IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. CaseNumber

HEXAGON TECHNOLOGY CENTER GMBH AND

INTERGRAPH CORPORATION ,

Plaintiffs,

v.

INTELLIWAVE TECHNOLOGIES, INC. ,

Defendant.

COMPLAINT AND JURY DEMAND

Plaintiffs Hexagon Technology Center GmbH and Intergraph Corporation (collectively "Hexagon" or "Plaintiffs"), as and for their Complaint against Defendant Intelliwave Technologies, Inc. ("Intelliwave" or "Defendant"), allege as follows:

THE PARTIES

1. Hexagon Technology Center GmbH is a limited liability company incorporated under the laws of Switzerland and having a primary place of business at Heinrich-Wild-Strasse 201, 9435 Heerbrugg, Switzerland.

2. Intergraph Corporation is a company incorporated under the laws of Delaware and having a primary place of business at 305 Intergraph Way, Madison, Alabama, 35758.

3. Upon information and belief, defendant Intelliwave Technologies, Inc. is a corporation organized under the laws of Alberta, Canada having a regular and established business in the United States at 2000 S. Colorado Boulevard, Tower 1 Suite 2000, Denver, Colorado 80222.

JURISDICTION AND VENUE

4. Hexagon brings this action for patent infringement under the patent laws of the United States, 35 U.S.C. § 271 *et seq.* This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1400(b).

6. This Court has personal jurisdiction over Intelliwave by virtue of the fact that Intelliwave holds itself out as maintaining an office in Denver, Colorado.

FACTUAL BACKGROUND

7. Hexagon Technology Center GmbH is the owner of U.S. Patent No. 11,002,842 (the "'842 Patent") entitled "Method and Apparatus for Determining the Location of a Static Object" that lawfully issued on May 11, 2021. Intergraph Corporation is a licensee of said patent.

8. A true and correct copy of the '842 Patent is attached hereto as **Exhibit 1**.

9. The '842 Patent has not expired and is in full force and effect.

10. Upon information and belief, Intelliwave has made, used, sold, or offered to sell in the United States, or imported into the United States, at least the SiteSense® ROVER (the "Accused Product") that employs the method taught in the'842 Patent (the "Accused Method").

11. On October 18, 2021, Intelliwave posted an article to its website titled "SiteSense® ROVER – Mobile RFID Infrastructure for Construction Sites," available at https://www.intelliwavetechnologies.com/sitesense-rover-mobile-rfid-infrastructure-for-construction-sites/.

12. In that article, Intelliwave describes a new product that "offers complete automated location tracking and visibility of an entire project site's RFID-tagged material inventory,

equipment, and personnel without user interaction or supervision." The article goes on to describe the product as follows:

> The concept is simple: by mounting the ROVER RFID reader device on one or more construction vehicles onsite, complete RFID coverage can be achieved over very large areas from the vehicle driving around during its regular day-to-day activities. When construction equipment and vehicles, such as forklifts or buggies, drive around site areas, the construction project is able to utilize RFID track and trace technologies at a drastically reduced cost since a fixed RFID reader infrastructure is not necessary.

13. Intelliwave further describes the SiteSense® ROVER as using software to calculate the location of static objects based on multiple readings using both GPS and RFID signal readings.

14. Hexagon and Intelliwave are direct competitors in the field of construction and other large worksite logistical software and hardware and, in particular, for the sale of devices designed to identify static objects located within construction or other large work sites.

COUNT I
(INFRINGEMENT OF U.S. PATENT NO. 11,002,842)

15. Hexagon incorporates Paragraphs 1-14 above by reference.

16. Intelliwave has made, used, sold, offered to sell, or imported at least the Accused Product and the Accused Method, which include each and every element of at least Claims 1, 3, 5, 6, and 13 of the '842 Patent. Therefore Intelliwave directly infringes at least Claims 1, 3, 5, 6, and 13 of the '842 Patent in violation of 35 U.S.C. § 271(a).

17. For example, Claim 1 of the '842 Patent recites:

> A method of determining the location of an object using an instrument having a wireless transceiver and a processor, the object including a sensor, the method comprising:
> controlling the instrument to make a plurality of successive readings at different locations, wherein, for each reading location, the processor

> receives, via the wireless transceiver, a signal from the sensor and makes a characterization of the received signal using a receive signal strength of the received signal;
> determining, by the processor, for each reading location, a circle centered at the reading location and having a radius equal to a maximum effective distance within which the sensor can be detected by the instrument such that all such circles have the same radius;
> determining, by the processor, a candidate area for the location of the object based on an intersection of the circles; and
> determining, by the processor, a point within the candidate area based on relative receive signal strength measurements from a plurality of reading locations.

18. Upon information and belief, the Accused Product performs the Accused Method as it is able to identify the location of a static object through the use of a wireless transceiver and process that reads signals from a sensor on the static object.

19. Upon information and belief, the Accused Product performs the Accused Method as it involves the use of real time GPS data and past and current RFID readings to identify the location of the static object.

20. Upon information and belief, the Accused Product performs the Accused Method as it is capable of calculating the location of static objects up to a maximum of 1,000 feet away.

21. Upon information and belief, the Accused Product performs the Accused Method as it uses multiple readings to identify the location of the static object.

22. Upon information and belief, the Accused Product performs the Accused Method as it involves the use of a processor that calculates the location of the static object and uses signal strength to assist in the calculation.

23. Claim 3 of the ’842 Patent is dependent on Claim 1 and recites:

> The method of claim 1, wherein the instrument comprises a mobile device.

24. Upon information and belief, Intelliwave performs the Accused Method by placing the Accused Product on a vehicle with the intent that it be driven around a construction or other site in order to collect location information for the static object.

25. Claim 5 of the ’842 Patent is dependent on Claim 1 and recites:

> The method of claim 1, wherein the instrument is on a movable platform, and wherein controlling the instrument to make a plurality of successive readings at a plurality of different locations comprises: controlling the movable platform to move to the plurality of locations.

26. Upon information and belief, Intelliwave performs the Accused Method by placing the Accused Product on a vehicle with the intent that it be driven around a construction or other site to assist in the taking of numerous readings at different locations. Such vehicle may be driven around the construction or other site as part of its regular day-to-day activities.

27. Claim 6 of the ’842 Patent is dependent on Claim 1 and recites:

The method of claim 1, wherein the sensor comprises an RFID sensor.

28. Upon information and belief, Intelliwave performs the Accused Method by relying upon RFID sensors placed on the static objects.

29. Claim 13 of the Patent recites:

> An instrument for determining the location of an object, the object including a sensor, the instrument comprising:
> a wireless transceiver; and
> a computer system including a processor and memory storing program code that, when executed by the processor, causes the processor to perform computer processes comprising:
> making a plurality of successive readings at different locations, wherein, for each reading location, the processor receives a signal from the sensor via the wireless transceiver and makes a characterization of the received signal using a receive signal strength of the received signal;
> determining, for each reading location, a circle centered at the reading location and having a radius equal to a maximum effective distance within which the sensor can be detected by the instrument such that all such circles have the same radius;

determining a candidate area for the location of the object based on an intersection of the circles; and
determining a point within the candidate area based on relative receive signal strength measurements from a plurality of reading locations.

30. Upon information and belief, the Accused Product comprises a device that is capable of determining the location of a static object that has an RFID sensor attached to it such that the Accused Product can send and/or receive signals from the object's RFID tag in order to identify a precise location.

31. Upon information and belief, the Accused Product contains a wireless transceiver.

32. Upon information and belief, the Accused Product contains a processor that is capable of performing the necessary calculations to identify the location of the static object.

33. Upon information and belief, the Accused Product makes numerous readings through the use of real time GPS data and past and current RFID readings to identify the location of the static object.

34. Upon information and belief, the Accused Product uses signal strength from the RFID sensor on the static object to assist in the calculation of the location of the object.

35. Upon information and belief, the Accused Product is capable of reading the RFID tag on the static object up to a maximum of 1,000 feet away.

36. Hexagon has been damaged, reparably and irreparably, by Intelliwave's infringement of the '842 Patent and such damage will continue unless and until Intelliwave is enjoined.

PRAYER FOR RELIEF

Hexagon requests that the Court enter judgment against Intelliwave as follows:

A. finding Intelliwave has infringed the '842 Patent;

B. awarding Hexagon all damages suffered as a result of Intelliwave's infringement of the '842 Patent pursuant to 25 U.S.C. § 284 including, but not limited to, a reasonably royalty and lost profits;

C. enjoining Intelliwave, its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries and parents, and all others acting in concert or privity with it from infringing the '842 Patent pursuant to 35 U.S.C. § 283;

D. awarding Hexagon enhanced damages for willful infringement under 35 U.S.C. § 284;

E. awarding Hexagon costs and attorneys' fees pursuant to 35 U.S.C. § 285 and otherwise, expenses, and interest; and

F. granting Hexagon such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Hexagon hereby demands trial by jury on all issues so triable pursuant to Federal Rule of Civil Procedure 38.

Dated: December 20, 2021

Respectfully submitted,

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