

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

PerDiemCo LLC,

Plaintiff,

v.

Quartix Inc.,

Defendant.

**Civil Action No.:**

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff PerDiemCo LLC (“PerDiem” or “Plaintiff”) files this Complaint against Defendant Quartix Inc. (hereafter “Quartix” or “Defendant”) and alleges the following:

**Nature of the Action**

1. This is an action for patent infringement under 35 U.S.C. § 271.
2. This action arises under the patent laws of the United States, 35 U.S.C. § 1 *et seq.*
3. PerDiem seeks monetary damages and injunctive relief.

**The Parties**

4. Plaintiff PerDiem is a limited liability company organized under the laws of the State of Texas with a place of business at 505 East Travis Street, Suite 205, Marshall, Texas 75670.

5. On information and belief, Defendant is a corporation organized and existing under the laws of the State of Illinois with its principal place of business at 875 N Michigan Ave Ste 3100, Chicago, Illinois 60611. On information and belief, Defendant may be served through its registered agent in the State of Illinois: Registered Agents Solutions Inc.

**The Asserted Patents and Plaintiff's Standing**

6. The asserted patents are United States Patent Nos. 9,680,941 (“the ’941 patent”, Exhibit A-1); 9,871,874 (“the ’874 patent”, Exhibit A-2); 10,021,198 (“the ’198 patent”, Exhibit A-3); 10,397,789 (“the ’789 patent”, Exhibit A-4); 10,602,364 (“the ’364 patent”, Exhibit A-5); 10,819,809 (“the ’809 patent”, Exhibit A-6); 11,064,038 (“the ’038 patent”, Exhibit A-7); U.S. Patent No. 11,316,937 (“the ’937 patent”, Exhibit A-8) 11,716,595 and (“the ’595 patent”, Exhibit A-9 (collectively “the Patents-in-Suit”).

7. PerDiemCo LLC of Marshall, Texas is the assignee of the Patents-in-Suit, as listed on the face of each patent.

8. An assignment to PerDiem of the Patents-in-Suit was recorded at Reel 035620, Frame 0088 of the United States Patent & Trademark Office (“USPTO”) assignment records.

9. PerDiem owns all rights, titles, and interests in the Patents-in-Suit, including the right to bring a civil action for infringement and to recover money damages for current and past infringement.

**Jurisdiction and Venue**

10. This Court has subject matter jurisdiction of this action under 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States.

11. Defendant maintains a place of business at 875 N Michigan Ave Ste 3100, Chicago, Illinois 60611, which is a physical place in this judicial district; is a regular and established place of business; and is a place of residence the defendant.

12. Defendant has committed acts of direct and indirect infringement alleged in this Complaint in this judicial district.

13. Venue in this judicial district is proper under 28 U.S.C. §§ 1391(c) and/or 1400(b) because Defendant resides in this judicial district and/or because Defendant has committed acts alleged to infringe the Patents-in-Suit and has a regular and established place of business in this judicial district.

14. Defendant has conducted and continues to conduct systematic and continuous business in this judicial district, including at Defendant's Chicago office and by providing a website and interactive web pages at <https://www.quartix.com//>

15. Defendant's activities in this judicial district include the making, providing, using, testing, distributing, selling, offering to sell, and/or advertising of mobile communications technology, products, and services for the transportation industry that are alleged to infringe the Patents-in-Suit.

16. This Court has personal jurisdiction over Defendant for purposes of this action in accordance with the Illinois Longarm Statute and the due process clause of the United States Constitution.

**The Invention and Issuance of the Patents-In-Suit**

17. Darrell Diem is the sole inventor of the Patents-in-Suit. He served in the Air Force for four years as an electronics technician. After being honorably discharged, Mr. Diem worked through college to earn degrees in physics and mathematics from Marquette University. He also obtained a Master of Business Administration from Michigan State University and a Master of Arts in Pastoral Ministries from St. Thomas University, Miami, Florida. Mr. Diem has worked for Motorola, Harris Corporation, Time Domain, and other technology companies.

18. Mr. Diem conceived of the subject matter claimed in the Patents-in-Suit when his daughter's car broke down on a long road trip. Mr. Diem wanted to convey location information

for his daughter in an efficient way that would still protect her privacy. Mr. Diem's claimed inventions have a broad range of significant applications and are widely used today.

19. The Patents-in-Suit each claim priority to U.S. Provisional Patent Application No. 60/752,879, which was filed on December 23, 2005.

20. The '941 patent, entitled "Location Tracking System Conveying Event Information Based on Administrator Authorizations," was duly and legally issued by the USPTO on June 13, 2017. A copy of the '941 patent is attached hereto as Exhibit A-1.

21. The '874 patent, entitled "A Multi-Level Database Management System and Method for an Object Tracking Service That Protects User Privacy," was duly and legally issued by the USPTO on January 16, 2018. A copy of the '874 patent is attached hereto as Exhibit A-2.

22. The '198 patent, entitled "Software-Based Mobile Tracking Service with Video Streaming When Events Occur," was duly and legally issued by the USPTO on July 10, 2018. A copy of the '198 patent is attached hereto as Exhibit A-3.

23. The '789 patent, entitled, "Method for Controlling Conveyance of Event Information About Carriers of Mobile Device Based on Location Information Received from Location Information Sources Used by the Mobile Devices," was duly and legally issued by the USPTO on August 27, 2019. A copy of the '789 patent is attached hereto as Exhibit A-4.

24. The '364 patent, entitled "Method for Conveyance of Event Information to Individuals Interested Devices Having Phone Numbers," was duly and legally issued by the USPTO on January 24, 2020. A copy of the '364 patent is attached hereto as Exhibit A-5.

25. The '809 patent, entitled "Method for Controlling Conveyance of Event Notifications in Sub-Groups Defined Within Groups Based on Multiple Levels of Administrative

Privilege,” was duly and legally issued by the USPTO on October 27, 2020. A copy of the ’364 patent is attached hereto as Exhibit A-6.

26. The ’038 patent, entitled “Method for Tracking Mobile Objects Based on Event Conditions Met at Mobile Object Locations,” was duly and legally issued by the USPTO on July 13, 2021. A copy of the ’364 patent is attached hereto as Exhibit A-7.

27. The ’937 patent, entitled “Method for Tracking Mobile Objects Based on Event Conditions Met at Mobile Object Locations,” was duly and legally issued by the United States Patent and Trademark Office on April 26, 2022. A copy of the ’937 patent is attached hereto as Exhibit A-8.

28. The ’595 Patent entitled “A Method for Conveying Event Information Based on Roles Assigned to Users of a Location Tracking Service” was duly and legally issued by the USPTO on August 1, 2023. A copy of the ’595 patent is attached hereto as Exhibit A-9.

29. The Asserted Claims are entitled to a presumption of validity pursuant to 35 U.S.C. § 282.

30. The Asserted Claims are valid under 35 U.S.C. §§ 101, 102, 103, and 112, as confirmed by multiple USPTO Examiners who agreed and allowed the Asserted Claims over extensive prior art disclosed and made of record during the prosecution of the Patents-in-Suit.

31. After giving full proper credit to the prior art, having conducted a thorough search for all relevant art, and having fully considered the most pertinent art known at the time, the United States Patent Examiners allowed all the claims of the Patents-in-Suit to issue. Through the process of examination, it is presumed that Examiners used their knowledge of the art when examining the claims. In addition to the diligence used by the Patent Examiners, each claim of the Patents-in-Suit

carries a statutory presumption of validity under the Patent Laws of the United States. 35 U.S.C. § 282(a)..

32. The Asserted Claims are novel and non-obvious over the prior art, including any non-cited art that is merely cumulative to the referenced and cited prior art. *See* 37 C.F.R. § 1.56(b) (information is material to patentability when it is not cumulative to information already of record in the application).

33. Now, with knowledge of the Patents-in-Suit, Defendant induces infringement under Title 35 U.S.C. § 271(b). Defendant will have performed actions that induced infringing acts that Defendant knew or should have known would induce actual infringements.

#### **PERDIEM'S GEOFENCING CLAIMS**

34. The claims of the '941, '874, '198, '789 (claim 12), '364 (claim 3), '809, '038, '937 and '595 patents (hereinafter referred to as the Geofencing Claims) are directed to, in part, improved location tracking systems and related methods used to track the locations of a plurality of mobile objects or devices in a network employed to provide a tracking service that sends notifications or alerts after group event conditions based on locations of grouped tracked objects are met, such as when a mobile object crosses a boundary.

35. Group event conditions may relate to mobile object/device locations and a zone where the occurrence of an event causes an alert/notification to be sent when grouped vehicles equipped with GPS devices cross a boundary.

36. The Geofencing Claims improve conventional networks by providing a reliable and efficient way for service subscribers to track objects and convey notifications to authorized recipients. The claimed inventions offer these benefits, in part, by creating multiple levels of administrative privileges and applying multiple levels of access control.

37. In one embodiment, the multiple levels of administrative privileges include a first level of administrative privilege used by a system administrator of the tracking service for controlling user membership in groups specified by the administrator and a second level of privilege being assigned to a second administrator, *e.g.*, a service subscriber, in each group by the system administrator for controlling conveyance of the notifications in the corresponding group such that the administrator having the first level of administrative privilege does not exercise the second level of administrative privilege.

38. Under this structure, the second administrator has control over who receives the notifications in the group independent of the system administrator and the second administrators of other groups. Interfaces may be provided to the second administrator to set event conditions and alert/notifications for the group.

39. According to one aspect of this embodiment, a first level of access control is used to allow the second administrator to specify an event condition, *i.e.*, a geo-fence, for the group and specify an access list such that only identified authorized users on the access list can receive the notification information, thereby providing enhanced privacy. A second level of access control is used to allow authorized recipients to access the notifications/alerts.

**PERDIEM'S GEOFENCING CLAIMS ARE PATENT ELIGIBLE**

40. The Geofencing Claims are directed to patent-eligible subject matter and satisfy the requirements of 35 U.S.C. § 101.

41. During the prosecution of the claims of an asserted patent in PerDiemCo's patent family, namely, U.S. Patent No. 9,680,941 (the '941 patent, Exhibit G), the USPTO considered explicitly whether the claims satisfied the criteria for subject matter eligibility under the *Alice/Mayo* two-part test. The USPTO determined that the Geofencing Claims are directed to

patent-eligible subject matter under 35 U.S.C. § 101. A copy of excerpts of the prosecution history of the '941 patent is attached hereto as Exhibit C, including an Office Action by the USPTO rejecting claims under 35 U.S.C. § 101, PerDiem's response to the Office Action setting forth reasons why the USPTO should withdraw the Section 101 rejection, and the USPTO's Notice of Allowance of the claims.

42. Moreover, the U.S. District Court in the Eastern District of Texas (the EDTX Court) has previously determined that subject matter covered by the Geofencing Claims is directed to patent-eligible subject matter. The Patents-in-Suit are related to, and have the same specification as, another PerDiem patent that was before the EDTX Court in *PerDiemCo LLC v. Industrack LLC et al.*, No. 2:15-cv-727-JRG-RSP. In that action, Judge Rodney Gilstrap of the EDTX Court adopted the Report and Recommendation by Magistrate Judge Payne attached hereto as Exhibit D (the Report and Recommendation), which confirms that the subject matter disclosed and claimed contains eligible subject matter under 35 U.S.C. §101. *PerDiemCo LLC v. Industrack LLC et al.*, No. 2:15-cv-727-JRG-RSP (September 29, 2016) at DKT 233.

43. In the Report and Recommendation, the EDTX Court recognized that the subject matter claimed in a related patent “requires a variety of computer-related components, including: ‘user identification code[s],’ ‘a location information source,’ and ‘an information access code.’ The claim then recites a specific structure of rules for providing information about the locations of objects to users and for managing user access to this information.” The EDTX Court then determined:

It is therefore not apparent that claim 6 recites “‘nothing significantly more’ than an instruction to apply [an] abstract idea . . . using some unspecified, generic computer.” [Citation omitted.] Instead, claim 6 defines a set of rules for organizing and improving the behavior of a computerized location information system. Here, as in *McRO*, “[t]he specific structure of the claimed rules would prevent broad



preemption of all rules-based means” for achieving the desired result.  
[Citation omitted.]

*Perdiemco, LLC v. Industrack LLC*, No. 2:15-cv-727-JRG-RSP, 2016 U.S. Dist. LEXIS 135667, \*16 (E.D. Tex. Sept. 21, 2016).

44. A person of ordinary skill in the art would understand that the Geofencing Claims recite elements that are computer-related components, as well as a specific structure of rules for providing object location information to users and for managing user access to this information.

45. In the Report and Recommendation, the EDTX Court recognized, when considering the patent-eligibility of the subject matter claimed in a related patent, that:

Managing the information provided by the location information source using a set of relationships defined in part by access codes is what the claim is all about. . . . The analogy also fails to capture another key feature of the claim: centralization. . . . It is also not clear that any actor in the analogy performs the “interfacing” and “conveying” steps. These deficiencies in the analogy help to illustrate why claim 6 is not merely a computerized version of conventional human activity, it is an improvement to a computer system that administers, manages, and conveys location information in a centralized way.

*Perdiemco*, 2016 U.S. Dist. LEXIS 135667 at \*18.

46. According to the Geofencing Claims, which are based on the same common specification that supported claims found patent eligible by the USPTO and the EDTX Court, the Geofencing Claims establish object location events that may be defined at an application or user level of each group. (*See, e.g.*, the '941 patent, Exhibit A-1 at 2:11-15; 5:34-46, 6:14-50). These systems, devices, and methods are also directed to conveying information about object location events to one or more computing devices, which may be associated with the corresponding identification codes of one or more users. (*Id.* at 2:16-19).

47. According to at least one of the embodiments covered by the Geofencing Claims, an object location event can relate to information about the object location and information about a zone (geo-fence) defined by a user. (*Id.* at 2:23-25, 6:14-50). In another claimed embodiment, information about the object location is derived from a location information source associated with the object, and an object location event may occur because of the satisfaction of a defined relationship or condition between the object location information and user-defined zone information. (*Id.* at 2:26-31).

48. The Geofencing Claims are directed to unconventional computing solutions and address problems particular to computerized location tracking systems.

49. The Geofencing Claims cover a tracking service administered by a system/service administrator (the system administrator) (*id.* 5:61-6:12, 13:18-21) uses servers and databases of a computer system (*id.* 13:21-24) to send event-based notifications or alerts (the notifications) that are based on 1) locations of tracked mobile assets/objects (the assets) which are equipped with devices that provide asset location information, such as GPS devices (the devices) (*id.* at 6:51-7:7), and 2) set parameters that indicate occurrences of events (the event parameters) (*id.* at 1:63-3:5, 6:14-50).

50. The event parameters may be based on relationships between the locations of assets belonging to customers of the tracking service (*id.* at 5:65-6:12) and the locations of set zones or boundaries (the geofences) such that, for example, the servers send notifications when GPS devices of assets report locations that indicate entries into or exits from the geofences (*id.* at 6:14-50; 9:23-26).

51. Moreover, each customer of the tracking service comprises a group of users who track assets belonging to the group (*Id.* 5:34-46, 5:61-6:12, 13:34-53). The databases are used to

identify the groups by group identification codes (GIDs), the users by user identification codes (UIDs), the assets by object identification codes (OIDs), and the devices by device identification codes (DIDs) (*Id.* at 7:44-48; 7:65-66). The servers are used to associate the GIDS with UIDs, OIDS, and DIDs (*Id.* at 7:65-66) to distinguish between location information provided by different devices for different assets belonging to different groups of users before sending the event notifications only to those recipients that are specifically identified by in an access list such that no one else, including users in other groups, is a recipient unless specified in the access list. (*Id.* at 7:49-8:35, 9:36-40). The access list containing the identification codes of recipients of the notifications is also stored in the database. (*Id.* 8:17-27).

52. The arrangement covered by the Geofencing Claims for sending event notifications cannot be implemented on a generic computer because the servers send the notifications in each group by accessing the databases to retrieve set geofences associated with the GID of such group and comparing such geofences with the reported locations by devices in the group that are identified by the DIDs to determine occurrences of group events in terms of whether assets identified by OIDs in the group meet the set event conditions, i.e., geofence entry/exit. (*Id.* at 1:63-3:5). Once a group event is determined, the server retrieves the access list from the databases before sending the notification based on the identification codes of group recipients identified by the GID, ensuring that no one else is a recipient. (*Id.* at 10:7-13:7). For these reasons alone, a person of ordinary skill in the art would recognize that the Geofencing Claims meet the requirements for patent eligibility.

53. The Geofencing Claims further improve conventional systems by providing a reliable and efficient way for service subscribers to track assets and convey notifications to authorized recipients. The Geofencing Claims achieve these benefits, in part, by using the servers

to implement 1) multiple levels of administrative privileges (*Id.* at 5:47-61), namely i) a first level of administrative privileges at the system level (*Id.* at 13:17-21) and ii) second levels of administrative privileges at each group level (*Id.* at 5:65-6:12) and 2) applying multiple levels of access control (*Id.* at 2:8-9) that are based on i) system administrator, group administrator and user identification codes (*Id.* at 7:41-47) and ii) information access codes that specify access list. (*Id.* at 1:63-3:5, 7:49-8:35, 9:36-40).

54. In at least one of embodiment the Geofencing Claims, the server implements the first level of administrative privilege for the system administrator of the tracking service thereby enabling the system administrator to perform a first set of administrative functions at the system level. The system administrator performs the first set of administrative functions after checking a first level of access control based on the system administrator's identification code (*Id.* at 7:49-8:35, 9:36-40, 13:17-21). Once checked, the first set of administrative functions enable the system administrator to 1) identify the customers of the service as groups of users by corresponding GIDs, 2) control user membership in such groups, and 3) identify a user in each group as a group administrator and 4) give the group administrator a second level of privilege to perform a second set of administrative functions at the group level that are not performed by the system administrator. (*Id.* at 5:46-6:12, 13:17-61, 17:59-66) Each group administrator performs the second set of administrative functions after checking a second level of access control that is based on the identification code of the group administrator. (*Id.* at 7:41-47, 7:62-8:5, FIG. 19). The second set of administrative functions performed by such group administrator include setting geofences, event conditions, and access lists that identify recipients of the notifications in the group. (*Id.* at 2:26-31, *Id.* at 8:6-16, 7:49-8:35, 9:36-40).

55. In this embodiment of the Geofencing Claims, each group administrator controls who receives notifications within the group. This control is exercised independently of the system administrator and the administrators of other groups. (*Id.* at 5:40-46, 9:26-46).

56. In this embodiment in the Geofencing Claims, a third level of access control is used based on the access list to enable authorized users identified in the access list by the second administrator to receive the notifications, thereby providing enhanced user privacy (*Id.* at 10:6-13:17).

57. The Geofencing Claims cover computerized location tracking systems, devices, and methods in a manner that solves challenges and problems associated with the tracking techniques and systems known in the art at the time, including security and protection when accessing critical information. (*Id.* at 1:63-3:5; 10:7-13:7).

58. As a result, the Geofencing Claims contain novel and unconventional inventive concepts sufficient to render them patent-eligible.

59. In location tracking systems that were known or available before the priority date of the Geofencing Claims, information about the mere location of a device might be conveyed but without the correlation of events to the object location and without conveying information about such events to computing devices using multiple levels of administrative privileges that implement multiple levels of access control. (*Id.* at 1:55-60).

60. The Geofencing Claims overcame these disadvantages by, for example, describing and enabling systems, devices, and methods in which information about the object location is derived from a location information source associated with the object, and in which an object location event may occur as a result of the satisfaction of a defined relationship or condition between the object location information and user-defined zone information such that notifications

are sent only to those users who are specified by users who are responsible for control and conveyance of event information. (*Id.* at 1:63-3:5; 2:26-31; 10:7-13:7). The claimed systems, devices, and methods are directed to conveying information relating to object location events to one or more computing devices, which may be associated with corresponding identification codes of one or more users such that no other computing device receives the information. (*Id.* at 1:63-3:5).

61. The Geofencing Claims resolve technical problems related to interactive location-tracking technology. For example, the claimed inventions allow remotely located parties to interact in a computerized environment with one or more users, which is necessarily implemented using computer technology. (*Id.* at 1:63-3:5; 17:9-57).

62. The Geofencing Claims are not directed to the performance of a method that was known in the pre-Internet or pre-computer world and do not merely add the requirement that a known method be performed on the Internet or using a computing device. Instead, the Geofencing Claims recite inventive concepts that are necessarily rooted in computerized location tracking system technology and overcome problems specifically arising in computerized location tracking system technology. (*Id.* at 1:21-59; 1:63-3:5).

63. As a result, the Geofencing Claims describe novel and unconventional, inventive concepts sufficient to render them transformative and patent-eligible.

#### **PerDiem's Patent Portfolio's Licensing and Litigation History**

64. PerDiem owns a patent portfolio that includes other, non-asserted patents that have the same specification as the Patents-in-Suit and claim priority to the same provisional application, Serial No. 60/752,879.

65. To date, PerDiem's portfolio of patents, including at least some of the Patents-in-Suit, has been licensed to more than two dozen licensees.

66. PerDiem's portfolio of patents, including at least some of the Patents-in-Suit, has been the subject of several patent litigations in the United States.

67. In the patent litigations that have been concluded, any prior art identified by these accused infringers was timely submitted by PerDiem to the USPTO for consideration during prosecution of any pending patent applications that were related to or issued as the Patents-in-Suit.

68. Several of the non-asserted related PerDiemCo patents have been subject to extensive federal court litigations in the EDTX Court ("the EDTX Litigations") against eleven companies, each of which licensed the claimed PerDiemCo technology after the filing of thirteen *Inter Partes* Review (IPR) petitions ("the EDTX-related IPRs") challenging the validity of various of PerDiem's patent claims. All the EDTX Litigations resulted in licensing agreements in which PerDiemCo was compensated. Furthermore, all the prior art that has been recited in an asserted ground in any of the thirteen EDTX-related IPRs was submitted for consideration by the USPTO in the continued prosecution history of the Patents-in-Suit.

69. PerDiemCo owns all rights, titles, and interests in the Patents-in-Suit, including the right to bring patent infringement enforcement actions for damages. The assignment to PerDiemCo of ownership of the Patents-in-Suit was recorded with the United States Patent & Trademark Office ("USPTO") at Reel 035620, Frame 0087 of the USPTO assignment records. The recorded assignment references all subsequent related applications of the parent patents listed on the recorded assignment, thereby encompassing the Patents-in-Suit.

70. During one EDTX Litigation, the Court issued an R&R attached as Exhibit E holding the specification satisfies the written description and enablement requirement. *PerDiemCo LLC v.*

*Industrack LLC et al.*, No. 2:15-cv-727-JRG-RSP (E.D. Tex. Oct. 28, 2016) at Dkt. 272. In the same litigation, the Court issued a Claim Construction Memorandum and Order attached hereto as Exhibit F construing several terms that are at issue in this action. *PerDiemCo LLC v. Industrack LLC et al.*, No. 2:15-cv-727-JRG-RSP (E.D. Tex. July 7, 2016) at Dkt. 107.

71. During another litigation, the EDTX Court issued a Claim Construction Memorandum and Order attached hereto as Exhibit G construing several terms that are at issue in this action. *PerDiemCo LLC v GPS LOGIC, LLC, et al.*, No. 2:15-cv-1216-JRG-RSP (E.D. Tex. July 7, 2016) at Dkt. 155.

### **THE ACCUSED INSTRUMENTALITIES**

72. On information and belief, Defendant provides, uses, offers, and/or sells the tracking products and services that are alleged to infringe the Asserted Claims (“the Accused Instrumentalities”) as identified below.

73. The Accused Instrumentalities include but are not limited to:

1. Quartix Vehicle Tracking System (The “Accused System”):

#### **Vehicle tracking can boost fleet productivity**

Quartix vehicle tracking system offers a real-time overview of your vehicles with its utilization dashboards and range of fleet management tools. You can instantly see which of your vehicles are in use and track productivity with custom KPIs to alert you if targets are not being met.

View site-based data to track when vehicles arrived and departed from a specific location or use the route analysis feature to eliminate journey overlap. Monthly speed and mileage reports are also available to help you monitor fleet activity. Vehicle management is made easy with our inspection date reports, complete with reminders, engine hours information and odometer readings.

<https://www.quartix.com/vehicle-tracking/>

2. Quartix Vehicle Tracking Mobile App is used with the Accused System:

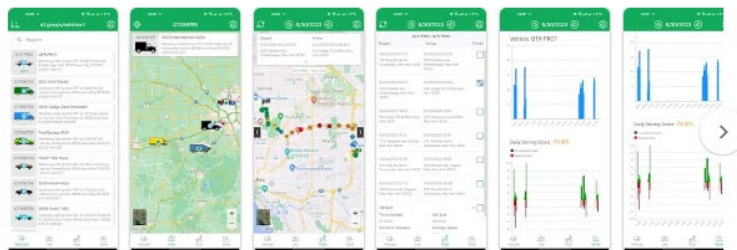


# Quartix Vehicle Tracking

Quartix

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About this app →

This app allows mobile users of the Quartix vehicle tracking system to view their vehicles in real time while on the move. The app is free to download, but can only be used by Quartix subscribers. It has the following key features:

<https://play.google.com/store/apps/details?id=com.quartix.mobiletracking&hl=en>

74. On information and belief, Defendant has in the past and continues to make, provide, use, test, distribute, sell, offer to sell, advertise, and/or import the Accused Instrumentalities, which are mobile communications technology, products, and services that are alleged to infringe the Patents-in-Suit.

75. On information and belief, Defendant and its affiliates, employees, and/or agents make, provide, use, test, distribute, sell, offer to sell, advertise, and/or import the Accused Instrumentalities for use by Defendant's partners, customers, and/or users, leading to direct or indirect revenues and profits. On information and belief, without its direct and indirect infringement of the Asserted Claims of the Patents-in-Suit, Defendant would be at a disadvantage in the marketplace for tracking products and services and would generate less revenues and profits.

76. Defendants were made aware of the Patents-in-Suit and its infringement through at least the filing and service or notice of the filing of this Complaint.

77. On information and belief, Defendant also provides instruction materials, engineering support, customer support, customer training, and other services for Defendant's partners, customers, and/or users regarding the features, functions, operation, and use of the Accused Instrumentalities, including at least the following User Guides and Log-in Portals (User Guide):

Quartix Vehicle Tracking System User Manual

<https://www.quartix.com/en-gb/user-manual/>

Quartix Vehicle Tracking Mobile App.

<https://play.google.com/store/apps/details?id=com.quartix.mobiletracking&hl=en>

78. The Accused Instrumentalities of Defendant infringe one or more of the Asserted Claims of each of the Patents-in-Suit, as set forth in detail in the attached claim charts (Exhibits B-1 through B-9), and as further described below.

### **COUNT I – INFRINGEMENT OF THE '941 PATENT**

79. Paragraphs 1 through 81 are incorporated by reference as if fully set forth herein.

80. On information and belief, Defendant directly infringes and continues to directly infringe under 35 U.S.C. § 271(a) at least one or more claims of the '941 patent, literally and/or under the doctrine of equivalents.

81. On information and belief, Defendant has in the past and continues to make, provide, use, test, distribute, sell, offer to sell, advertise, and/or import the Accused Instrumentalities in the United States.

82. An exemplary claim chart attached hereto as Exhibit B-1 and incorporated by reference herein details the correspondence of every element of claim 1 of the '941 patent with features of the Accused Instrumentalities.

83. On information and belief, Defendant's employees, agents, partners, customers, users, and/or suppliers directly infringe and continue to directly infringe at least one or more claims of the '941 patent, literally and/or under the doctrine of equivalents.

84. On information and belief, Defendant's employees, agents, partners, customers, users, and/or suppliers have in the past and continue to make, provide, use, test, distribute, sell, offer to sell, advertise, and/or import the Accused Instrumentalities in the United States.

85. Defendant was made aware of the '941 patent and its infringement no later than through the filing and service of this Complaint.

86. On information and belief, since the date of issuance of the patent, and by no later than the filing and service of this Complaint, Defendant has induced infringement and continues to induce infringement of the '941 patent under 35 U.S.C. § 271(b).

87. On information and belief, Defendant makes, provides, uses, tests, distributes, sells, offers to sell, advertises, and/or imports the Accused Instrumentalities as part of Defendant's knowing and intentional inducement of Defendant's employees, agents, partners, customers, users, and/or suppliers to directly infringe one or more of the asserted claims of the '941 patent by directing, encouraging, instructing, supporting, and aiding those persons to make, use, sell, or offer to sell the Accused Instrumentalities in a manner that infringes. On information and belief, Defendant acted with intent to cause direct infringement. Specifically, Defendant had actual knowledge of the Patents-in-Suit or was at least willfully blind as to their existence, and had actual

knowledge or was at least willfully blind that its actions would cause its employees, agents, partners, customers, users, and/or suppliers to directly infringe.

88. On information and belief, Defendant has taken active steps to induce infringement of the asserted claims of the '941 patent, such as the providing of instruction materials, engineering support, customer support, customer training, and other services for Defendant's employees, agents, partners, customers, users, and/or suppliers regarding the features, functions, operation, and use of the Accused Instrumentalities. As examples, Defendant provides User Guides for the Accused Instrumentalities on the Defendant's website, as referenced above, and provides the product literature described and cited in the claim chart attached hereto as Exhibit B-1.

89. On information and belief, since the date of issuance of the patent, and by no later than the filing and service of this Complaint, Defendant has contributed to and continues to contribute to infringement of the '941 patent under 35 U.S.C. § 271(c).

90. On information and belief, Defendant makes, provides, uses, tests, distributes, sells, offers to sell, advertises, and/or imports components of a location tracking system that constitute a material part of the invention claimed in the '941 patent, knowing the same to be especially made or especially adapted for use in an infringement of the patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

91. PerDiem has been and continues to be damaged by Defendant's infringement of the '941 patent.

92. On information and belief, since the date of issuance of the patent, and by no later than the filing and service of this Complaint, Defendant has willfully infringed the '941 patent.

93. On information and belief, the conduct by Defendant in infringing the '941 patent renders this case exceptional within the meaning of 35 U.S.C. § 285.

94. On information and belief, Defendant has had at least the following policies or practices that make its infringement of the '941 patent willful and make this an exceptional case: (1) not substantively investigating or responding to written notices of patent infringement; (2) not conducting sufficient due diligence to determine whether a company, business, and product line it was acquiring was infringing or had been accused of infringement; and (3) continuing with infringing acts if products or components used by Defendant to infringe were supplied to it by a third party.

95. The claim chart for the '941 patent (Exhibit B-1) is provided solely to satisfy the notice requirements of Rule 8(a)(2) of the Federal Rule of Civil Procedure. No part of the claim chart construes, or is intended to construe, the claims, specification, or prosecution history of the '941 patent. The claim chart does not represent PerDiem's preliminary or final infringement contentions, and PerDiem reserves the right to modify its infringement positions as discovery progresses in this case. The claim chart does not limit, and is not intended to limit, PerDiem's positions or contentions on claim construction, infringement, or validity.

#### **COUNT II – INFRINGEMENT OF THE '874 PATENT**

96. Paragraphs 1 through 81 are incorporated by reference as if fully set forth herein.

97. On information and belief, Defendant directly infringes and continues to directly infringe under 35 U.S.C. § 271(a) at least one or more claims of the '874 patent, literally and/or under the doctrine of equivalents.

98. On information and belief, Defendant has in the past and continues to make, provide, use, test, distribute, sell, offer to sell, advertise, and/or import the Accused Instrumentalities in the United States.

99. An exemplary claim chart attached hereto as Exhibit B-2 and incorporated by reference herein details the correspondence of every element of claims 11, 44, and 45 of the '874 patent with features of the Accused Instrumentalities.

100. On information and belief, Defendant's employees, agents, partners, customers, users, and/or suppliers directly infringe and continue to directly infringe at least one or more claims of the '874 patent, literally and/or under the doctrine of equivalents.

101. On information and belief, Defendant's employees, agents, partners, customers, users, and/or suppliers have in the past and continue to make, provide, use, test, distribute, sell, offer to sell, advertise, and/or import the Accused Instrumentalities in the United States.

102. Defendant was made aware of the '874 patent and its infringement no later than through the filing and service of this Complaint.

103. On information and belief, since the date of issuance of the patent, and by no later than the filing and service of this Complaint, Defendant has induced infringement and continues to induce infringement of the '874 patent under 35 U.S.C. § 271(b).

104. On information and belief, Defendant makes, provides, uses, tests, distributes, sells, offers to sell, advertises, and/or imports the Accused Instrumentalities as part of Defendant's knowing and intentional inducement of Defendant's employees, agents, partners, customers, users, and/or suppliers to directly infringe one or more of the asserted claims of the '874 patent by directing, encouraging, instructing, supporting, and aiding those persons to make, use, sell, or offer to sell the Accused Instrumentalities in a manner that infringes. On information and belief, Defendant acted with intent to cause direct infringement. Specifically, Defendant had actual knowledge of the Patents-in-Suit or was at least willfully blind as to their existence, and had actual

knowledge or was at least willfully blind that its actions would cause its employees, agents, partners, customers, users, and/or suppliers to directly infringe.

105. On information and belief, Defendant has taken active steps to induce infringement of the asserted claims of the '874 patent, such as the providing of instruction materials, engineering support, customer support, customer training, and other services for Defendant's employees, agents, partners, customers, users, and/or suppliers regarding the features, functions, operation, and use of the Accused Instrumentalities. As examples, Defendant provides User Guides for the Accused Instrumentalities on the Defendant's website, as referenced above, and provides the product literature described and cited in the claim chart attached hereto as Exhibit B-2.

106. On information and belief, since the date of issuance of the patent, and by no later than the filing and service of this Complaint, Defendant has contributed to and continues to contribute to infringement of the '874 patent under 35 U.S.C. § 271(c).

107. On information and belief, Defendant makes, provides, uses, tests, distributes, sells, offers to sell, advertises, and/or imports components of a location tracking system that constitute a material part of the invention claimed in the '874 patent, knowing the same to be especially made or especially adapted for use in an infringement of the patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

108. PerDiem has been and continues to be damaged by Defendant's infringement of the '874 patent.

109. On information and belief, since the date of issuance of the patent, and by no later than the filing and service of this Complaint, Defendant has willfully infringed the '874 patent.

110. On information and belief, the conduct by Defendant in infringing the '874 patent renders this case exceptional within the meaning of 35 U.S.C. § 285.

111. On information and belief, Defendant has had at least the following policies or practices that make its infringement of the '874 patent willful and make this an exceptional case: (1) not substantively investigating or responding to written notices of patent infringement; (2) not conducting sufficient due diligence to determine whether a company, business, and product line it was acquiring was infringing or had been accused of infringement; and (3) continuing with infringing acts if products or components used by Defendant to infringe were supplied to it by a third party.

112. The claim chart for the '874 patent (Exhibit B-2) is provided solely to satisfy the notice requirements of Rule 8(a)(2) of the Federal Rule of Civil Procedure. No part of the claim chart construes, or is intended to construe, the claims, specification, or prosecution history of the '874 patent. The claim chart does not represent PerDiem's preliminary or final infringement contentions, and PerDiem reserves the right to modify its infringement positions as discovery progresses in this case. The claim chart does not limit, and is not intended to limit, PerDiem's positions or contentions on claim construction, infringement, or validity.

### **COUNT III – INFRINGEMENT OF THE '198 PATENT**

113. Paragraphs 1 through 81 are incorporated by reference as if fully set forth herein.

114. On information and belief, Defendant directly infringes and continues to directly infringe under 35 U.S.C. § 271(a) at least one or more claims of the '198 patent, literally and/or under the doctrine of equivalents.

115. On information and belief, Defendant has in the past and continues to make, provide, use, test, distribute, sell, offer to sell, advertise, and/or import the Accused Instrumentalities in the United States.



116. An exemplary claim chart attached hereto as Exhibit B-3 and incorporated by reference herein details the correspondence of every element of claim 1 of the '198 patent with features of the Accused Instrumentalities.

117. On information and belief, Defendant's employees, agents, partners, customers, users, and/or suppliers directly infringe and continue to directly infringe at least one or more claims of the '198 patent, literally and/or under the doctrine of equivalents.

118. On information and belief, Defendant's employees, agents, partners, customers, users, and/or suppliers have in the past and continue to make, provide, use, test, distribute, sell, offer to sell, advertise, and/or import the Accused Instrumentalities in the United States.

119. Defendant was made aware of the '198 patent and its infringement no later than through the filing and service of this Complaint.

120. On information and belief, since the date of issuance of the patent, and by no later than the filing and service of this Complaint, Defendant has induced infringement and continues to induce infringement of the '198 patent under 35 U.S.C. § 271(b).

121. On information and belief, Defendant makes, provides, uses, tests, distributes, sells, offers to sell, advertises, and/or imports the Accused Instrumentalities as part of Defendant's knowing and intentional inducement of Defendant's employees, agents, partners, customers, users, and/or suppliers to directly infringe one or more of the asserted claims of the '198 patent by directing, encouraging, instructing, supporting, and aiding those persons to make, use, sell, or offer to sell the Accused Instrumentalities in a manner that infringes. On information and belief, Defendant acted with intent to cause direct infringement. Specifically, Defendant had actual knowledge of the Patents-in-Suit or was at least willfully blind as to their existence, and had actual

knowledge or was at least willfully blind that its actions would cause its employees, agents, partners, customers, users, and/or suppliers to directly infringe.

122. On information and belief, Defendant has taken active steps to induce infringement of the asserted claims of the '198 patent, such as the providing of instruction materials, engineering support, customer support, customer training, and other services for Defendant's employees, agents, partners, customers, users, and/or suppliers regarding the features, functions, operation, and use of the Accused Instrumentalities. As examples, Defendant provides User Guides for the Accused Instrumentalities on the Defendant's website, as referenced above, and provides the product literature described and cited in the claim chart attached hereto as Exhibit B-3.

123. On information and belief, since the date of issuance of the patent, and by no later than the filing and service of this Complaint, Defendant has contributed to and continues to contribute to infringement of the '198 patent under 35 U.S.C. § 271(c).

124. On information and belief, Defendant makes, provides, uses, tests, distributes, sells, offers to sell, advertises, and/or imports components of a location tracking system that constitute a material part of the invention claimed in the '198 patent, knowing the same to be especially made or especially adapted for use in an infringement of the patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

125. PerDiem has been and continues to be damaged by Defendant's infringement of the '198 patent.

126. On information and belief, since the date of issuance of the patent, and by no later than the filing and service of this Complaint Defendant has willfully infringed the '198 patent.

127. On information and belief, the conduct by Defendant in infringing the '198 patent renders this case exceptional within the meaning of 35 U.S.C. § 285.

128. On information and belief, Defendant has had at least the following policies or practices that make its infringement of the '198 patent willful and make this an exceptional case: (1) not substantively investigating or responding to written notices of patent infringement; (2) not conducting sufficient due diligence to determine whether a company, business, and product line it was acquiring was infringing or had been accused of infringement; and (3) continuing with infringing acts if products or components used by Defendant to infringe were supplied to it by a third party.

129. The claim chart for the '198 patent (Exhibit B-3) is provided solely to satisfy the notice requirements of Rule 8(a)(2) of the Federal Rule of Civil Procedure. No part of the claim chart construes, or is intended to construe, the claims, specification, or prosecution history of the '198 patent. The claim chart does not represent PerDiem's preliminary or final infringement contentions, and PerDiem reserves the right to modify its infringement positions as discovery progresses in this case. The claim chart does not limit, and is not intended to limit, PerDiem's positions or contentions on claim construction, infringement, or validity.

#### **COUNT IV – INFRINGEMENT OF THE '789 PATENT**

130. Paragraphs 1 through 81 are incorporated by reference as if fully set forth herein.

131. On information and belief, Defendant directly infringes and continues to directly infringe under 35 U.S.C. § 271(a) at least one or more claims of the '789 patent, literally and/or under the doctrine of equivalents.

132. On information and belief, Defendant has in the past and continues to make, provide, use, test, distribute, sell, offer to sell, advertise, and/or import the Accused Instrumentalities in the United States.

133. An exemplary claim chart attached hereto as Exhibit B-4 and incorporated by reference herein details the correspondence of every element of claims 12 the '789 patent with features of the Accused Instrumentalities.

134. On information and belief, Defendant's employees, agents, partners, customers, users, and/or suppliers directly infringe and continue to directly infringe at least one or more claims of the '789 patent, literally and/or under the doctrine of equivalents.

135. On information and belief, Defendant's employees, agents, partners, customers, users, and/or suppliers have in the past and continue to make, provide, use, test, distribute, sell, offer to sell, advertise, and/or import the Accused Instrumentalities in the United States.

136. Defendant was made aware of the '789 patent and its infringement no later than through the filing and service of this Complaint.

137. On information and belief, since the date of issuance of the patent, and by no later than the filing and service of this Complaint, Defendant has induced infringement and continues to induce infringement of the '789 patent under 35 U.S.C. § 271(b).

138. On information and belief, Defendant makes, provides, uses, tests, distributes, sells, offers to sell, advertises, and/or imports the Accused Instrumentalities as part of Defendant's knowing and intentional inducement of Defendant's employees, agents, partners, customers, users, and/or suppliers to directly infringe one or more of the asserted claims of the '789 patent by directing, encouraging, instructing, supporting, and aiding those persons to make, use, sell, or offer to sell the Accused Instrumentalities in a manner that infringes. On information and belief, Defendant acted with intent to cause direct infringement. Specifically, Defendant had actual knowledge of the Patents-in-Suit or was at least willfully blind as to their existence, and had actual

knowledge or was at least willfully blind that its actions would cause its employees, agents, partners, customers, users, and/or suppliers to directly infringe.

139. On information and belief, Defendant has taken active steps to induce infringement of the asserted claims of the '789 patent, such as the providing of instruction materials, engineering support, customer support, customer training, and other services for Defendant's employees, agents, partners, customers, users, and/or suppliers regarding the features, functions, operation, and use of the Accused Instrumentalities. As examples, Defendant provides User Guides for the Accused Instrumentalities on the Defendant's website, as referenced above, and provides the product literature described and cited in the claim chart attached hereto as Exhibit B-4.

140. On information and belief, since the date of issuance of the patent, and by no later than the filing and service of this Complaint, Defendant has contributed to and continues to contribute to infringement of the '789 patent under 35 U.S.C. § 271(c).

141. On information and belief, Defendant makes, provides, uses, tests, distributes, sells, offers to sell, advertises, and/or imports components of a location tracking system that constitute a material part of the invention claimed in the '789 patent, knowing the same to be especially made or especially adapted for use in an infringement of the patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

142. PerDiem has been and continues to be damaged by Defendant's infringement of the '789 patent.

143. On information and belief, since the date of issuance of the patent, and by no later than the filing and service of this Complaint, Defendant has willfully infringed the '789 patent.

144. On information and belief, the conduct by Defendant in infringing the '789 patent renders this case exceptional within the meaning of 35 U.S.C. § 285.

145. On information and belief, Defendant has had at least the following policies or practices that make its infringement of the '789 patent willful and make this an exceptional case: (1) not substantively investigating or responding to written notices of patent infringement; (2) not conducting sufficient due diligence to determine whether a company, business, and product line it was acquiring was infringing or had been accused of infringement; and (3) continuing with infringing acts if products or components used by Defendant to infringe were supplied to it by a third party.

146. The claim chart for the '789 patent (Exhibit B-4) is provided solely to satisfy the notice requirements of Rule 8(a)(2) of the Federal Rule of Civil Procedure. No part of the claim chart construes, or is intended to construe, the claims, specification, or prosecution history of the '789 patent. The claim chart does not represent PerDiem's preliminary or final infringement contentions, and PerDiem reserves the right to modify its infringement positions as discovery progresses in this case. The claim chart does not limit, and is not intended to limit, PerDiem's positions or contentions on claim construction, infringement, or validity.

#### **COUNT V – INFRINGEMENT OF THE '364 PATENT**

147. Paragraphs 1 through 81 are incorporated by reference as if fully set forth herein.

148. On information and belief, Defendant directly infringes and continues to directly infringe under 35 U.S.C. § 271(a) at least one or more claims of the '364 patent, literally and/or under the doctrine of equivalents.

149. On information and belief, Defendant has in the past and continues to make, provide, use, test, distribute, sell, offer to sell, advertise, and/or import the Accused Instrumentalities in the United States.

150. An exemplary claim chart attached hereto as Exhibit B-5 and incorporated by reference herein details the correspondence of every element of claims 3 of the '364 patent with features of the Accused Instrumentalities.

151. On information and belief, Defendant's employees, agents, partners, customers, users, and/or suppliers directly infringe and continue to directly infringe at least one or more claims of the '364 patent, literally and/or under the doctrine of equivalents.

152. On information and belief, Defendant's employees, agents, partners, customers, users, and/or suppliers have in the past and continue to make, provide, use, test, distribute, sell, offer to sell, advertise, and/or import the Accused Instrumentalities in the United States.

153. On information and belief, Defendant had actual knowledge of the Patents-in-Suit or was at least willfully blind as to their existence, and had actual knowledge or was at least willfully blind that its actions would cause its employees, agents, partners, customers, users, and/or suppliers to infringe, by no later than January 2019. Defendant was also made aware of the '364 patent and its infringement no later than through the filing and service of this Complaint.

154. On information and belief, since the date of issuance of the patent, and by no later than the filing and service of this Complaint, Defendant has induced infringement and continues to induce infringement of the '364 patent under 35 U.S.C. § 271(b).

155. On information and belief, Defendant makes, provides, uses, tests, distributes, sells, offers to sell, advertises, and/or imports the Accused Instrumentalities as part of Defendant's knowing and intentional inducement of Defendant's employees, agents, partners, customers, users, and/or suppliers to directly infringe one or more of the asserted claims of the '364 patent by directing, encouraging, instructing, supporting, and aiding those persons to make, use, sell, or offer to sell the Accused Instrumentalities in a manner that infringes. On information and belief,

Defendant acted with intent to cause direct infringement. Specifically, Defendant had actual knowledge of the Patents-in-Suit or was at least willfully blind as to their existence, and had actual knowledge or was at least willfully blind that its actions would cause its employees, agents, partners, customers, users, and/or suppliers to directly infringe.

156. On information and belief, Defendant has taken active steps to induce infringement of the asserted claims of the '364 patent, such as the providing of instruction materials, engineering support, customer support, customer training, and other services for Defendant's employees, agents, partners, customers, users, and/or suppliers regarding the features, functions, operation, and use of the Accused Instrumentalities. As examples, Defendant provides User Guides for the Accused Instrumentalities on the Defendant's website, as referenced above, and provides the product literature described and cited in the claim chart attached hereto as Exhibit B-5.

157. On information and belief, since the date of issuance of the patent, and by no later than the filing and service of this Complaint, Defendant has contributed to and continues to contribute to infringement of the '364 patent under 35 U.S.C. § 271(c).

158. On information and belief, Defendant makes, provides, uses, tests, distributes, sells, offers to sell, advertises, and/or imports components of a location tracking system that constitute a material part of the invention claimed in the '364 patent, knowing the same to be especially made or especially adapted for use in an infringement of the patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

159. PerDiem has been and continues to be damaged by Defendant's infringement of the '364 patent.

160. On information and belief, since the date of issuance of the patent, and by no later than the filing and service of this Complaint, Defendant has willfully infringed the '364 patent.



161. On information and belief, the conduct by Defendant in infringing the '364 patent renders this case exceptional within the meaning of 35 U.S.C. § 285.

162. On information and belief, Defendant has had at least the following policies or practices that make its infringement of the '364 patent willful and make this an exceptional case: (1) not substantively investigating or responding to written notices of patent infringement; (2) not conducting sufficient due diligence to determine whether a company, business, and product line it was acquiring was infringing or had been accused of infringement; and (3) continuing with infringing acts if products or components used by Defendant to infringe were supplied to it by a third party.

163. The claim chart for the '364 patent (Exhibit B-5) is provided solely to satisfy the notice requirements of Rule 8(a)(2) of the Federal Rule of Civil Procedure. No part of the claim chart construes, or is intended to construe, the claims, specification, or prosecution history of the '364 patent. The claim chart does not represent PerDiem's preliminary or final infringement contentions, and PerDiem reserves the right to modify its infringement positions as discovery progresses in this case. The claim chart does not limit, and is not intended to limit, PerDiem's positions or contentions on claim construction, infringement, or validity.

**COUNT VI – INFRINGEMENT OF THE '809 PATENT**

164. Paragraphs 1 through 81 are incorporated by reference as if fully set forth herein.

165. On information and belief, Defendant directly infringes and continues to directly infringe under 35 U.S.C. § 271(a) at least one or more claims of the '809 patent, literally and/or under the doctrine of equivalents.

166. On information and belief, Defendant has in the past and continues to make, provide, use, test, distribute, sell, offer to sell, advertise, and/or import the Accused Instrumentalities in the United States.

167. An exemplary claim chart attached hereto as Exhibit B-6 and incorporated by reference herein details the correspondence of every element of claim 1 of the '809 patent with features of the Accused Instrumentalities.

168. On information and belief, Defendant's employees, agents, partners, customers, users, and/or suppliers directly infringe and continue to directly infringe at least one or more claims of the '809 patent, literally and/or under the doctrine of equivalents.

169. On information and belief, Defendant's employees, agents, partners, customers, users, and/or suppliers have in the past and continue to make, provide, use, test, distribute, sell, offer to sell, advertise, and/or import the Accused Instrumentalities in the United States.

170. On information and belief, Defendant had actual knowledge of the Patents-in-Suit or was at least willfully blind as to their existence, and had actual knowledge or was at least willfully blind that its actions would cause its employees, agents, partners, customers, users, and/or suppliers to infringe, by no later than January 2019. Defendant was also made aware of the '809 patent and its infringement no later than through the filing and service of this Complaint.

171. On information and belief, since the date of issuance of the patent, and by no later than the filing and service of this Complaint, Defendant has induced infringement and continues to induce infringement of the '809 patent under 35 U.S.C. § 271(b).

172. On information and belief, Defendant makes, provides, uses, tests, distributes, sells, offers to sell, advertises, and/or imports the Accused Instrumentalities as part of Defendant's knowing and intentional inducement of Defendant's employees, agents, partners, customers, users,

and/or suppliers to directly infringe one or more of the asserted claims of the '809 patent by directing, encouraging, instructing, supporting, and aiding those persons to make, use, sell, or offer to sell the Accused Instrumentalities in a manner that infringes. On information and belief, Defendant acted with intent to cause direct infringement. Specifically, Defendant had actual knowledge of the Patents-in-Suit or was at least willfully blind as to their existence, and had actual knowledge or was at least willfully blind that its actions would cause its employees, agents, partners, customers, users, and/or suppliers to directly infringe.

173. On information and belief, Defendant has taken active steps to induce infringement of the asserted claims of the '809 patent, such as the providing of instruction materials, engineering support, customer support, customer training, and other services for Defendant's employees, agents, partners, customers, users, and/or suppliers regarding the features, functions, operation, and use of the Accused Instrumentalities. As examples, Defendant provides User Guides for the Accused Instrumentalities on the Defendant's website, as referenced above, and provides the product literature described and cited in the claim chart attached hereto as Exhibit B-6.

174. On information and belief, since the date of issuance of the patent, and by no later than the filing and service of this Complaint, Defendant has contributed to and continues to contribute to infringement of the '809 patent under 35 U.S.C. § 271(c).

175. On information and belief, Defendant makes, provides, uses, tests, distributes, sells, offers to sell, advertises, and/or imports components of a location tracking system that constitute a material part of the invention claimed in the '809 patent, knowing the same to be especially made or especially adapted for use in an infringement of the patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

176. PerDiem has been and continues to be damaged by Defendant's infringement of the '809 patent.

177. On information and belief, since the date of issuance of the patent, and by no later than the filing and service of this Complaint, Defendant has willfully infringed the '809 patent.

178. On information and belief, the conduct by Defendant in infringing the '809 patent renders this case exceptional within the meaning of 35 U.S.C. § 285.

179. On information and belief, Defendant has had at least the following policies or practices that make its infringement of the '809 patent willful and make this an exceptional case: (1) not substantively investigating or responding to written notices of patent infringement; (2) not conducting sufficient due diligence to determine whether a company, business, and product line it was acquiring was infringing or had been accused of infringement; and (3) continuing with infringing acts if products or components used by Defendant to infringe were supplied to it by a third party.

180. The claim chart for the '809 patent (Exhibit B-6) is provided solely to satisfy the notice requirements of Rule 8(a)(2) of the Federal Rule of Civil Procedure. No part of the claim chart construes, or is intended to construe, the claims, specification, or prosecution history of the '809 patent. The claim chart does not represent PerDiem's preliminary or final infringement contentions, and PerDiem reserves the right to modify its infringement positions as discovery progresses in this case. The claim chart does not limit, and is not intended to limit, PerDiem's positions or contentions on claim construction, infringement, or validity.

**COUNT VII – INFRINGEMENT OF THE '038 PATENT**

181. Paragraphs 1 through 81 are incorporated by reference as if fully set forth herein.

182. On information and belief, Defendant directly infringes and continues to directly infringe under 35 U.S.C. § 271(a) at least one or more claims of the '038 patent, literally and/or under the doctrine of equivalents.

183. On information and belief, Defendant has in the past and continues to make, provide, use, test, distribute, sell, offer to sell, advertise, and/or import the Accused Instrumentalities in the United States.

184. An exemplary claim chart attached hereto as Exhibit B-7 and incorporated by reference herein details the correspondence of every element of claim 1 of the '038 patent with features of the Accused Instrumentalities.

185. On information and belief, Defendant's employees, agents, partners, customers, users, and/or suppliers directly infringe and continue to directly infringe at least one or more claims of the '038 patent, literally and/or under the doctrine of equivalents.

186. On information and belief, Defendant's employees, agents, partners, customers, users, and/or suppliers have in the past and continue to make, provide, use, test, distribute, sell, offer to sell, advertise, and/or import the Accused Instrumentalities in the United States.

187. On information and belief, Defendant had actual knowledge of the Patents-in-Suit or was at least willfully blind as to their existence, and had actual knowledge or was at least willfully blind that its actions would cause its employees, agents, partners, customers, users, and/or suppliers to infringe, by no later than January 2019. Defendant was also made aware of the '038 patent and its infringement no later than through the filing and service of this Complaint.

188. On information and belief, since the date of issuance of the patent, and by no later than the filing and service of this Complaint, Defendant has induced infringement and continues to induce infringement of the '038 patent under 35 U.S.C. § 271(b).

189. On information and belief, Defendant makes, provides, uses, tests, distributes, sells, offers to sell, advertises, and/or imports the Accused Instrumentalities as part of Defendant's knowing and intentional inducement of Defendant's employees, agents, partners, customers, users, and/or suppliers to directly infringe one or more of the asserted claims of the '038 patent by directing, encouraging, instructing, supporting, and aiding those persons to make, use, sell, or offer to sell the Accused Instrumentalities in a manner that infringes. On information and belief, Defendant acted with intent to cause direct infringement. Specifically, Defendant had actual knowledge of the Patents-in-Suit or was at least willfully blind as to their existence, and had actual knowledge or was at least willfully blind that its actions would cause its employees, agents, partners, customers, users, and/or suppliers to directly infringe.

190. On information and belief, Defendant has taken active steps to induce infringement of the asserted claims of the '038 patent, such as the providing of instruction materials, engineering support, customer support, customer training, and other services for Defendant's employees, agents, partners, customers, users, and/or suppliers regarding the features, functions, operation, and use of the Accused Instrumentalities. As examples, Defendant provides User Guides for the Accused Instrumentalities on the Defendant's website, as referenced above, and provides the product literature described and cited in the claim chart attached hereto as Exhibit B-7.

191. On information and belief, since the date of issuance of the patent, and by no later than the filing and service of this Complaint, Defendant has contributed to and continues to contribute to infringement of the '038 patent under 35 U.S.C. § 271(c).

192. On information and belief, Defendant makes, provides, uses, tests, distributes, sells, offers to sell, advertises, and/or imports components of a location tracking system that constitute a material part of the invention claimed in the '038 patent, knowing the same to be especially made

or especially adapted for use in an infringement of the patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

193. PerDiem has been and continues to be damaged by Defendant's infringement of the '038 patent.

194. On information and belief, since the date of issuance of the patent, and by no later than the filing and service of this Complaint, Defendant has willfully infringed the '038 patent.

195. On information and belief, the conduct by Defendant in infringing the '038 patent renders this case exceptional within the meaning of 35 U.S.C. § 285.

196. On information and belief, Defendant has had at least the following policies or practices that make its infringement of the '038 patent willful and make this an exceptional case: (1) not substantively investigating or responding to written notices of patent infringement; (2) not conducting sufficient due diligence to determine whether a company, business, and product line it was acquiring was infringing or had been accused of infringement; and (3) continuing with infringing acts if products or components used by Defendant to infringe were supplied to it by a third party.

197. The claim chart for the '038 patent (Exhibit B-7) is provided solely to satisfy the notice requirements of Rule 8(a)(2) of the Federal Rule of Civil Procedure. No part of the claim chart construes, or is intended to construe, the claims, specification, or prosecution history of the '038 patent. The claim chart does not represent PerDiem's preliminary or final infringement contentions, and PerDiem reserves the right to modify its infringement positions as discovery progresses in this case. The claim chart does not limit, and is not intended to limit, PerDiem's positions or contentions on claim construction, infringement, or validity.

**COUNT VIII – INFRINGEMENT OF THE '937 PATENT**

198. Paragraphs 1 through 81 are incorporated by reference as if fully set forth herein.

199. On information and belief, Defendant directly infringes and continues to directly infringe under 35 U.S.C. § 271(a) at least one or more claims of the '937 patent, literally and/or under the doctrine of equivalents.

200. On information and belief, Defendant has in the past and continues to make, provide, use, test, distribute, sell, offer to sell, advertise, and/or import the Accused Instrumentalities in the United States.

201. An exemplary claim chart attached hereto as Exhibit B-8 and incorporated by reference herein details the correspondence of every element of claims 1 of the '937 patent with features of the Accused Instrumentalities.

202. On information and belief, Defendant's employees, agents, partners, customers, users, and/or suppliers directly infringe and continue to directly infringe at least one or more claims of the '937 patent, literally and/or under the doctrine of equivalents.

203. On information and belief, Defendant's employees, agents, partners, customers, users, and/or suppliers have in the past and continue to make, provide, use, test, distribute, sell, offer to sell, advertise, and/or import the Accused Instrumentalities in the United States.

204. On information and belief, Defendant had actual knowledge of the Patents-in-Suit or was at least willfully blind as to their existence, and had actual knowledge or was at least willfully blind that its actions would cause its employees, agents, partners, customers, users, and/or suppliers to infringe, by no later than January 2019. Defendant was also made aware of the '937 patent and its infringement no later than through the filing and service of this Complaint.



205. On information and belief, since the date of issuance of the patent, and by no later than the filing and service of this Complaint, Defendant has induced infringement and continues to induce infringement of the '937 patent under 35 U.S.C. § 271(b).

206. On information and belief, Defendant makes, provides, uses, tests, distributes, sells, offers to sell, advertises, and/or imports the Accused Instrumentalities as part of Defendant's knowing and intentional inducement of Defendant's employees, agents, partners, customers, users, and/or suppliers to directly infringe one or more of the asserted claims of the '937 patent by directing, encouraging, instructing, supporting, and aiding those persons to make, use, sell, or offer to sell the Accused Instrumentalities in a manner that infringes. On information and belief, Defendant acted with intent to cause direct infringement. Specifically, Defendant had actual knowledge of the Patents-in-Suit or was at least willfully blind as to their existence, and had actual knowledge or was at least willfully blind that its actions would cause its employees, agents, partners, customers, users, and/or suppliers to directly infringe.

207. On information and belief, Defendant has taken active steps to induce infringement of the asserted claims of the '937 patent, such as the providing of instruction materials, engineering support, customer support, customer training, and other services for Defendant's employees, agents, partners, customers, users, and/or suppliers regarding the features, functions, operation, and use of the Accused Instrumentalities. As examples, Defendant provides User Guides for the Accused Instrumentalities on the Defendant's website, as referenced above, and provides the product literature described and cited in the claim chart attached hereto as Exhibit B-8.

208. On information and belief, since the date of issuance of the patent, and by no later than the filing and service of this Complaint, Defendant has contributed to and continues to contribute to infringement of the '937 patent under 35 U.S.C. § 271(c).

209. On information and belief, Defendant makes, provides, uses, tests, distributes, sells, offers to sell, advertises, and/or imports components of a location tracking system that constitute a material part of the invention claimed in the '937 patent, knowing the same to be especially made or especially adapted for use in an infringement of the patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

210. PerDiem has been and continues to be damaged by Defendant's infringement of the '937 patent.

211. On information and belief, since the date of issuance of the patent, and by no later than the filing and service of this Complaint, Defendant has willfully infringed the '937 patent.

212. On information and belief, the conduct by Defendant in infringing the '937 patent renders this case exceptional within the meaning of 35 U.S.C. § 285.

213. On information and belief, Defendant has had at least the following policies or practices that make its infringement of the '937 patent willful and make this an exceptional case: (1) not substantively investigating or responding to written notices of patent infringement; (2) not conducting sufficient due diligence to determine whether a company, business, and product line it was acquiring was infringing or had been accused of infringement; and (3) continuing with infringing acts if products or components used by Defendant to infringe were supplied to it by a third party.

214. The claim chart for the '937 patent (Exhibit B-8) is provided solely to satisfy the notice requirements of Rule 8(a)(2) of the Federal Rule of Civil Procedure. No part of the claim chart construes, or is intended to construe, the claims, specification, or prosecution history of the '937 patent. The claim chart does not represent PerDiem's preliminary or final infringement contentions, and PerDiem reserves the right to modify its infringement positions

as discovery progresses in this case. The claim chart does not limit, and is not intended to limit, PerDiem's positions or contentions on claim construction, infringement, or validity.

**COUNT IX – INFRINGEMENT OF THE '595 PATENT**

215. Paragraphs 1 through 81 are incorporated by reference as if fully set forth herein.

216. On information and belief, Defendant directly infringes and continues to directly infringe under 35 U.S.C. § 271(a) at least one or more claims of the '595 patent, literally and/or under the doctrine of equivalents.

217. On information and belief, Defendant has in the past and continues to make, provide, use, test, distribute, sell, offer to sell, advertise, and/or import the Accused Instrumentalities in the United States.

218. An exemplary claim chart attached hereto as Exhibit B-9 and incorporated by reference herein details the correspondence of every element of claim 1 of the '595 patent with features of the Accused Instrumentalities.

219. On information and belief, Defendant's employees, agents, partners, customers, users, and/or suppliers directly infringe and continue to directly infringe at least one or more claims of the '595 patent, literally and/or under the doctrine of equivalents.

220. On information and belief, Defendant's employees, agents, partners, customers, users, and/or suppliers have in the past and continue to make, provide, use, test, distribute, sell, offer to sell, advertise, and/or import the Accused Instrumentalities in the United States.

221. On information and belief, Defendant had actual knowledge of the Patents-in-Suit or was at least willfully blind as to their existence, and had actual knowledge or was at least willfully blind that its actions would cause its employees, agents, partners, customers, users, and/or

suppliers to infringe, by no later than January 2019. Defendant was also made aware of the '595 patent and its infringement no later than through the filing and service of this Complaint.

222. On information and belief, since the date of issuance of the patent, and by no later than the filing and service of this Complaint, Defendant has induced infringement and continues to induce infringement of the '595 patent under 35 U.S.C. § 271(b).

223. On information and belief, Defendant makes, provides, uses, tests, distributes, sells, offers to sell, advertises, and/or imports the Accused Instrumentalities as part of Defendant's knowing and intentional inducement of Defendant's employees, agents, partners, customers, users, and/or suppliers to directly infringe one or more of the asserted claims of the '595 patent by directing, encouraging, instructing, supporting, and aiding those persons to make, use, sell, or offer to sell the Accused Instrumentalities in a manner that infringes. On information and belief, Defendant acted with intent to cause direct infringement. Specifically, Defendant had actual knowledge of the Patents-in-Suit or was at least willfully blind as to their existence, and had actual knowledge or was at least willfully blind that its actions would cause its employees, agents, partners, customers, users, and/or suppliers to directly infringe.

224. On information and belief, Defendant has taken active steps to induce infringement of the asserted claims of the '595 patent, such as the providing of instruction materials, engineering support, customer support, customer training, and other services for Defendant's employees, agents, partners, customers, users, and/or suppliers regarding the features, functions, operation, and use of the Accused Instrumentalities. As examples, Defendant provides User Guides for the Accused Instrumentalities on the Defendant's website, as referenced above, and provides the product literature described and cited in the claim chart attached hereto as Exhibit B-9.

225. On information and belief, since the date of issuance of the patent, and by no later than the filing and service of this Complaint, Defendant has contributed to and continues to contribute to infringement of the '595 patent under 35 U.S.C. § 271(c).

226. On information and belief, Defendant makes, provides, uses, tests, distributes, sells, offers to sell, advertises, and/or imports components of a location tracking system that constitute a material part of the invention claimed in the '595 patent, knowing the same to be especially made or especially adapted for use in an infringement of the patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

227. PerDiem has been and continues to be damaged by Defendant's infringement of the '595 patent.

228. On information and belief, since the date of issuance of the patent, and by no later than the filing and service of this Complaint, Defendant has willfully infringed the '595 patent.

229. On information and belief, the conduct by Defendant in infringing the '595 patent renders this case exceptional within the meaning of 35 U.S.C. § 285.

230. On information and belief, Defendant has had at least the following policies or practices that make its infringement of the '595 patent willful and make this an exceptional case: (1) not substantively investigating or responding to written notices of patent infringement; (2) not conducting sufficient due diligence to determine whether a company, business, and product line it was acquiring was infringing or had been accused of infringement; and (3) continuing with infringing acts if products or components used by Defendant to infringe were supplied to it by a third party.

231. The claim chart for the '595 patent (Exhibit B-9) is provided solely to satisfy the notice requirements of Rule 8(a)(2) of the Federal Rule of Civil Procedure. No part of the claim

chart construes, or is intended to construe, the claims, specification, or prosecution history of the '595 patent. The claim chart does not represent PerDiem's preliminary or final infringement contentions, and PerDiem reserves the right to modify its infringement positions as discovery progresses in this case. The claim chart does not limit, and is not intended to limit, PerDiem's positions or contentions on claim construction, infringement, or validity.

**JURY DEMAND**

232. Pursuant to Rule 38 of the Federal Rules of Civil Procedure, PerDiem demands a trial by jury on all issues triable as such.

**PRAYER FOR RELIEF**

WHEREFORE, PerDiem demands judgment for itself and against Defendant as follows:

- A. An adjudication that Defendant has infringed each of the Patents-in-Suit;
- B. An award of damages under 35 U.S.C. § 284 adequate to compensate PerDiem for Defendant's past infringement and any continuing or future infringement, including pre-judgment and post-judgment interest, costs, expenses, and an accounting;
- C. If supported by the evidence, an adjudication that Defendant's past infringement was willful, and that Defendant's continued infringement is willful;
- D. If Defendant's infringement is found to be willful, an award of enhanced damages for such willful infringement;
- E. A declaration that this case is exceptional under 35 U.S.C. § 285;
- F. An award of reasonable attorney fees to PerDiem;
- G. An injunction against Defendant from making, using, selling, offering to sell, or importing any products or services that infringe; and

H. An award to PerDiem of such further relief at law or in equity as the Court deems just and proper.

January 29, 2024

Respectfully submitted,

**HANSEN REYNOLDS LLC**

*s/ Alan W. Nicgorski*

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