

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

**Sensor360 LLC,**

Plaintiff,

v.

**Cisco Systems, Inc.,**

Defendant.

Case No. 6:23-cv-00806-DAE

Patent Case

Jury Trial Demanded

**FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

1. Plaintiff Sensor360 LLC (“Plaintiff”), through its attorneys, complains of Cisco Systems, Inc. (“Defendant”), and alleges the following:

**PARTIES**

2. Plaintiff Sensor360 LLC is a corporation organized and existing under the laws of Delaware that maintains its principal place of business at 251 West 35th St, Suite 1003, New York, NY 10001.

3. Defendant Cisco Systems, Inc. is a corporation organized and existing under the laws of Delaware that maintains an established place of business at Cisco Systems, Inc..

**JURISDICTION**

4. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.

5. This Court has exclusive subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

6. This Court has personal jurisdiction over Defendant because it has engaged in systematic and continuous business activities in this District. As described below, Defendant has committed acts of patent infringement giving rise to this action within this District.

#### **VENUE**

7. Venue is proper in this District under 28 U.S.C. § 1400(b) because Defendant has an established place of business in this District. In addition, Defendant has committed acts of patent infringement in this District, and Plaintiff has suffered harm in this district.

#### **PATENT-IN-SUIT**

8. Plaintiff is the assignee of all right, title and interest in United States Patent No. 8,510,076 (the “Patent-in-Suit”); including all rights to enforce and prosecute actions for infringement and to collect damages for all relevant times against infringers of the Patent-in-Suit. Accordingly, Plaintiff possesses the exclusive right and standing to prosecute the present action for infringement of the Patent-in-Suit by Defendant.

#### **THE '076 PATENT**

9. The '076 Patent is entitled “Sensor apparatus and system,” and issued 2013-08-13. The application leading to the '076 Patent was filed on 2004-09-02. A true and correct copy of the '076 Patent is attached hereto as Exhibit 1 and incorporated herein by reference.

10. Prior to the invention claimed in the '076 Patent, it was “usual in sensor networks” to “have at least two distinct types of module in the network; sensor modules which detect events and control modules which receive data from the sensor modules for possible analysis and transmission to a base station.” '076 Patent, 1:38-43.

11. In conventional sensor networks of the prior art, “[t]he control modules are different in function to the sensor modules and so are different in design.” '076 Patent, 1:43-44.

12. For example, the control modules “are often larger than the sensor modules as they typically consume more power [and] so require larger batteries and also need to be able to transmit over longer distances.” ’076 Patent, 1:44-47.

13. However, conventional sensor networks suffered from significant vulnerabilities associated with the dependency of sensor modules on separate control modules. “As a control module controls and processes data from sensor modules in its vicinity[,] that part of the network is entirely dependent on the operation of the control module.” ’076 Patent, 1:47-50. “This makes the system vulnerable—if the control module, which has a different appearance and so is easily identified, is located and disabled then that part of the network is also disabled.” *Id.*, at 1:50-53. “Also once the control module power is exhausted the relevant sensor modules become useless.” *Id.*, at 1:53-55.

14. These vulnerabilities were caused in part by the hardware limitations of the prior art. For example, as the inventor explained in an October 14, 2009 appeal brief filed during prosecution of the ’076 Patent, conventional prior art systems employed processors having static functions and were unable to “change from a sensing processor to a controlling processor or vice versa.” October 14, 2009 Appeal Brief, at 9. Rather, the closest prior art taught sensors utilizing processors that had “the same unchanging functions,” e.g., a “payload processor,” an “image processor” and a “video processor.” *Id.*

15. Indeed, the conventional systems utilized in the prior art and the IEEE standard prior to the invention of the ’076 Patent did not teach “a processor in the module that makes a choice between operating in a sensing mode and operating in a control mode.” October 14, 2009 Appeal Brief, at 10.

16. To overcome these technical limitations, the '076 Patent claims unconventional and inventive hardware in the form of a sensor module “with a processor which, in use, communicates with other sensor modules and determines whether to operate in a control mode or a sensor mode.” '076 Patent, 1:60-63.

17. In contrast with conventional systems of the prior art, the unconventional sensor module claimed in the '076 Patent “is capable of acting as a control module or as a sensor module and operates according to the circumstances.” '076 Patent, 1:63-65. Indeed, it was unconventional to combine the sensing and controlling functionalities in a single module. This was partly due to the fact that prior art systems generally utilized processors with static functions that were unable to change from a sensing processor to a controlling processor or vice versa, and partly because control modules “typically consume[d] more power [and] so require larger batteries and also need to be able to transmit over longer distances.” '076 Patent, 1:44-47.

18. The unconventional sensor module claimed in the '076 Patent was a specific and inventive technical improvement in sensor networks that “avoids vulnerability and increases flexibility.” '076 Patent, 3:29-30. For example, since the unconventional sensor module was capable of determining whether to operate in a control mode or a sensor mode, it overcame the prior vulnerability of sensor networks associated with static control modules. Using the invention of the '076 Patent, if a module operating in control mode within a sensor network were to be disabled or lose power, an unconventional sensor module within the same sensor network could switch its operation to control mode and take over the controlling functionality of the module that was disabled or lost power, thereby enabling the sensor network to continue unimpeded. Thus, the “present invention reduces the dependence on a few control modules and so increases the likely effectiveness of the network.” '076 Patent, 3:41-43.

19. The unconventional sensor module claimed in the '076 Patent was also capable of “monitor[ing] its own power levels and those of the sensor modules within its control” in order to “maximise [sic] the network efficiency.” '076 Patent, 2:65-3:2. For example, since control modules required more power and were required to transmit over longer distances, the unconventional sensor module was capable of assessing when certain modules should switch from sensing to controlling functions (and vice versa) depending on their power levels, and thereby maximize the efficiency of the sensor network.

20. The unconventional sensor module is a specific, technical hardware improvement and is one of the '076 Patent's inventive concepts, claimed and reflected in claims 1-22 of the '076 Patent.

21. Claim 2 of the '076 Patent also claims a processor “adapted to consider the location of the sensor module with the location of other sensor modules” when “determining whether the sensor module should operate in a sensing mode or a controlling mode within the network.” This unconventional functionality further allows the sensor module to maximize “network efficiency” by “avoid[ing] redundant data gathering” where “two sensor modules are deployed very close to each other” or by “deactivat[ing]” one sensor module “until the first runs out of power at which point the second can take over.” '076 Patent, 2:1-19.

22. Claim 6 of the '076 Patent also claims a processor that “considers remaining power in determining whether the sensor module should operate in a sensing mode or a controlling mode within the network.” This unconventional functionality further allows the sensor module to maximize “network efficiency” by determining the mode of operation (e.g., the more power-intensive controlling mode vs. the less demanding sensing mode) depending on the remaining power level of the module. '076 Patent, 3:2.

23. Claim 22 of the '076 Patent claims a “sensor network comprising a plurality of sensor modules,” wherein the network is “adapted so that the so that the sensor modules communicate with each other and determine whether each sensor module should operate in a sensing mode or a controlling mode so as to most effectively identify and/or locate events in an area of interest.” This unconventional functionality further allows the sensor module to maximize “network efficiency” by “avoid[ing] redundant data gathering” where “two sensor modules are deployed very close to each other” or by “deactivat[ing]” one sensor module “until the first runs out of power at which point the second can take over.” '076 Patent, 2:1-19.

#### **COUNT 1: INFRINGEMENT OF THE '076 PATENT**

24. Plaintiff incorporates the above paragraphs herein by reference.

25. **Direct Infringement.** Defendant has been and continues to directly infringe one or more claims of the '076 Patent in at least this District by making, using, offering to sell, selling and/or importing, without limitation, at least the Defendant products identified in the charts incorporated into this Count below (among the “Exemplary Defendant Products”) that infringe at least the exemplary claims of the '076 Patent also identified in the charts incorporated into this Count below (the “Exemplary '076 Patent Claims”) literally or by the doctrine of equivalents. On information and belief, numerous other devices that infringe the claims of the '076 Patent have been made, used, sold, imported, and offered for sale by Defendant and/or its customers.

26. Defendant also has and continues to directly infringe, literally or under the doctrine of equivalents, the Exemplary '076 Patent Claims, by having its employees internally test and use these Exemplary Products.

27. **Actual Knowledge of Infringement.** The service of the Original Complaint, in conjunction with the attached claim charts and references cited, constitutes actual knowledge of infringement as alleged here.

28. Despite such actual knowledge, Defendant continues to make, use, test, sell, offer for sale, market, and/or import into the United States, products that infringe the '076 Patent. On information and belief, Defendant has also continued to sell the Exemplary Defendant Products and distribute product literature and website materials inducing end users and others to use its products in the customary and intended manner that infringes the '076 Patent. See Exhibit 2 (extensively referencing these materials to demonstrate how they direct end users to commit patent infringement).

29. **Induced Infringement.** At least since being served by this Complaint and corresponding claim charts, Defendant has actively, knowingly, and intentionally continued to induce infringement of the '076 Patent, literally or by the doctrine of equivalents, by selling Exemplary Defendant Products to their customers for use in end-user products in a manner that infringes one or more claims of the '076 Patent.

30. Exhibit 2 includes charts comparing the Exemplary '076 Patent Claims to the Exemplary Defendant Products. As set forth in these charts, the Exemplary Defendant Products practice the technology claimed by the '076 Patent. Accordingly, the Exemplary Defendant Products incorporated in these charts satisfy all elements of the Exemplary '076 Patent Claims.

31. Plaintiff therefore incorporates by reference in its allegations herein the claim charts of Exhibit 2.

32. Plaintiff is entitled to recover damages adequate to compensate for Defendant's infringement.

**JURY DEMAND**

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

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests the following relief:

- A. A judgment that the '076 Patent is valid and enforceable
- B. A judgment that Defendant has infringed directly and indirectly one or more claims of the '076 Patent;
- C. An accounting of all damages not presented at trial;
- D. A judgment that awards Plaintiff all appropriate damages under 35 U.S.C. § 284 for Defendant's continuing or future infringement, up until the date such judgment is entered with respect to the '076 Patent, including pre- or post-judgment interest, costs, and disbursements as justified under 35 U.S.C. § 284;
- E. And, if necessary, to adequately compensate Plaintiff for Defendant's infringement, an accounting:
  - i. that this case be declared exceptional within the meaning of 35 U.S.C. § 285 and that Plaintiff be awarded its reasonable attorneys fees against Defendant that it incurs in prosecuting this action;
  - ii. that Plaintiff be awarded costs, and expenses that it incurs in prosecuting this action; and
  - iii. that Plaintiff be awarded such further relief at law or in equity as the Court deems just and proper.

Dated: January 17, 2024

Respectfully submitted,



/s/ Isaac Rabicoff  
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**Counsel for Plaintiff**  
**Sensor360 LLC**

**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the foregoing document was served on all parties who have appeared in this case on January 17, 2024 via the Court's CM/ECF system.

/s/ Isaac Rabicoff  
Isaac Rabicoff