

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

AGI SURETRACK, LLC,

Plaintiff,

v.

FARMERS EDGE INC. AND FARMERS EDGE
(US) INC.

Defendants.

Case No: 8:22-cv-00275-JFB-SMB

**AMENDED COMPLAINT FOR
PATENT INFRINGEMENT**

JURY TRIAL DEMANDED

Plaintiff AGI Suretrack, LLC (“Plaintiff” or “AGI Suretrack”), previously known as Farmobile LLC, by and through its undersigned counsel, files this Amended Complaint against Farmers Edge Inc. and Farmers Edge (US) Inc. (collectively, “Farmers Edge” or “Defendants”), to prevent Defendants’ continued use of Plaintiff’s patents without authorization and to recover damages resulting from such unauthorized use.

PARTIES

1. Plaintiff AGI Suretrack, LLC is a limited liability corporation organized and operating under the laws of the State of Missouri, with its principal place of business located at 8040 Bond St., Lenexa, Kansas 66214.

2. AGI Suretrack is the assignee of all rights, title, and interest in U.S. Patent Nos. 11,126,937 (“the ’937 Patent,” attached as Ex. A), 11,151,485 (“the ’485 Patent,” attached as Ex. B), 10,963,825 (“the ’825 Patent,” attached as Ex. C), 11,107,017 (“the ’017 Patent,” attached as Ex. D), 11,164,116 (“the ’116 Patent,” attached as Ex. E), 11,361,260 (“the ’260 Patent,” attached as Ex. F), 11,361,261 (“the ’261 Patent,” attached as Ex. G), and 11,507,899 (“the ’899 Patent,”

attached as Ex. H) (collectively, the “Patents-in-Suit”). AGI Suretrack merged with Farmobile LLC, and due to that merger, owns all rights, title, and interest in the Patents-in-Suit.

3. Defendant Farmers Edge Inc. is a corporation organized under the laws of the province of Manitoba, Canada, with its principal place of business at 25 Rothwell Road, Winnipeg, Manitoba, Canada. Farmers Edge Inc. operates through Defendant Farmers Edge (US) Inc. in the United States.

4. Defendant Farmers Edge (US) Inc. is a wholly owned subsidiary of Farmers Edge Inc. Defendant Farmers Edge (US) Inc. is a corporation organized and existing under the laws of the State of Minnesota, and maintains a regular place of business at 8301 Cody Drive, Suite C, Lincoln, Nebraska 68512.

JURISDICTION AND VENUE

5. This is an action for patent infringement arising under the patent laws of the United States of America, 35 U.S.C. § 1, et seq., including 35 U.S.C. § 271. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

6. This Court has personal jurisdiction over Defendants, because, as alleged by Defendants, Farmers Edge (US) maintains a principal place of business and is at home in Nebraska.

7. The Court also has personal jurisdiction over Defendant Farmers Edge, Inc. under Federal Rule of Civil Procedure 4(k)(2) if Defendants allege that Defendant Farmers Edge, Inc. is not subject to general jurisdiction in any one state. The exercise of jurisdiction in this patent infringement action over Defendants under the federal law is consistent with the United States Constitution.

8. Venue is proper in this District under 28 U.S.C. §§ 1391 and 1400(b). Defendant Farmers Edge, Inc. is a foreign corporation and not a resident of the United States, and may

therefore be sued in any judicial district, including this one. Venue is proper for Defendant Farmers Edge (US) Inc. because Farmers Edge (US) Inc. has committed acts of infringement in this District and maintains regular and established places of business in this District.

FACTUAL ALLEGATIONS

Precision Agriculture and Farming Data

9. Modern day agriculture often entails industrialized forms of crop farming, including agricultural machinery, large-scale irrigation, genetic engineering technology, and other techniques to achieve economies of scale in crop production. This has contributed to increased farming yields and helped secure reliable food supply for the growing population worldwide. Starting in the early 1980s, farmers began using a new form of farming to improve yield and decision-making: precision agriculture. Precision agriculture uses many types of data, including field activity-based agronomic and machine data gathered during agricultural activities to improve yield, increase the cost-effectiveness, and reduce the environmental impact of crop management strategies. For example, a farmer could determine an expected harvest rate for a unit of land by reviewing previously recorded harvesting data. In another example, a farmer can optimize fertilizer or pesticide application rates and irrigation amount for a unit of land out of the total land available for farming—all based on the past data gathered while the farmer applied fertilizers or pesticides and supplied water. Thus, in precision agriculture, securing reliable sources of accurate and comprehensive agronomic data is crucial.

The Invention and Patents-in-Suit

10. To address this need, the inventors of the Patents-in-Suit, Jason G. Tatge, Heath Garret Gerlock, and Randall Thomas Nuss, invented a novel way to obtain crucial agronomic data. The inventors developed ways to uniquely capture, process, and unlock access to point-by-point

ground-truthed field activity data while farmers were operating the farming equipment because previously, farmers have had trouble accessing high-quality farming data generated while performing daily operations such as seeding or harvesting. The inventors developed ways to transmit and upload the point-by-point farming data during farming operations and developed easy ways to use and visualize such collected data. AGI Suretrack is responsible for protecting and licensing seminal innovations in the field of capturing, processing and sharing the point-by-point farming data.

11. Another major challenge facing the precision agriculture industry for decades is the fact that farming equipment is independently designed and developed by a wide range of different manufacturers, meaning that precision agriculture equipment may not be interoperable across multiple devices. To solve this issue, the inventors developed a novel system which would be compatible with a farmer's entire fleet, allowing for powerful yet easy data collection and analysis. This invention empowered farmers by providing them access to, and control of, their farming data.

12. The Patents-in-Suit generally relate to automated systems and methods for: (1) capturing, processing and sharing point-by-point farming data; (2) collecting farming operation data using passive data collection devices attached to farming equipment while the farming equipment operates; and (3) processing and sharing the farming operation data via an online farming data exchange system or server.

The Accused Products and Infringing Acts

13. Defendants make, use, sell, offer for sale, lease, rent, distribute, service, repair, and/or import Farmers Edge's Accused Products in the United States. The Accused Products include: (1) the CanPlug, a device installed in or on agricultural equipment that records and transmits real-time farming data generated by the agricultural equipment and (2) FarmCommand,

a software platform that the user may access the recorded data using a mobile device, such as a tablet or laptop computer.

14. The CanPlug includes a microprocessor, configured to connect to the message bus of agricultural equipment such as a farming vehicle or implement (for example, a harvester, or sprayer) via a bus connector. The CanPlug's attachment and connection with the agricultural equipment permits it to receive and record messages and other data generated by the agricultural equipment and sent to the CanPlug. The CanPlug receives real-time progress data from the agricultural equipment during operation, including GPS and time data of the agricultural equipment

15. The FarmCommand system is an integrated software-hardware system that records farming data relating to a farming operation. The FarmCommand system includes the abovementioned CanPlug that records and transmits real-time data generated by the agricultural equipment during farming. A user may access the recorded data through FarmCommand's software, using a mobile device, such as a tablet or laptop computer. On information and belief, FarmCommand provides a user interface where the user may access many modules that allow the user to monitor and interact with the recorded farming data.

16. The CanPlug and/or FarmCommand includes a memory configured to store information relating to a portion of farming land, and stores an electronic farming record, which includes, but not limited to, descriptive information about the farming operation land segment of the farm or farming business, a plurality of implement profiles defining a known farming implement, a known manufacturer code, a known device class, a known version, and a known communication protocol, used by the agricultural equipment.

17. The CanPlug and/or FarmCommand incorporates software code that, when run by a microprocessor, is programmed to extract content from the messages and data collected while connected to the bus connector. The collected data includes a farming implement profile—information including the manufacturer code, which reveals the machine the used to perform the operation, such as a harvester, sprayer, or seeder. The software program determines whether there is a match between the farming implement used to perform a farming operation (such as harvesting) and the known farming implement profile stored in the CanPlug or FarmCommand.

18. The CanPlug and/or FarmCommand determines the operating state and other parameters of the agricultural equipment during operation. The CanPlug and/or FarmCommand also records a “travel path” taken by the agricultural equipment during the operation, which is the portion(s) of a field that have received farming operation inputs such as fertilizer, seed, or chemicals, or extracted outputs such harvesting.

Defendants’ Knowledge of the Patents-in-Suit and Infringement

19. Upon information and belief, Farmers Edge has been well aware of the Patents-in-Suit. AGI Suretrack and Farmers Edge, Inc. are currently in a lawsuit in the Federal Court of Canada, where AGI Suretrack (still listed as Farmobile LLC) has asserted Canadian Patent No. 2,888,742 (“the Canadian Patent”). *See* Ex. I, *Farmobile LLC v. Farmers Edge Inc.*, Court File No. T-449-17, Further Amended Statement of Claim (Aug. 10, 2021) (“the Canadian Action”). The Canadian Patent and the Patents-in-Suit claim priority to the same Patent Cooperation Treaty (PCT) application, PCT/US2014/056818 (“the PCT Application”), and U.S. Provisional Patent Applications, 61/881,320 and 61/881,326 (collectively, “the Provisional Applications”). Additionally, on October 27, 2016, Farmers Edge secretly filed U.S. Application No. 15/338,152 (“the ’152 Application”), with former Chief Technology Officer Ronald Osborne listed as the first

named inventor, along with Heath Gerlock and Randall Nuss. The '152 Application claims priority to the PCT Application and the Provisional Applications, as well as U.S. Application No. 14/434,621 (“the '621 Application”), all filed by Farmobile. Each of the Patents-in-Suit in turn claims priority to the '152 Application.

20. Furthermore, Defendants have made numerous attempts to secure ownership of the Patents-in-Suit and related patents. In a previous action before this Court, Farmers Edge asked the Court to require Farmobile to assign the Provisional Applications, the '152 Application, the '742 Canadian Patent, and “any other applications or patents (and the inventions disclosed therein) that may issue based on or claiming priority to the same” to Farmers Edge. *Farmers Edge Inc. v. Farmobile, LLC*, No. 8:16-cv-191, 2018 WL 2869003, at *15 (D. Neb. May 3, 2018), *aff'd*, 970 F.3d 1027 (8th Cir. 2020). Farmers Edge also brought a similar claim in the Canadian Action, seeking ownership of the Canadian Patent. This claim was dropped on the eve of trial, due to the fact that, on information and belief, Mr. Osborne was no longer a willing witness after having his employment terminated by Defendants.

21. On information and belief, Defendants have continuously followed, monitored, and reviewed the Patents-in-Suit, including all applications and publications stemming from the Provisional Applications, the PCT Application, and the '152 Application. Thus, Defendants have had information of the Patents-in-Suit for each application from the date of application, each publication from the date of publication, and each patent from the date of issue. On information and belief, Defendants have had knowledge that they infringe one or more of the claims of each of the Patents-in-Suit since the date of publication of each application.

22. Despite being aware of their infringement of the Patents-in-Suit, Defendants have continued to make, use, sell, offer for sale, and import into the United States the Accused Products.

Defendants' making, using, selling/leasing, offering to sell/lease, and importing of the Accused Products into the United States constitute direct infringement under 35 U.S.C. § 271(a). On information and belief, Defendants also directly infringe one or more process claims of the Patents-in-Suit by testing, repairing, servicing, or using the Accused Products in the United States.

23. Despite being aware of their infringement of the Patents-in-Suit, Defendants have remained willfully blind to the risk of infringement by their customers, partners, dealers, representatives, and agents, despite believing there to be a high probability of infringement due to their instructions and inducement, in violation of 35 U.S.C. § 271(b).

24. Despite being aware of their infringement of the Patents-in-Suit, Defendants have continued to advertise the infringing features, promote and educate about the infringing products on various websites, social media platforms, at trade shows, distribute the Accused Products, offer technical assistance, publish user manuals or instructions describing the use of the infringing features, provide literature featuring the Accused Products to customers, dealers, and partners, and advise them to use the Accused Products in a manner that directly infringes the Patents-in-Suit, in violation of 35 U.S.C. § 271(b). For example, FarmCommand with the instructions provided by Defendants directly infringes one or more claims of the Patents-in-Suit as a result of active inducement by Defendants. Ex. J (Farmers Edge Reference Guide). Defendants provide instructions through, for example, user manuals, reference guides, how to videos, or on-call support staff with the instructions directly infringes one or more claims of the Patents-in-Suit as a result of active inducement by Defendants. *Id.*

25. Despite being aware of their infringement of the Patents-in-Suit, Defendants have continued to make, use, sell, offer for sale, and import into the United States the Accused Products with knowledge that these parts are a material part of the inventions claimed by the Patents-in-Suit

and are especially made or adapted for use in an infringement of the Patents-in-Suit. On information and belief, Defendants know that the Accused Products are not staple articles or commodities of commerce suitable for substantial non-infringing use. Defendants' actions therefore contribute to the direct infringement of the Patents-in-Suit by others, including customers of the accused vehicles incorporating the Accused Products, in violation of 35 U.S.C. § 271(c).

FIRST CLAIM FOR RELIEF

(Infringement of U.S. Patent No. 11,126,937)

26. AGI Suretrack re-alleges and incorporates by reference the allegations of the preceding paragraphs of this Complaint as if fully set forth herein.

27. The '937 Patent, titled "Farming data collection and exchange system," was duly and legally issued on September 21, 2021. A true and correct copy of the '937 Patent is attached as Exhibit A. The underlying application was published on May 10, 2018, as U.S. Patent Publication No. 2018/0129987 ("the '987 Publication").

28. The '937 Patent names Jason G. Tatge, Heath Garret Gerlock, and Randall Thomas Nuss as co-inventors.

29. The '937 Patent has been in full force and effect since its issuance. AGI Suretrack owns the entire right, title, and interest in and to the '937 Patent, including the exclusive right to seek damages for past, current, and future infringement thereof.

30. On information and belief, Defendants infringe at least claims 1, 3-4, and 7-19 of the '937 Patent. Defendants have been, and currently are, directly infringing the '937 Patent in violation of 35 U.S.C. § 271(a) by making, using, selling/leasing, offering to sell/lease, or importing into the United States the Accused Products.

31. On information and belief, Defendants have been, and currently are, inducing infringement of the '937 Patent, in violation of 35 U.S.C. § 271(b), by knowingly encouraging or aiding others to make, use, sell, or offer to sell the Accused Products in the United States, or to import the Accused Products into the United States, without license or authority from AGI Suretrack, with knowledge of or willful blindness to the fact that their actions will induce others, including, but not limited to, their customers, partners, or end users, to directly infringe the '937 Patent. Defendants induce others to infringe the '937 Patent by encouraging and facilitating others to perform actions that they know to be acts of infringement of the '937 Patent with specific intent that those performing the acts infringe the '937 Patent.

32. On information and belief, Defendants have been, and currently are, contributorily infringing the '937 Patent, in violation of 35 U.S.C. § 271(c), by selling/leasing or offering to sell/lease, in this judicial district and throughout the United States, components that embody a material part of the inventions described in the '937 Patent, are known by Defendants to be especially made or especially adapted for use in infringement of the '937 Patent, and are not staple articles of commerce or commodities suitable for substantial, non-infringing use, including at least the Accused Products. Defendants' actions contribute to the direct infringement of the Patents-in-Suit by others, including customers of the Accused Products, in violation of 35 U.S.C. § 271(c).

33. As a result of Defendants' infringement of the '937 Patent, AGI Suretrack has been damaged. AGI Suretrack is entitled to recover for damages sustained as a result of Defendants' wrongful acts in an amount to be determined.

34. In addition, Defendants' infringing acts have caused and are causing immediate and irreparable harm to AGI Suretrack.

35. On information and belief, Defendants have had actual knowledge of the '987 Publication since no later than May 10, 2018. For purposes of provisional rights under 35 U.S.C. § 154(d), the claims of the '987 Publication are substantially similar to the claims of the '937 Patent. Thus, AGI Suretrack is entitled to a reasonable royalty under 35 U.S.C. § 154(d).

36. On information and belief, Defendants have had actual knowledge of their infringement of the '937 Patent since no later than September 21, 2021. On information and belief, Defendants' infringement of the '937 Patent has been and continues to be deliberate and willful, and thus this is an exceptional case warranting an award of treble damages and attorney's fees to AGI Suretrack under 35 U.S.C. §§ 284–285.

SECOND CLAIM FOR RELIEF

(Infringement of U.S. Patent No. 11,151,485)

37. AGI Suretrack re-alleges and incorporates by reference the allegations of the preceding paragraphs of this Complaint as if fully set forth herein.

38. The '485 Patent, titled "Farming data collection and exchange system," was duly and legally issued on October 19, 2021. A true and correct copy of the '485 Patent is attached as Exhibit B. The underlying application was published on July 1, 2021, as U.S. Patent Publication No. 2021/0201225 ("the '225 Publication").

39. The '485 Patent names Jason G. Tatge, Heath Garret Gerlock, and Randall Thomas Nuss as co-inventors.

40. The '485 Patent has been in full force and effect since its issuance. AGI Suretrack owns the entire right, title, and interest in and to the '485 Patent, including the exclusive right to seek damages for past, current, and future infringement thereof.

41. On information and belief, Defendants infringe claims 1-10 of the '485 Patent. Defendants have been, and currently are, directly infringing the '485 Patent in violation of 35 U.S.C. § 271(a) by making, using, selling/leasing, offering to sell/lease, or importing into the United States the Accused Products.

42. On information and belief, Defendants have been, and currently are, inducing infringement of the '485 Patent, in violation of 35 U.S.C. § 271(b), by knowingly encouraging or aiding others to make, use, sell, or offer to sell the Accused Products in the United States, or to import the Accused Products into the United States, without license or authority from AGI Suretrack, with knowledge of or willful blindness to the fact that their actions will induce others, including, but not limited to, their customers, partners, or end users, to directly infringe the '485 Patent. Defendants induce others to infringe the '485 Patent by encouraging and facilitating others to perform actions that they know to be acts of infringement of the '485 Patent with specific intent that those performing the acts infringe the '485 Patent.

43. On information and belief, Defendants have been, and currently are, contributorily infringing the '485 Patent, in violation of 35 U.S.C. § 271(c), by selling/leasing or offering to sell/lease, in this judicial district and throughout the United States, components that embody a material part of the inventions described in the '485 Patent, are known by Defendants to be especially made or especially adapted for use in infringement of the '485 Patent, and are not staple articles of commerce or commodities suitable for substantial, non-infringing use, including at least the Accused Products. Defendants' actions contribute to the direct infringement of the Patents-in-Suit by others, including customers of the Accused Products, in violation of 35 U.S.C. § 271(c).

44. As a result of Defendants' infringement of the '485 Patent, AGI Suretrack has been damaged. AGI Suretrack is entitled to recover for damages sustained as a result of Defendants' wrongful acts in an amount to be determined.

45. In addition, Defendants' infringing acts have caused and are causing immediate and irreparable harm to AGI Suretrack.

46. On information and belief, Defendants have had actual knowledge of the '225 Publication since no later than May 10, 2018. For purposes of provisional rights under 35 U.S.C. § 154(d), the claims of the '225 Publication are substantially similar to the claims of the '485 Patent. Thus, AGI Suretrack is entitled to a reasonable royalty under 35 U.S.C. § 154(d).

47. On information and belief, Defendants have had actual knowledge of their infringement of the '485 Patent since no later than October 19, 2021. On information and belief, Defendants' infringement of the '485 Patent has been and continues to be deliberate and willful, and thus this is an exceptional case warranting an award of treble damages and attorney's fees to AGI Suretrack under 35 U.S.C. §§ 284–285.

THIRD CLAIM FOR RELIEF

(Infringement of U.S. Patent No. 10,963,825)

48. AGI Suretrack re-alleges and incorporates by reference the allegations of the preceding paragraphs of this Complaint as if fully set forth herein.

49. The '825 Patent, titled "Farming data collection and exchange system," was duly and legally issued on March 30, 2021. A true and correct copy of the '825 Patent is attached as Exhibit C. The underlying application was published on May 28, 2020, as U.S. Patent Publication No. 2020/0167703 ("the '703 Publication").

50. The '825 Patent names Jason G. Tatge, Heath Garret Gerlock, and Randall Thomas Nuss as co-inventors.

51. The '825 Patent has been in full force and effect since its issuance. AGI Suretrack owns the entire right, title, and interest in and to the '825 Patent, including the exclusive right to seek damages for past, current, and future infringement thereof.

52. On information and belief, Defendants infringe at least claims 1 and 7-18 of the '825 Patent. Defendants have been, and currently are, directly infringing the '825 Patent in violation of 35 U.S.C. § 271(a) by making, using, selling/leasing, offering to sell/lease, or importing into the United States the Accused Products.

53. On information and belief, Defendants have been, and currently are, inducing infringement of the '825 Patent, in violation of 35 U.S.C. § 271(b), by knowingly encouraging or aiding others to make, use, sell, or offer to sell the Accused Products in the United States, or to import the Accused Products into the United States, without license or authority from AGI Suretrack, with knowledge of or willful blindness to the fact that their actions will induce others, including, but not limited to, their customers, partners, or end users, to directly infringe the '937 Patent. Defendants induce others to infringe the '825 Patent by encouraging and facilitating others to perform actions that they know to be acts of infringement of the '825 Patent with specific intent that those performing the acts infringe the '825 Patent.

54. On information and belief, Defendants have been, and currently are, contributorily infringing the '825 Patent, in violation of 35 U.S.C. § 271(c), by selling/leasing or offering to sell/lease, in this judicial district and throughout the United States, components that embody a material part of the inventions described in the '825 Patent, are known by Defendants to be especially made or especially adapted for use in infringement of the '825 Patent, and are not staple

articles of commerce or commodities suitable for substantial, non-infringing use, including at least the Accused Products. Defendants' actions contribute to the direct infringement of the Patents-in-Suit by others, including customers of the Accused Products, in violation of 35 U.S.C. § 271(c).

55. As a result of Defendants' infringement of the '825 Patent, AGI Suretrack has been damaged. AGI Suretrack is entitled to recover for damages sustained as a result of Defendants' wrongful acts in an amount to be determined.

56. In addition, Defendants' infringing acts have caused and are causing immediate and irreparable harm to AGI Suretrack.

57. On information and belief, Defendants have had actual knowledge of the '703 Publication since no later than May 28, 2020. For purposes of provisional rights under 35 U.S.C. § 154(d), the claims of the '703 Publication are substantially similar to the claims of the '825 Patent. Thus, AGI Suretrack is entitled to a reasonable royalty under 35 U.S.C. § 154(d).

58. On information and belief, Defendants have had actual knowledge of their infringement of the '825 Patent since no later than March 30, 2021. On information and belief, Defendants' infringement of the '937 Patent has been and continues to be deliberate and willful, and thus this is an exceptional case warranting an award of treble damages and attorney's fees to AGI Suretrack under 35 U.S.C. §§ 284–285.

FOURTH CLAIM FOR RELIEF

(Infringement of U.S. Patent No. 11,107,017)

59. AGI Suretrack re-alleges and incorporates by reference the allegations of the preceding paragraphs of this Complaint as if fully set forth herein.

60. The '017 Patent, titled "Farming data collection and exchange system," was duly and legally issued on August 31, 2021. A true and correct copy of the '017 Patent is attached as

Exhibit D. The underlying application was published on July 1, 2021, as U.S. Patent Publication No. 2021/0201223 (“the ’223 Publication”).

61. The ’017 Patent names Jason G. Tatge, Heath Garret Gerlock, and Randall Thomas Nuss as co-inventors.

62. The ’017 Patent has been in full force and effect since its issuance. AGI Suretrack owns the entire right, title, and interest in and to the ’017 Patent, including the exclusive right to seek damages for past, current, and future infringement thereof.

63. On information and belief, Defendants infringe claims 1-10 of the ’017 Patent. Defendants have been, and currently are, directly infringing the ’017 Patent in violation of 35 U.S.C. § 271(a) by making, using, selling/leasing, offering to sell/lease, or importing into the United States the Accused Products.

64. On information and belief, Defendants have been, and currently are, inducing infringement of the ’017 Patent, in violation of 35 U.S.C. § 271(b), by knowingly encouraging or aiding others to make, use, sell, or offer to sell the Accused Products in the United States, or to import the Accused Products into the United States, without license or authority from AGI Suretrack, with knowledge of or willful blindness to the fact that their actions will induce others, including, but not limited to, their customers, partners, or end users, to directly infringe the ’937 Patent. Defendants induce others to infringe the ’017 Patent by encouraging and facilitating others to perform actions that they know to be acts of infringement of the ’017 Patent with specific intent that those performing the acts infringe the ’017 Patent.

65. On information and belief, Defendants have been, and currently are, contributorily infringing the ’017 Patent, in violation of 35 U.S.C. § 271(c), by selling/leasing or offering to sell/lease, in this judicial district and throughout the United States, components that embody a

material part of the inventions described in the '017 Patent, are known by Defendants to be especially made or especially adapted for use in infringement of the '017 Patent, and are not staple articles of commerce or commodities suitable for substantial, non-infringing use, including at least the Accused Products. Defendants' actions contribute to the direct infringement of the Patents-in-Suit by others, including customers of the Accused Products, in violation of 35 U.S.C. § 271(c).

66. As a result of Defendants' infringement of the '017 Patent, AGI Suretrack has been damaged. AGI Suretrack is entitled to recover for damages sustained as a result of Defendants' wrongful acts in an amount to be determined.

67. In addition, Defendants' infringing acts have caused and are causing immediate and irreparable harm to AGI Suretrack.

68. On information and belief, Defendants have had actual knowledge of the '223 Publication since no later than July 1, 2021. For purposes of provisional rights under 35 U.S.C. § 154(d), the claims of the '223 Publication are substantially similar to the claims of the '017 Patent. Thus, AGI Suretrack is entitled to a reasonable royalty under 35 U.S.C. § 154(d).

69. On information and belief, Defendants have had actual knowledge of their infringement of the '017 Patent since no later than August 31, 2021. On information and belief, Defendants' infringement of the '017 Patent has been and continues to be deliberate and willful, and thus this is an exceptional case warranting an award of treble damages and attorney's fees to AGI Suretrack under 35 U.S.C. §§ 284–285.

FIFTH CLAIM FOR RELIEF

(Infringement of U.S. Patent No. 11,164,116)

70. AGI Suretrack re-alleges and incorporates by reference the allegations of the preceding paragraphs of this Complaint as if fully set forth herein.

71. The '116 Patent, titled "Farming data collection and exchange system," was duly and legally issued on November 2, 2021. A true and correct copy of the '116 Patent is attached as Exhibit E. The underlying application was published on July 1, 2021, as U.S. Patent Publication No. 2021/0201224 ("the '224 Publication").

72. The '116 Patent names Jason G. Tatge, Heath Garret Gerlock, and Randall Thomas Nuss as co-inventors.

73. The '116 Patent has been in full force and effect since its issuance. AGI Suretrack owns the entire right, title, and interest in and to the '116 Patent, including the exclusive right to seek damages for past, current, and future infringement thereof.

74. On information and belief, Defendants infringe at least claims 1-2 and 4-7 of the '116 Patent. Defendants have been, and currently are, directly infringing the '116 Patent in violation of 35 U.S.C. § 271(a) by making, using, selling/leasing, offering to sell/lease, or importing into the United States the Accused Products.

75. On information and belief, Defendants have been, and currently are, inducing infringement of the '116 Patent, in violation of 35 U.S.C. § 271(b), by knowingly encouraging or aiding others to make, use, sell, or offer to sell the Accused Products in the United States, or to import the Accused Products into the United States, without license or authority from AGI Suretrack, with knowledge of or willful blindness to the fact that their actions will induce others, including, but not limited to, their customers, partners, or end users, to directly infringe the '116 Patent. Defendants induce others to infringe the '116 Patent by encouraging and facilitating others to perform actions that they know to be acts of infringement of the '116 Patent with specific intent that those performing the acts infringe the '116 Patent.

76. On information and belief, Defendants have been, and currently are, contributorily infringing the '116 Patent, in violation of 35 U.S.C. § 271(c), by selling/leasing or offering to sell/lease, in this judicial district and throughout the United States, components that embody a material part of the inventions described in the '116 Patent, are known by Defendants to be especially made or especially adapted for use in infringement of the '116 Patent, and are not staple articles of commerce or commodities suitable for substantial, non-infringing use, including at least the Accused Products. Defendants' actions contribute to the direct infringement of the Patents-in-Suit by others, including customers of the Accused Products, in violation of 35 U.S.C. § 271(c).

77. As a result of Defendants' infringement of the '116 Patent, AGI Suretrack has been damaged. AGI Suretrack is entitled to recover for damages sustained as a result of Defendants' wrongful acts in an amount to be determined.

78. In addition, Defendants' infringing acts have caused and are causing immediate and irreparable harm to AGI Suretrack.

79. On information and belief, Defendants have had actual knowledge of the '224 Publication since no later than July 1, 2021. For purposes of provisional rights under 35 U.S.C. § 154(d), the claims of the '224 Publication are substantially similar to the claims of the '116 Patent. Thus, AGI Suretrack is entitled to a reasonable royalty under 35 U.S.C. § 154(d).

80. On information and belief, Defendants have had actual knowledge of their infringement of the '116 Patent since no later than November 2, 2021. On information and belief, Defendants' infringement of the '116 Patent has been and continues to be deliberate and willful, and thus this is an exceptional case warranting an award of treble damages and attorney's fees to AGI Suretrack under 35 U.S.C. §§ 284–285.

SIXTH CLAIM FOR RELIEF

(Infringement of U.S. Patent No. 11,361,260)

81. AGI Suretrack re-alleges and incorporates by reference the allegations of the preceding paragraphs of this Complaint as if fully set forth herein.

82. The '260 Patent, titled "Farming data collection and exchange system," was duly and legally issued on June 14, 2022. A true and correct copy of the '260 Patent is attached as Exhibit F. The underlying application was published on March 24, 2022, as U.S. Patent Publication No. 2022/0092490 ("the '490 Publication").

83. The '260 Patent names Jason G. Tatge, Heath Garret Gerlock, and Randall Thomas Nuss as co-inventors.

84. The '260 Patent has been in full force and effect since its issuance. AGI Suretrack owns the entire right, title, and interest in and to the '260 Patent, including the exclusive right to seek damages for past, current, and future infringement thereof.

85. On information and belief, Defendants infringe at least claims 1, 3-10, and 12-20 of the '260 Patent. Defendants have been, and currently are, directly infringing the '260 Patent in violation of 35 U.S.C. § 271(a) by making, using, selling/leasing, offering to sell/lease, or importing into the United States the Accused Products.

86. On information and belief, Defendants have been, and currently are, inducing infringement of the '260 Patent, in violation of 35 U.S.C. § 271(b), by knowingly encouraging or aiding others to make, use, sell, or offer to sell the Accused Products in the United States, or to import the Accused Products into the United States, without license or authority from AGI Suretrack, with knowledge of or willful blindness to the fact that their actions will induce others, including, but not limited to, their customers, partners, or end users, to directly infringe the '260

Patent. Defendants induce others to infringe the '260 Patent by encouraging and facilitating others to perform actions that they know to be acts of infringement of the '260 Patent with specific intent that those performing the acts infringe the '260 Patent.

87. On information and belief, Defendants have been, and currently are, contributorily infringing the '260 Patent, in violation of 35 U.S.C. § 271(c), by selling/leasing or offering to sell/lease, in this judicial district and throughout the United States, components that embody a material part of the inventions described in the '260 Patent, are known by Defendants to be especially made or especially adapted for use in infringement of the '260 Patent, and are not staple articles of commerce or commodities suitable for substantial, non-infringing use, including at least the Accused Products. Defendants' actions contribute to the direct infringement of the Patents-in-Suit by others, including customers of the Accused Products, in violation of 35 U.S.C. § 271(c).

88. As a result of Defendants' infringement of the '260 Patent, AGI Suretrack has been damaged. AGI Suretrack is entitled to recover for damages sustained as a result of Defendants' wrongful acts in an amount to be determined.

89. In addition, Defendants' infringing acts have caused and are causing immediate and irreparable harm to AGI Suretrack.

90. On information and belief, Defendants have had actual knowledge of the '490 Publication since no later than March 24, 2022. For purposes of provisional rights under 35 U.S.C. § 154(d), the claims of the '490 Publication are substantially similar to the claims of the '260 Patent. Thus, AGI Suretrack is entitled to a reasonable royalty under 35 U.S.C. § 154(d).

91. On information and belief, Defendants have had actual knowledge of their infringement of the '260 Patent since no later than June 14, 2022. On information and belief, Defendants' infringement of the '260 Patent has been and continues to be deliberate and willful,

and thus this is an exceptional case warranting an award of treble damages and attorney's fees to AGI Suretrack under 35 U.S.C. §§ 284–285.

SEVENTH CLAIM FOR RELIEF

(Infringement of U.S. Patent No. 11,361,261)

92. AGI Suretrack re-alleges and incorporates by reference the allegations of the preceding paragraphs of this Complaint as if fully set forth herein.

93. The '261 Patent, titled "Farming data collection and exchange system," was duly and legally issued on June 14, 2022. A true and correct copy of the '261 Patent is attached as Exhibit G. The underlying application was published on February 17, 2022, as U.S. Patent Publication No. 2022/0051151 ("the '151 Publication").

94. The '261 Patent names Jason G. Tatge, Heath Garret Gerlock, and Randall Thomas Nuss as co-inventors.

95. The '261 Patent has been in full force and effect since its issuance. AGI Suretrack owns the entire right, title, and interest in and to the '261 Patent, including the exclusive right to seek damages for past, current, and future infringement thereof.

96. On information and belief, Defendants infringe at least claims 1 and 3-24 of the '261 Patent. Defendants have been, and currently are, directly infringing the '261 Patent in violation of 35 U.S.C. § 271(a) by making, using, selling/leasing, offering to sell/lease, or importing into the United States the Accused Products.

97. On information and belief, Defendants have been, and currently are, inducing infringement of the '261 Patent, in violation of 35 U.S.C. § 271(b), by knowingly encouraging or aiding others to make, use, sell, or offer to sell the Accused Products in the United States, or to import the Accused Products into the United States, without license or authority from AGI

Suretrack, with knowledge of or willful blindness to the fact that their actions will induce others, including, but not limited to, their customers, partners, or end users, to directly infringe the '261 Patent. Defendants induce others to infringe the '261 Patent by encouraging and facilitating others to perform actions that they know to be acts of infringement of the '261 Patent with specific intent that those performing the acts infringe the '261 Patent.

98. On information and belief, Defendants have been, and currently are, contributorily infringing the '261 Patent, in violation of 35 U.S.C. § 271(c), by selling/leasing or offering to sell/lease, in this judicial district and throughout the United States, components that embody a material part of the inventions described in the '261 Patent, are known by Defendants to be especially made or especially adapted for use in infringement of the '261 Patent, and are not staple articles of commerce or commodities suitable for substantial, non-infringing use, including at least the Accused Products. Defendants' actions contribute to the direct infringement of the Patents-in-Suit by others, including customers of the Accused Products, in violation of 35 U.S.C. § 271(c).

99. As a result of Defendants' infringement of the '261 Patent, AGI Suretrack has been damaged. AGI Suretrack is entitled to recover for damages sustained as a result of Defendants' wrongful acts in an amount to be determined.

100. In addition, Defendants' infringing acts have caused and are causing immediate and irreparable harm to AGI Suretrack.

101. On information and belief, Defendants have had actual knowledge of the '151 Publication since no later than February 17, 2022. For purposes of provisional rights under 35 U.S.C. § 154(d), the claims of the '151 Publication are substantially similar to the claims of the '261 Patent. Thus, AGI Suretrack is entitled to a reasonable royalty under 35 U.S.C. § 154(d).

102. On information and belief, Defendants have had actual knowledge of their infringement of the '261 Patent since no later than June 14, 2022. On information and belief, Defendants' infringement of the '261 Patent has been and continues to be deliberate and willful, and thus this is an exceptional case warranting an award of treble damages and attorney's fees to AGI Suretrack under 35 U.S.C. §§ 284–285.

EIGHTH CLAIM FOR RELIEF

(Infringement of U.S. Patent No. 11,507,899)

103. AGI Suretrack re-alleges and incorporates by reference the allegations of the preceding paragraphs of this Complaint as if fully set forth herein.

104. The '899 Patent, titled "Farming data collection and exchange system," was duly and legally issued on November 22, 2022. A true and correct copy of the '899 Patent is attached as Exhibit H. The underlying application was published on June 23, 2022, as U.S. Patent Publication No. 2022/0198348 ("the '348 Publication").

105. The '899 Patent names Jason G. Tatge, Heath Garret Gerlock, and Randall Thomas Nuss as co-inventors.

106. The '899 Patent has been in full force and effect since its issuance. AGI Suretrack owns the entire right, title, and interest in and to the '899 Patent, including the exclusive right to seek damages for past, current, and future infringement thereof.

107. On information and belief, Defendants infringe at least claims 1-2 and 4-5 of the '899 Patent. Defendants have been, and currently are, directly infringing the '899 Patent in violation of 35 U.S.C. § 271(a) by making, using, selling/leasing, offering to sell/lease, or importing into the United States the Accused Products.

108. On information and belief, Defendants have been, and currently are, inducing infringement of the '899 Patent, in violation of 35 U.S.C. § 271(b), by knowingly encouraging or aiding others to make, use, sell, or offer to sell the Accused Products in the United States, or to import the Accused Products into the United States, without license or authority from AGI Suretrack, with knowledge of or willful blindness to the fact that their actions will induce others, including, but not limited to, their customers, partners, or end users, to directly infringe the '116 Patent. Defendants induce others to infringe the '899 Patent by encouraging and facilitating others to perform actions that they know to be acts of infringement of the '899 Patent with specific intent that those performing the acts infringe the '899 Patent.

109. On information and belief, Defendants have been, and currently are, contributorily infringing the '899 Patent, in violation of 35 U.S.C. § 271(c), by selling/leasing or offering to sell/lease, in this judicial district and throughout the United States, components that embody a material part of the inventions described in the '899 Patent, are known by Defendants to be especially made or especially adapted for use in infringement of the '899 Patent, and are not staple articles of commerce or commodities suitable for substantial, non-infringing use, including at least the Accused Products. Defendants' actions contribute to the direct infringement of the Patents-in-Suit by others, including customers of the Accused Products, in violation of 35 U.S.C. § 271(c).

110. As a result of Defendants' infringement of the '899 Patent, AGI Suretrack has been damaged. AGI Suretrack is entitled to recover for damages sustained as a result of Defendants' wrongful acts in an amount to be determined.

111. In addition, Defendants' infringing acts have caused and are causing immediate and irreparable harm to AGI Suretrack.

112. On information and belief, Defendants have had actual knowledge of the '348 Publication since no later than June 23, 2022. For purposes of provisional rights under 35 U.S.C. § 154(d), the claims of the '348 Publication are substantially similar to the claims of the '899 Patent. Thus, AGI Suretrack is entitled to a reasonable royalty under 35 U.S.C. § 154(d).

113. On information and belief, Defendants have had actual knowledge of their infringement of the '899 Patent since no later than November 22, 2022. On information and belief, Defendants' infringement of the '899 Patent has been and continues to be deliberate and willful, and thus this is an exceptional case warranting an award of treble damages and attorney's fees to AGI Suretrack under 35 U.S.C. §§ 284–285.

PRAYER FOR RELIEF

AGI Suretrack prays for judgment against the Defendants as follows:

- A. That Defendants have infringed, and continue to infringe, each of the Patents-in-Suit;
- B. That Defendants pay AGI Suretrack damages adequate to compensate AGI Suretrack for their infringement of the Patents-in-Suit, together with interest and costs, under 35 U.S.C. § 284 and 35 U.S.C. § 154(d);
- C. That Defendants be ordered to pay pre-judgment and post-judgment interest on the damages assessed;
- D. That Defendants be ordered to pay supplemental damages to AGI Suretrack, including interest, with an accounting, as needed;
- E. That Defendants' infringement is willful and that the damages awarded to AGI Suretrack should be trebled;

F. That this is an exceptional case under 35 U.S.C. § 285 and that Defendants pay AGI Suretrack's attorney's fees and costs in this action;

G. That the Court grant such equitable relief, including an injunction, as it deems proper for Defendants' acts of infringing the Patents-in-Suit; and

H. That AGI Suretrack be awarded such other and further relief, including other monetary and equitable relief, as this Court deems just and proper.

DEMAND FOR JURY TRIAL

Under Federal Rule of Civil Procedure 38(b), AGI Suretrack demands a trial by jury on all issues triable by jury.

DATED: March 23, 2023

Respectfully submitted,

/s/ Lucas S. Oxenford
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