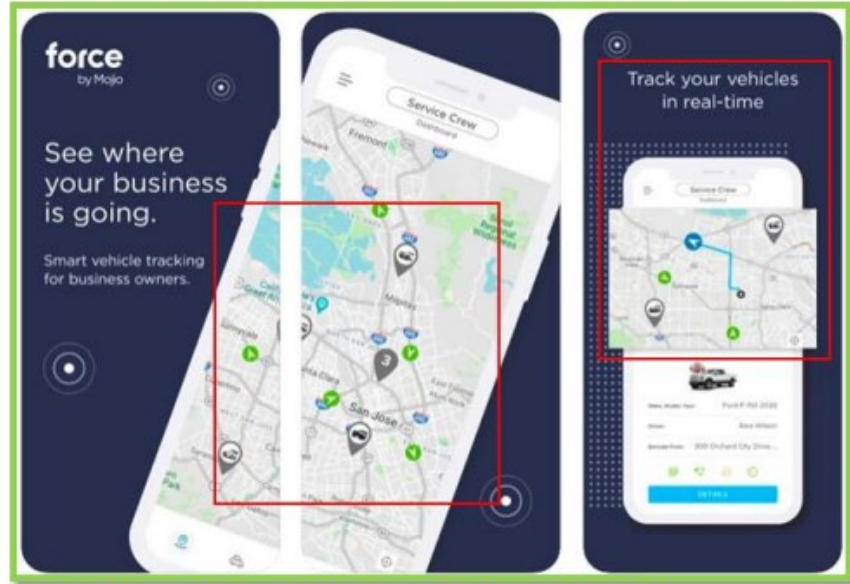
14 Source: <https://forcebymojo.com/gps-fleet-tracking-features/gps-tracking-devices/>

15 These data points are continuously sent to our platform using
16 the 4G cellular data network. Force by Mojio combines it all
17 into a complete picture of everything happening with your
18 fleet of vehicles.

18 Source: <https://forcebymojo.com/gps-fleet-tracking-features/gps-tracking-devices/>

19 17. A second identifier for the second (sending) positional information
20 device is determined based on the first identifier and the server retrieves the at least
21 one address stored in the at least one sending positional information device. The
22 Product application installed on the requesting positional information device requests
23 (from the server) the asset’s GPS location (i.e., at least one stored address stored). As
24 shown above, before activating the tracker (i.e., the sending positional information
25 device), a unique tracking device’s ID number or credentials (i.e., second identifier)
26 needs to be added to the user’s account identified by the user login ID and password
27 (i.e., the first identifier). Hence, the tracker device’s ID number or asset credentials
28 (i.e., second identifier) is mapped to the user’s login ID (i.e., the first identifier) for

1 tracking the real-time location (i.e., at least one stored address stored) of the asset.
2 Certain aspects of this element are illustrated in the screenshot(s) below and/or in
3 those provided in connection with other allegations herein.



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13 Source: <https://apps.apple.com/us/app/force-by-mojio/id1479118815>

14 **Systems where you place a GPS tracking device in your vehicles** — Once
15 plugged into your vehicle, these devices work silently in the background to
16 communicate their GPS coordinates over a 4G network. There's no reliance on
17 smartphones at all. Force by Mojo is one of these.

18 Source: <https://forcebymojo.com/blog/vehicle-tracking-vs-cell-phone-tracking-pros-and-cons/>

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When you subscribe to Force, we will send you your devices and also send you several emails with instructions on how to proceed. There will also be a quick start guide included with the devices.

- Sign in to the Force web app using the activation link sent to your email.
- When the devices are activated, your vehicles (paired with their devices) will appear in the Force dashboard and there will be an on-screen guide to complete the activation process. This includes adding vehicle details such as the license plate number, color, etc., as well as adding drivers and associating them with their regular vehicles.

Source: <https://help.forcebymojo.com/hc/en-us/articles/360042853513-How-do-I-get-started-with-Force-by-Mojio->

GPS tracking: OBD-II devices include GPS tracking capabilities that let you monitor the location and status of your vehicles in real time.

History: Force dashboard setting that shows all fleet activity, starting from most recent activity.

IMEI: An IMEI is a unique 16 digit number that identifies individual OBD devices.

Source: <https://help.forcebymojo.com/hc/en-us/articles/360047988534-Glossary-of-common-Force-by-Mojio-terms>



Source: <https://forcebymojo.com/gps-fleet-tracking-features/gps-tracking-devices/>
Source: <https://force-us.moj.io/>

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 **JURY DEMAND**

8 21. Under Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff
9 respectfully requests a trial by jury on all issues so triable.

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: November 14, 2021

Respectfully submitted,

25 /s/ Stephen M. Lobbin
26 ***Attorney(s) for Plaintiff***