

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

OBD SENSOR SOLUTIONS LLC,
Plaintiff,
v.
T-MOBILE US, INC. and T-MOBILE USA,
INC.,
Defendants.

Civil Action No. 2:23-cv-00348-JRG-RSP

JURY TRIAL DEMANDED

FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff OBD Sensor Solutions LLC (“OBD Sensor Solutions” or “Plaintiff”) files this First Amended Complaint against Defendants T-Mobile US, Inc. and T-Mobile USA, Inc. (collectively “Defendants” or “T-Mobile”) alleging, based on its own knowledge as to itself and its own actions, and based on information and belief as to all other matters, as follows:

NATURE OF THE ACTION

1. This is a patent infringement action to stop Defendants’ infringement of the following United States Patent (the “Asserted Patent”), a copy of which is attached hereto as **Exhibit A**:

| | U.S. Patent No. | Title |
|----|------------------------|--|
| A. | 7,146,346 | Fuzzy-Logic On Board Device For Monitoring And Processing Motor Vehicle Operating Data |

2. OBD Sensor Solutions seeks injunctive relief and monetary damages.

PARTIES

3. OBD Sensor Solutions is a limited liability company organized under the laws of the State of Texas, with a place of business at 815 Brazos Street, Suite 500, Austin, Texas 78701-2509 (Travis County).

4. Defendant T-Mobile USA, Inc. is a Delaware corporation with its principal office

located at 12920 SE 38th Street, Bellevue, WA 98006. On information and belief, T-Mobile USA, Inc. can be served through its agent, Corporation Service Company, 211 E. 7th Street, Suite 620, Austin, Texas 78701.

5. Defendant T-Mobile US, Inc. is a Delaware corporation with its principal office located at 12920 SE 38th Street, Bellevue, WA 98006. On information and belief, T-Mobile US, Inc. can be served through its agent, Corporation Service Company, 251 Little Falls Drive, Wilmington, Delaware, 19808.

JURISDICTION AND VENUE

6. OBD Sensor Solutions repeats and re-alleges the allegations in the Paragraphs above as though fully set forth in their entirety.

7. This is an action for infringement of a United States patent arising under 35 U.S.C. §§ 271, 281, and 284–85, among others. This Court has subject matter jurisdiction of the action under 28 U.S.C. § 1331 and § 1338(a).

8. Venue is proper against Defendants in this District pursuant to 28 U.S.C. § 1400(b) because they reside in this State and in this District, have maintained established and regular places of business in this District, and have committed acts of patent infringement in this District from those places of business in this District.

9. Upon information and belief, Defendants are subject to this Court's specific and general personal jurisdiction under due process and/or the Texas Long Arm Statute.

10. Specifically, Defendants intend to do and have done business in, have committed acts of infringement in, and continue to commit acts of infringement in this District directly, through intermediaries, by contributing to and through their inducement of third parties (including their parents, subsidiaries, partners, affiliates, and end-users), and by offering their products or services, including those accused of infringement here, to customers and potential customers located in

Texas, including in this District.

11. Defendants maintain regular and established places of business in this District.

12. For example, on information and belief, Defendants operate from a large corporate office with over 500 employees in this District located at 3560 Dallas Pkwy, Frisco, TX 75034.¹ Defendants also operate from a corporate office at 7668 Warren Parkway, Frisco, Texas 75034. Additionally, Defendants have multiple retail locations in this District including, but not limited to: 116 E Loop 281 Ste 101, Longview, TX 75605; 252 W Stonebrook Pkwy Suite 570, Frisco, TX 75034; 3320 Troup Hwy, Tyler, TX 75701; 2004 St Michael Dr, Texarkana, TX 75503; and 1806 E End Blvd N Ste 100, Marshall, TX 75670.

13. Defendants commit acts of infringement in this District, including, but not limited to, use of the Accused Products.

14. Defendants commit acts of induced infringement in this District, including, but not limited to, inducement of infringement by their parents, subsidiaries, partners, affiliates, and end-users to use the Accused Products.

15. Defendants commit acts of contributory infringement in this District, including, but not limited to, contributing to infringement by their parents, subsidiaries, partners, affiliates, and end-users through their use of the Accused Products.

THE ACCUSED PRODUCTS

16. OBD Sensor Solutions repeats and re-alleges the allegations in the Paragraphs above as though fully set forth in their entirety.

17. Based upon public information, Defendants make, use, sell and/or offers for sale their

¹ See <https://www.dallasnews.com/business/real-estate/2020/03/18/hundreds-of-t-mobile-workers-moving-to-new-frisco-headquarters/>

“SyncUp DRIVE” vehicle tracking devices and associated software and applications, which monitor and process information and/or data related to the use and functioning of motor vehicles through use of an on-board diagnostic computer and associated inner network connecting vehicle sensors (the “Accused Products”). *See* **Exhibit B** (T-Mobile SyncUP DRIVE Website); **Exhibit C** (features and specs); **Exhibit D** (Google Reviews); <https://www.youtube.com/watch?v=SoNyRqMW8ho&t=14s> (explaining how SyncUP DRIVE measures car’s health diagnostics through OBD port).



18. Defendants own, operate, advertise, and/or control at least the websites <https://www.t-mobile.com/iot-devices/syncup-drive-connected-car> through which they advertise, sell, offer to sell, promote, provide and/or educate customers about their products, including the Accused Products.

19. Based upon public information, Defendants, directly and/or through their agents and

intermediaries, also operate, advertise, and/or control the locations throughout this District, from which they and their agents and employees use, advertise, provide, and/or educate third parties, including, but not limited to, customers, about the Accused Products.

COUNT 1: INFRINGEMENT OF U.S. PATENT NO. 7,146,346

20. OBD Sensor Solutions repeats and re-alleges the allegations in the Paragraphs above as though fully set forth in their entirety.

21. The USPTO duly issued U.S. Patent No. 7,146,346 (the “’346 patent”) on December 5, 2006, after full and fair examination of Application No. 10/172,145, which was filed on June 14, 2002. *See Ex. A*, at A-1.

22. The ’346 patent is entitled “Fuzzy-Logic On Board Device For Monitoring And Processing Motor Vehicle Operating Data.” *Id.*

23. OBD Sensor Solutions is the exclusive licensee of the ’346 patent, with the sole and exclusive right to prosecute this action and enforce the ’346 patent against infringers, and to collect damages for all relevant times.

24. The claims of the ’346 patent are not directed to an abstract idea and are not limited to well-understood, routine, or conventional activity. Rather, the claimed inventions include inventive components that improve upon the function and operation of electronic built-in on-board devices and methods for monitoring and processing motor vehicle operating data.

25. The written description of the ’346 patent describes in technical detail each limitation of the claims, allowing a skilled artisan to understand the scope of the claims and how the non-conventional and non-generic combination of claim limitations is patently distinct from and improved upon what may have been considered conventional or generic in the art at the priority date. The ’346 patent also identifies and circumscribes all information necessary for a skilled artisan to perform each limitation in the claims in light of that which was known in the art at the

priority date.

26. Defendants have infringed and continue to infringe the '346 patent by making, using, providing, supplying, selling, offering for sale, or distributing the Accused Products.

27. Defendants have directly infringed and continue to directly infringe, either literally or under the doctrine of equivalents, at least claim 1 of the '346 patent.

28. For example, the Accused Products, when used by Defendants or a customer, provide an electronic device for monitoring and processing information data related to the use and functioning of motor vehicles through an inner network connecting vehicle sensors, said device comprising, a central processing unit; an integrated data storage connected to the central processing unit; and a network connector operatively connected to the central processing unit and configured to be connected to an inner network of a motor vehicle through a connector used by motor vehicle makers for accessing a vehicle on-board electric system with a diagnostic unit, said device being a stand-alone device cooperating with the vehicle electronic dedicated control units, via said network connector and through said inner network, and processing information data related to use and functioning of the motor vehicle received through said network connector and the inner network from connected vehicle sensors, said data received through said inner network being processed by said central processing unit and performed analysis being stored into said storage; an interface connector providing connection to one of a radio transmitter and a wireless unit; and a front-end device and a bus connecting said network connector to said central processing unit; and a further bus connecting said central processing unit to said storage, wherein said device is coupled, through said on-board network connector, with one of an OBD- and an EOBD connector for interfacing the motor vehicle inner networks with an outside network of said motor vehicle.

29. More specifically, and as just one example of infringement, the Accused Products, when used by Defendants or a customer, provide an interface connector (*e.g.*, the radio transmitter or wireless communications module used by T-Mobile, or the land grid array “LGA” or similar physical interface connector between the circuit board and the module used by T-Mobile, or the SIM card connector or antenna used by T-Mobile) providing connection to one of a radio transmitter and a wireless unit; and a front-end device and a bus connecting said network connector to said central processing unit; and a further bus connecting said central processing unit to said storage, wherein said device is coupled, through said on-board network connector, with one of an OBD- and an EOBD connector for interfacing the motor vehicle inner networks with an outside network of said motor vehicle.

30. Since at least the time of receiving this Complaint, Defendants have also indirectly infringed and continue to indirectly infringe the ’346 patent by inducing others to directly infringe the ’346 patent. Defendants have induced and continue to induce their parents, subsidiaries, partners, affiliates, and end-users, including Defendants’ personnel, customers, potential customers, and other end users, to directly infringe, either literally or under the doctrine of equivalents, one or more claims of the ’346 patent by using the Accused Products. Defendants took active steps, directly or through contractual relationships with others, with the specific intent to cause them to use the Accused Products in a manner that infringes one or more claims of the ’346 patent, including, for example, claim 1 of the ’346 patent. Such steps by Defendants included, among other things, advising or directing its parents, subsidiaries, partners, affiliates, and end-users, including Defendants’ personnel, customers, potential customers, and other end users, to make or use the Accused Products in an infringing manner; advertising and promoting the use of the Accused Products in an infringing manner; or distributing instructions that guide

users to use the Accused Products in an infringing manner. Defendants are performing these steps, which constitute induced infringement, with the knowledge of the '346 patent and with the knowledge that the induced acts constitute infringement. Defendants are aware that the normal and customary use of the Accused Products by others would infringe the '346 patent. Defendants' inducement is ongoing.

31. Since at least the time of receiving this Complaint, Defendants have also indirectly infringed and continue to indirectly infringe by contributing to the infringement of the '346 patent. Defendants have contributed and continue to contribute to the direct infringement of the '346 patent by their parents, subsidiaries, partners, affiliates, and end-users, including Defendants' personnel, customers, potential customers, and other end users, to directly infringe by encouraging them to use the Accused Products to perform the steps of the patented process as described in one or more claims of the '346 patent, which constitutes either literal infringement or infringement under the doctrine of equivalents. The Accused Products have special features that are specially designed to be used in an infringing way and that have no substantial uses other than ones that infringe one or more claims of the '346 patent, including, for example, claim 1 of the '346 patent. The special features include, for example, the method recited in claim 1, including all the intermediary steps that allow the claimed method of monitoring user usage patterns of a system. The special features constitute a material part of the invention of one or more of the claims of the '346 patent and are not staple articles of commerce suitable for substantial non-infringing use. Defendants' contributory infringement is ongoing.

32. Defendants have had knowledge of the '346 patent at least as of the date when they were notified of the filing of this action.

33. Furthermore, on information and belief, Defendants have a policy or practice of not

reviewing the patents of others (including instructing its employees to not review the patents of others), and thus have been willfully blind of Plaintiff's patent rights.

34. Defendants' actions are at least objectively reckless as to the risk of infringing a valid patent and this objective risk was either known or should have been known by Defendants.

35. Since at least the time of receiving this Complaint, Defendants' direct and indirect infringement of the '346 patent is, has been, and continues to be willful, intentional, deliberate, or in conscious disregard of Plaintiff's rights under the patent.

36. OBD Sensor Solutions or its predecessors-in-interest have satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of the '346 patent.

37. Plaintiff has been damaged and continues to be damaged as a result of the infringing conduct by Defendants alleged above. Thus, Defendants are liable to OBD Sensor Solutions in an amount that compensates it for such infringement, 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.

38. OBD Sensor Solutions has suffered and continues to suffer irreparable harm, through its loss of market share and goodwill, for which there is no adequate remedy at law. OBD Sensor Solutions has and will continue to suffer this harm by virtue of Defendants' infringement of the '346 patent. Defendants' actions have interfered with and will interfere with OBD Sensor Solutions' ability to license technology. The balance of hardships favors OBD Sensor Solutions' ability to commercialize its own ideas and technology. The public interest in allowing OBD Sensor Solutions to enforce its right to exclude outweighs other public interests, which supports injunctive relief in this case.

JURY DEMAND

39. Plaintiff hereby requests a trial by jury on all issues so triable by right.

PRAYER FOR RELIEF

40. WHEREFORE, OBD Sensor Solutions requests that the Court find in its favor and against Defendants, and that the Court grant OBD Sensor Solutions the following relief:

- a. Judgment that one or more claims of the Asserted Patent has been infringed, either literally or under the doctrine of equivalents, by Defendants or all others acting in concert therewith;
- b. Judgment that Defendants have induced infringement of one or more claims of the Asserted Patent, either literally or under the doctrine of equivalents, by its parents, subsidiaries, partners, affiliates, and end-users, including Defendants' personnel, customers, potential customers, and/or other end users;
- c. Judgment that Defendants have contributed to the infringement of one or more claims of the Asserted Patent, either literally or under the doctrine of equivalents, by its parents, subsidiaries, partners, affiliates, and end-users, including Defendants' personnel, customers, potential customers, and/or other end users;
- d. A permanent injunction enjoining Defendants and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in concert therewith from infringement of the '346 patent; or, in the alternative, an award of a reasonable ongoing royalty for future infringement of the '346 patent by such entities;
- e. Judgment that Defendants account for and pay to OBD Sensor Solutions all damages to and costs incurred by OBD Sensor Solutions because of Defendants' infringing

activities and other conduct complained of herein;

- f. Judgment that Defendants' infringement of the '346 patent be found willful, and that the Court award treble damages for the period of such willful infringement pursuant to 35 U.S.C. § 284;
- g. Pre-judgment and post-judgment interest on the damages caused by Defendants' infringing activities and other conduct complained of herein;
- h. That this Court declare this an exceptional case and award OBD Sensor Solutions its reasonable attorneys' fees and costs in accordance with 35 U.S.C. § 285; and
- i. All other and further relief as the Court may deem just and proper under the circumstances.

Dated: October 10, 2023

Respectfully submitted,

By: /s/ C. Matthew Rozier

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*Admitted to the Eastern District of Texas

List Of Exhibits

- A. US Patent No. 7,146,346
- B. Webpage: T-Mobile SyncUp DRIVE
- C. Webpage: T-Mobile SyncUp DRIVE – Features and Specs
- D. Webpage: T-Mobile SyncUp DRIVE Google Reviews

CERTIFICATE OF SERVICE

I HEREBY CERTIFY on this 10th day of October, 2023 I caused the foregoing document to be electronically-filed with the Clerk of Court using the Court's CM/ECF system. As such, this document was served on all counsel who are deemed to have consented to electronic service.

/s/ C. Matthew Rozier
C. Matthew Rozier