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7 *Attorney(s) for Plaintiff Fleet Connect Solutions, LLC*

8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

10 FLEET CONNECT SOLUTIONS LLC,

11 Plaintiff,

12 v.

13 BELKIN INTERNATIONAL, INC.,

14 Defendant.
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Case No. 2:24-cv-7486

**COMPLAINT AGAINST
BELKIN INTERNATIONAL,
INC. FOR PATENT
INFRINGEMENT**

JURY TRIAL DEMANDED

1 35 U.S.C. §§ 271, 281, and 284–85, among others. This Court has subject matter
2 jurisdiction of the action under 28 U.S.C. § 1331 and § 1338(a).

3 7. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b)-(d) and
4 1400(b) because Belkin resides in this district, has its principal place of business in
5 this district, has conducted and continues to conduct business in this district, and has
6 committed and continues to commit acts of infringement in this district.

7 8. Defendant is subject to this Court’s specific and general personal
8 jurisdiction under due process due at least to Defendant’s substantial business in this
9 judicial district, including: (i) at least a portion of the infringements alleged herein;
10 (ii) regularly transacting, doing, and/or soliciting business, engaging in other
11 persistent courses of conduct, or deriving substantial revenue from goods and
12 services provided to individuals in California and in this District; and (iii) having an
13 interest in, using or possessing real property in California.

14 9. Specifically, Defendant intends to do and does business in, has committed
15 acts of infringement in, and continues to commit acts of infringement in this District
16 directly, through intermediaries, by contributing to and through its inducement of
17 third parties, and offers its products or services, including those accused of
18 infringement here, to customers and potential customers located in this District.
19 Defendant markets, sells, and delivers accused products in this district, and has
20 committed acts of infringement in this judicial district.

21 10. Defendant commits acts of infringement from this District, including, but
22 not limited to, use of the Accused Products and inducement of third parties to use
23 the Accused Products.

24 **THE ACCUSED PRODUCTS**

25 11. FCS repeats and re-alleges the allegations in Paragraphs above as though
26 fully set forth in their entirety.

27 12. Defendant uses, causes to be used, provides, supplies, or distributes one
28 or more computing devices, including, but not limited to, Atlas Max 6E - MX8503,

1 Atlas Max 6E - MX8502, Atlas Pro 6 - MX5503, Atlas Pro 6 - MX5502, MX12600,
2 MX8400C, MX4200, Hydra Pro 6 - EMR7500, Hydra Pro 6 - MR5500, Max-Stream
3 - EA7450, Max-Stream - MR7350, Hydra 6 - MR20EC, E8450 - Dual-Band
4 AX3200 WiFi 6 Router, E7350 - Dual-Band AX1800 WiFi 6 Router, Dual-Band
5 WiFi 6 Range Extender (AX1800), RE6300 AC750 BOOST WiFi Extender,
6 RE7310 - Dual-Band WiFi 6 Range Extender (AX1800), SoundForm Elite, Wemo
7 Smart Video Doorbell - WDC010), and any other devices and hardware, software,
8 and functionality that comprise substantially similar functionality (collectively, the
9 “Accused Products”).

10 13. On information and belief, the Accused Products perform wireless
11 communications and methods associated with performing and/or implementing
12 wireless communications including, but not limited to, wireless communications and
13 methods pursuant to various protocols and implementations, including, but not
14 limited to, Bluetooth, IEEE 802.11, and LTE protocols and various subsections
15 thereof, including, but not limited to, 802.11ac, 802.11b, and 802.11n.

16 14. On information and belief, the wireless communications perform and/or
17 implemented by the Accused Products, among other things, transmit data over
18 various media, compute time slot channels, generate packets for network
19 transmissions, perform or cause to be performed error estimation in orthogonal
20 frequency division multiplexed (“OFDM”) receivers, and various methods of
21 processing OFDM symbols.

22 15. Defendant was notified that the Accused Products infringe the Asserted
23 Patents by a letter in February of 2024.

24 16. For these reasons and the additional reasons detailed below, the Accused
25 Products practice at least one claim of each of the Asserted Patents.

26 **COUNT I: INFRINGEMENT OF U.S. PATENT NO. 6,549,583**

27 17. FCS repeats and re-alleges the allegations in Paragraphs above as though
28 fully set forth in their entirety.

1 18. The USPTO duly issued U.S. Patent No. 6,549,583 (the “’583 patent”) on
2 April 15, 2003, after full and fair examination of Application No. 09/790,429 which
3 was filed February 21, 2001. The ’583 patent is entitled “Optimum Phase Error
4 Metric for OFDM Pilot Tone Tracking in Wireless LAN.”

5 19. FCS owns all substantial rights, interest, and title in and to the ’583 patent,
6 including the sole and exclusive right to prosecute this action and enforce the ’583
7 patent against infringers and to collect damages for all relevant times.

8 20. The claims of the ’583 patent are not directed to an abstract idea and are
9 not limited to well-understood, routine, or conventional activity. Rather, the claimed
10 inventions include inventive components that improve upon the function and
11 operation of preexisting error estimation methods.

12 21. The written description of the ’583 patent describes in technical detail
13 each limitation of the claims, allowing a skilled artisan to understand the scope of
14 the claims and how the non-conventional and non-generic combination of claim
15 limitations is patently distinct from and improved upon what may have been
16 considered conventional or generic in the art at the time of the invention.

17 22. FCS or its predecessors-in-interest have satisfied all statutory obligations
18 required to collect pre-filing damages for the full period allowed by law for
19 infringement of the ’583 patent.

20 23. Defendant has directly infringed the claims of the ’583 patent by
21 manufacturing, providing, supplying, using, distributing, selling, or offering to sell
22 the Accused Products. For instance, Defendant has directly infringed, either literally
23 or under the doctrine of equivalents, at least claim 1 of the ’583 patent. As just one
24 example of infringement, Defendant, using the Accused Products, performs a
25 method of pilot phase error estimation in an orthogonal frequency division
26 multiplexed (OFDM) receiver. The method includes determining pilot reference
27 points corresponding to a plurality of pilots of an OFDM preamble waveform; and
28 estimating an aggregate phase error of a subsequent OFDM data symbol relative to

1 the pilot reference points using complex signal measurements corresponding to each
2 of the plurality of pilots of the subsequent OFDM data symbol and the pilot reference
3 points; wherein the estimating step comprises performing a maximum likelihood-
4 based estimation using the complex signal measurements corresponding to each of
5 the plurality of pilots of the subsequent OFDM data symbol and the pilot reference
6 points. *See* '583 Evidence of Use Charts, attached hereto as **Exhibit A**.

7 24. FCS has been damaged as a result of the infringing conduct by Defendant
8 alleged above. Thus, Defendant is liable to FCS in an amount that compensates it
9 for such infringements, which by law cannot be less than a reasonable royalty,
10 together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

11 **COUNT II: INFRINGEMENT OF U.S. PATENT NO. 6,633,616**

12 25. FCS repeats and re-alleges the allegations in Paragraphs above as though
13 fully set forth in their entirety.

14 26. The USPTO duly issued U.S. Patent No. 6,633,616 (the "'616 patent") on
15 October 14, 2003, after full and fair examination of Application No. 09/935,081
16 which was filed August 21, 2001. The '616 patent is entitled "OFDM Pilot Tone
17 Tracking for Wireless LAN."

18 27. FCS owns all substantial rights, interest, and title in and to the '616 patent,
19 including the sole and exclusive right to prosecute this action and enforce the '616
20 patent against infringers and to collect damages for all relevant times.

21 28. The claims of the '616 patent are not directed to an abstract idea and are
22 not limited to well-understood, routine, or conventional activity. Rather, the claimed
23 inventions include inventive components that improve upon the function and
24 operation of preexisting error estimation methods.

25 29. The written description of the '616 patent describes in technical detail
26 each limitation of the claims, allowing a skilled artisan to understand the scope of
27 the claims and how the non-conventional and non-generic combination of claim
28

1 limitations is patently distinct from and improved upon what may have been
2 considered conventional or generic in the art at the time of the invention.

3 30. FCS or its predecessors-in-interest have satisfied all statutory obligations
4 required to collect pre-filing damages for the full period allowed by law for
5 infringement of the '616 patent.

6 31. Defendant has directly infringed the claims of the '616 patent by
7 manufacturing, providing, supplying, using, distributing, selling, or offering to sell
8 the Accused Products. For instance, Defendant has directly infringed, either literally
9 or under the doctrine of equivalents, at least claim 12 of the '616 patent. As just one
10 example of infringement, Defendant, using the Accused Products, performs a
11 method of pilot phase error estimation in an orthogonal frequency division
12 multiplexed (OFDM) receiver. The method includes determining pilot reference
13 points corresponding to a plurality of pilots of an OFDM preamble waveform;
14 processing, in a parallel path to the determining step, the OFDM preamble waveform
15 with a fast Fourier transform; determining a phase error estimate of a subsequent
16 OFDM symbol relative to the pilot reference points; and processing, in the parallel
17 path to the determining step, the subsequent OFDM symbol with the fast Fourier
18 transform; wherein the determining the phase error estimate step is completed prior
19 to the completion of the processing of the subsequent OFDM symbol with the fast
20 Fourier transform in the parallel path. *See* '616 Evidence of Use Charts attached
21 hereto as **Exhibit B**.

22 32. FCS has been damaged as a result of the infringing conduct by Defendant
23 alleged above. Thus, Defendant is liable to FCS in an amount that compensates it
24 for such infringements, which by law cannot be less than a reasonable royalty,
25 together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

26 **COUNT III: INFRINGEMENT OF U.S. PATENT NO. 7,058,040**

27 33. FCS repeats and re-alleges the allegations in the Paragraphs above as
28 though fully set forth in their entirety.

1 34. The USPTO duly issued U.S. Patent No. 7,058,040 (the “’040 patent”) on
2 June 6, 2006, after full and fair examination of Application No. 09/962,718 which
3 was filed September 21, 2001. The ’040 patent is entitled “Channel Interference
4 Reduction.”

5 35. FCS owns all substantial rights, interest, and title in and to the ’040 patent,
6 including the sole and exclusive right to prosecute this action and enforce the ’040
7 patent against infringers and to collect damages for all relevant times.

8 36. The claims of the ’040 patent are not directed to an abstract idea and are
9 not limited to well-understood, routine, or conventional activity. Rather, the claimed
10 inventions include inventive components that improve upon the function and
11 operation of preexisting data transmission methods.

12 37. The written description of the ’040 patent describes in technical detail
13 each limitation of the claims, allowing a skilled artisan to understand the scope of
14 the claims and how the non-conventional and non-generic combination of claim
15 limitations is patently distinct from and improved upon what may have been
16 considered conventional or generic in the art at the time of the invention.

17 38. FCS or its predecessors-in-interest have satisfied all statutory obligations
18 required to collect pre-filing damages for the full period allowed by law for
19 infringement of the ’040 patent.

20 39. Defendant has directly infringed and continued to directly infringe the
21 claims of the ’040 patent through the end of its term by manufacturing, providing,
22 supplying, using, distributing, selling, or offering to sell the Accused Products. For
23 instance, Defendant has directly infringed and continued to directly infringe, either
24 literally or under the doctrine of equivalents, at least claim 1 of the ’040 patent
25 through the end of its term. As just one example of infringement, Defendant, using
26 the Accused Products, performed a method for data transmission over first and
27 second media that overlap in frequency. The method included computing one or
28 more time division multiple access (TDMA) time-slot channels to be shared between

1 the first and second media for data transmission; allocating one or more time-slot
2 channels to the first medium for data transmission; allocating one or more of the
3 remaining time-slot channels to the second medium for data transmission; and
4 dynamically adjusting a number of timeslot channels assigned to one of the first and
5 second media during the data transmission to remain within limits of a desired level
6 of service. *See* '040 Evidence of Use Chart attached hereto as **Exhibit C**.

7 40. Defendant has indirectly infringed and continued to indirectly infringe the
8 '040 patent through the end of its term by inducing others to directly infringe the
9 '040 patent. Defendant has induced and continued to induce customers and end-
10 users, including, but not limited to, Defendant's customers, employees, partners, or
11 contractors, to directly infringe, either literally or under the doctrine of equivalents,
12 the '040 patent by providing or requiring use of the Accused Products. Defendant
13 has taken active steps, directly or through contractual relationships with others, with
14 the specific intent to cause them to use the Accused Products in a manner that
15 infringes one or more claims of the '040 patent, including, for example, claim 1.
16 Such steps by Defendant has included, among other things, advising or directing
17 customers, personnel, contractors, or end-users to use the Accused Products in an
18 infringing manner; advertising and promoting the use of the Accused Products in an
19 infringing manner; or distributing instructions that guide users to use the Accused
20 Products in an infringing manner. Defendant had been performing these steps,
21 which constitute induced infringement with the knowledge of the '040 patent and
22 with the knowledge that the induced acts constitute infringement. Defendant has
23 been aware that the normal and customary use of the Accused Products by others
24 would infringe the '040 patent. Defendant's inducement is ongoing.

25 41. Defendant has indirectly infringed and continued to indirectly infringe by
26 contributing to the infringement of the '040 patent through the end of its term.
27 Defendant has contributed and continued to contribute to the direct infringement of
28 the '040 patent by its customers, personnel, and contractors. The Accused Products

1 have special features that are specially designed to be used in an infringing way and
2 that have no substantial uses other than ones that infringe one or more claims of the
3 '040 patent, including, for example, claim 1. The special features constitute a
4 material part of the invention of one or more of the claims of the '040 patent and are
5 not staple articles of commerce suitable for substantial non-infringing use.
6 Defendant's contributory infringement of the '040 patent was ongoing through the
7 end of its term.

8 42. Defendant had knowledge of its infringement of the '040 patent at least as
9 of February of 2024.

10 43. Furthermore, on information and belief, Defendant has a policy or practice
11 of not reviewing the patents of others, including instructing its employees to not
12 review the patents of others, and thus have been willfully blind of FCS's patent
13 rights.

14 44. Defendant's actions were at least objectively reckless as to the risk of
15 infringing a valid patent and this objective risk was either known or should have
16 been known by Defendant.

17 45. Defendant's infringement of the '040 patent is, has been, and continued
18 to be willful, intentional, deliberate, or in conscious disregard of FCS's rights under
19 the '040 patent through the end of its term.

20 46. FCS has been damaged as a result of the infringing conduct by Defendant
21 alleged above. Thus, Defendant is liable to FCS in an amount that compensates it
22 for such infringements, which by law cannot be less than a reasonable royalty,
23 together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

24 **COUNT IV: INFRINGEMENT OF U.S. PATENT NO. 7,260,153**

25 47. FCS repeats and re-alleges the allegations in the Paragraphs above as
26 though fully set forth in their entirety.

27 48. The USPTO duly issued U.S. Patent No. 7,260,153 (the "'153 patent") on
28 August 21, 2007, after full and fair examination of Application No. 10/423,447,

1 which was filed on April 28, 2003. The '153 patent is entitled "Multi Input Multi
2 Output Wireless Communication Method and Apparatus Providing Extended Range
3 and Extended Rate Across Imperfectly Estimated Channels."

4 49. FCS owns all substantial rights, interest, and title in and to the '153 patent,
5 including the sole and exclusive right to prosecute this action and enforce the '153
6 patent against infringers and to collect damages for all relevant times.

7 50. The claims of the '153 patent are not directed to an abstract idea and are
8 not limited to well-understood, routine, or conventional activity. Rather, the claimed
9 inventions include inventive components that improve upon the function and
10 operation of voice and data communications systems.

11 51. The written description of the '153 patent describes in technical detail
12 each limitation of the claims, allowing a skilled artisan to understand the scope of
13 the claims and how the non-conventional and non-generic combination of claim
14 limitations is patently distinct from and improved upon what may have been
15 considered conventional or generic in the art at the time of the invention.

16 52. Defendant has directly infringed and continues to directly infringe the
17 claims of the '153 patent by importing, selling, manufacturing, offering to sell,
18 using, providing, supplying, or distributing the Accused Products. For instance,
19 Defendant has directly infringed and continues to directly infringe, either literally or
20 under the doctrine of equivalents, at least claim 1 of the '153 patent. As just one
21 example of infringement, Defendant, using the Accused Products, performs a
22 method for evaluating a channel of a multiple-input multiple-output ("MIMO")
23 wireless communication system allowing two or more communication devices with
24 multiple radiating elements to transmit parallel data sub-streams which defines a
25 channel matrix metric of cross-talk signal-to-noise ("SNR") for the sub-streams,
26 estimates the channel matrix metric, performs a singular value decomposition
27 ("SVD") of the channel matrix metric estimate to calculate estimated channel
28 singular values, and using the channel matrix metric and estimated channel singular

1 values to calculate a crosstalk measure for the sub-streams. *See* '153 Evidence of
2 Use Charts attached hereto as **Exhibit D**.

3 53. Defendant has also indirectly infringed and continues to indirectly
4 infringe the '153 patent by inducing others to directly infringe the '153 patent.
5 Defendant has induced distributors and end-users, including, but not limited to,
6 Defendant's employees, partners, contractors, or customers, to directly infringe,
7 either literally or under the doctrine of equivalents, the '153 patent by providing or
8 requiring use of the Accused Products. Defendant took active steps, directly or
9 through contractual relationships with others, with the specific intent to cause them
10 to use the Accused Products in a manner that infringes one or more claims of the
11 '153 patent, including, for example, claim 1 of the '153 patent. Such steps by
12 Defendant include, among other things, advising or directing personnel, contractors,
13 or end-users to use the Accused Products in an infringing manner; advertising and
14 promoting the use of the Accused Products in an infringing manner; or distributing
15 instructions that guide users to use the Accused Products in an infringing manner.
16 Defendant is performing these steps, which constitute induced infringement with the
17 knowledge of the '153 patent and with the knowledge that the induced acts constitute
18 infringement. Defendant is aware that the normal and customary use of the Accused
19 Products by others would infringe the '153 patent. Defendant's inducement is
20 ongoing.

21 54. Defendant has also indirectly infringed and continues to indirectly
22 infringe by contributing to the infringement of the '153 patent. Defendant has
23 contributed to the direct infringement of the '153 patent by its personnel, contractors,
24 distributors, and customers. The Accused Products have special features that are
25 specially designed to be used in an infringing way and that have no substantial uses
26 other than ones that infringe one or more claims of the '153 patent, including, for
27 example, claim 1 of the '153 patent. The special features constitute a material part
28 of the invention of one or more of the claims of the '153 patent and are not staple

1 articles of commerce suitable for substantial non-infringing use. Defendant's
2 contributory infringement is ongoing.

3 55. Defendant had knowledge of its infringement of the '153 patent at least as
4 of February of 2024.

5 56. Furthermore, on information and belief, Defendant has a policy or practice
6 of not reviewing the patents of others, including instructing its employees to not
7 review the patents of others, and thus has been willfully blind of FCS's patent rights.

8 57. Defendant's actions are at least objectively reckless as to the risk of
9 infringing a valid patent and this objective risk was either known or should have
10 been known by Defendant.

11 58. Defendant's direct infringement of the '153 patent is, has been, and
12 continues to be willful, intentional, deliberate, or in conscious disregard of FCS's
13 rights under the patent.

14 59. FCS or its predecessors-in-interest have satisfied all statutory obligations
15 required to collect pre-filing damages for the full period allowed by law for
16 infringement of the '153 patent.

17 60. FCS has been damaged as a result of the infringing conduct by Defendant
18 alleged above. Thus, Defendant is liable to FCS in an amount that compensates it
19 for such infringements, which by law cannot be less than a reasonable royalty,
20 together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

21 61. FCS has suffered irreparable harm, through its loss of market share and
22 goodwill, for which there is no adequate remedy at law. FCS has and will continue
23 to suffer this harm by virtue of Defendant's infringement of the '153 patent.
24 Defendant's actions have interfered with and will interfere with FCS's ability to
25 license technology. The balance of hardships favors FCS's ability to commercialize
26 its own ideas and technology. The public interest in allowing FCS to enforce its
27 right to exclude outweighs other public interests, which supports injunctive relief in
28 this case.

1 **COUNT V: INFRINGEMENT OF U.S. PATENT NO. 7,656,845**

2 62. FCS repeats and re-alleges the allegations in the Paragraphs above as
3 though fully set forth in their entirety.

4 63. The USPTO duly issued U.S. Patent No. 7,656,845 (the “’845 patent”) on
5 February 2, 2010 after full and fair examination of Application No. 11/402,172
6 which was filed on April 11, 2006. The ’845 patent is entitled “Channel Interference
7 Reduction.” A Certificate of Correction was issued on November 30, 2010.

8 64. FCS owns all substantial rights, interest, and title in and to the ’845 patent,
9 including the sole and exclusive right to prosecute this action and enforce the ’845
10 patent against infringers and to collect damages for all relevant times.

11 65. The claims of the ’845 patent are not directed to an abstract idea and are
12 not limited to well-understood, routine, or conventional activity. Rather, the claimed
13 inventions include inventive components that improve upon the function and
14 operation of preexisting systems and methods of wireless communication with a
15 mobile unit.

16 66. The written description of the ’845 patent describes in technical detail
17 each limitation of the claims, allowing a skilled artisan to understand the scope of
18 the claims and how the non-conventional and non-generic combination of claim
19 limitations is patently distinct from and improved upon what may have been
20 considered conventional or generic in the art at the time of the invention.

21 67. Defendant has directly infringed and continued to directly infringe the
22 claims of the ’845 patent through the end of its term by importing, selling,
23 manufacturing, offering to sell, using, providing, supplying, or distributing the
24 Accused Products. For instance, Defendant has directly infringed and continued to
25 directly infringe, either literally or under the doctrine of equivalents, at least claim 1
26 of the ’845 patent through the end of its term. As just one example of infringement,
27 Defendant, uses the Accused Products, to perform a method comprising a base
28 station allocating at least one of a plurality of data channels to a first medium for

1 data transmission via a wireless device; the base station allocating at least one
2 remaining data channel of the plurality of data channels to a second medium for data
3 transmission via the wireless device; and the base station dynamically adjusting,
4 during data transmission, a number of the data channels assigned to one of the first
5 and second media to remain within limits of a desired level of service. *See* '845
6 Evidence of Use Chart attached hereto as **Exhibit E**.

7 68. Defendant has also indirectly infringed and continued to indirectly
8 infringe the '845 patent the end of its term by inducing others to directly infringe the
9 '845 patent. Defendant has induced distributors and end-users, including, but not
10 limited to, Defendant's employees, partners, contractors, or customers, to directly
11 infringe, either literally or under the doctrine of equivalents, the '845 patent by
12 providing or requiring use of the Accused Products. Defendant took active steps,
13 directly or through contractual relationships with others, with the specific intent to
14 cause them to use the Accused Products in a manner that infringes one or more
15 claims of the '845 patent, including, for example, claim 1 of the '845 patent. Such
16 steps by Defendant include, among other things, advising or directing personnel,
17 contractors, or end-users to use the Accused Products in an infringing manner;
18 advertising and promoting the use of the Accused Products in an infringing manner;
19 or distributing instructions that guide users to use the Accused Products in an
20 infringing manner. Defendant performed these steps, which constitute induced
21 infringement with the knowledge of the '845 patent and with the knowledge that the
22 induced acts constitute infringement. Defendant is aware that the normal and
23 customary use of the Accused Products by others would infringe the '845 patent.
24 Defendant's inducement is ongoing.

25 69. Defendant has also indirectly infringed and continued to indirectly
26 infringe by contributing to the infringement of the '845 patent through the end of its
27 term. Defendant has contributed to the direct infringement of the '845 patent by its
28 personnel, contractors, distributors, and customers. The Accused Products have

1 special features that are specially designed to be used in an infringing way and that
2 have no substantial uses other than ones that infringe one or more claims of the '845
3 patent, including, for example, claim 1 of the '845 patent. The special features
4 constitute a material part of the invention of one or more of the claims of the '845
5 patent and are not staple articles of commerce suitable for substantial non-infringing
6 use. Defendant's contributory infringement of the '845 patent was ongoing through
7 the end of its term.

8 70. Defendant had knowledge of its infringement of the '845 patent at least as
9 of February of 2024.

10 71. Furthermore, on information and belief, Defendant has a policy or practice
11 of not reviewing the patents of others, including instructing its employees to not
12 review the patents of others, and thus has been willfully blind of FCS's patent rights.

13 72. Defendant's actions are at least objectively reckless as to the risk of
14 infringing a valid patent and this objective risk was either known or should have
15 been known by Defendant.

16 73. Defendant's direct infringement of the '845 patent is, has been, and
17 continued to be willful, intentional, deliberate, or in conscious disregard of FCS's
18 rights under the patent '845 patent through the end of its term.

19 74. FCS or its predecessors-in-interest have satisfied all statutory obligations
20 required to collect pre-filing damages for the full period allowed by law for
21 infringement of the '845 patent.

22 75. FCS has been damaged as a result of the infringing conduct by Defendant
23 alleged above. Thus, Defendant is liable to FCS in an amount that compensates it
24 for such infringements, which by law cannot be less than a reasonable royalty,
25 together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

26 **COUNT VI: INFRINGEMENT OF U.S. PATENT NO. 7,742,388**

27 76. FCS repeats and re-alleges the allegations in the Paragraphs above as
28 though fully set forth in their entirety.

1 77. The USPTO duly issued U.S. Patent No. 7,742,388 (the “’388 patent”) on
2 June 22, 2010, after full and fair examination of Application No. 11/185,665 which
3 was filed July 20, 2005. The ’388 patent is entitled “Packet Generation Systems and
4 Methods.”

5 78. FCS owns all substantial rights, interest, and title in and to the ’388 patent,
6 including the sole and exclusive right to prosecute this action and enforce the ’388
7 patent against infringers and to collect damages for all relevant times.

8 79. The claims of the ’388 patent are not directed to an abstract idea and are
9 not limited to well-understood, routine, or conventional activity. Rather, the claimed
10 inventions include inventive components that improve upon the function and
11 operation of preexisting systems and methods of generating packets in a digital
12 communications system.

13 80. The written description of the ’388 patent describes in technical detail
14 each limitation of the claims, allowing a skilled artisan to understand the scope of
15 the claims and how the non-conventional and non-generic combination of claim
16 limitations is patently distinct from and improved upon what may have been
17 considered conventional or generic in the art at the time of the invention.

18 81. FCS or its predecessors-in-interest have satisfied all statutory obligations
19 required to collect pre-filing damages for the full period allowed by law for
20 infringement of the ’388 patent.

21 82. Defendant has directly infringed and continues to directly infringe the
22 claims of the ’388 patent by manufacturing, providing, supplying, using,
23 distributing, selling, or offering to sell the Accused Products. For instance,
24 Defendant has directly infringed and continues to directly infringe, either literally or
25 under the doctrine of equivalents, at least claim 1 of the ’388 patent. As just one
26 example of infringement, Defendant performs a method including generating a
27 packet with a size corresponding to a protocol used for a network transmission,
28 wherein the packet comprises a preamble having a first training symbol and a second

1 training symbol. The method further includes increasing the size of the packet by
2 adding subcarriers to the second training symbol of the packet to produce an
3 extended packet, wherein a quantity of subcarriers of the second training symbol is
4 greater than a quantity of subcarriers of the first training symbol; and transmitting
5 the extended packet from an antenna. *See* '388 Evidence of Use Charts attached
6 hereto as **Exhibit F**.

7 83. Defendant has indirectly infringed and continues to indirectly infringe the
8 '388 patent by inducing others to directly infringe the '388 patent. Defendant has
9 induced and continue to induce customers and end-users, including, but not limited
10 to, Defendant's customers, employees, partners, or contractors, to directly infringe,
11 either literally or under the doctrine of equivalents, the '388 patent by providing or
12 requiring use of the Accused Products. Defendant has taken active steps, directly or
13 through contractual relationships with others, with the specific intent to cause them
14 to use the Accused Products in a manner that infringes one or more claims of the
15 '388 patent, including, for example, claim 1. Such steps by Defendant has included,
16 among other things, advising or directing customers, personnel, contractors, or end-
17 users to use the Accused Products in an infringing manner; advertising and
18 promoting the use of the Accused Products in an infringing manner; or distributing
19 instructions that guide users to use the Accused Products in an infringing manner.
20 Defendant has been performing these steps, which constitute induced infringement
21 with the knowledge of the '388 patent and with the knowledge that the induced acts
22 constitute infringement. Defendant has been aware that the normal and customary
23 use of the Accused Products by others would infringe the '388 patent. Defendant's
24 inducement is ongoing.

25 84. Defendant has indirectly infringed and continues to indirectly infringe by
26 contributing to the infringement of the '388 patent. Defendant has contributed and
27 continues to contribute to the direct infringement of the '388 patent by its customers,
28 personnel, and contractors. The Accused Products have special features that are

1 specially designed to be used in an infringing way and that have no substantial uses
2 other than ones that infringe one or more claims of the '388 patent, including, for
3 example, claim 1. The special features constitute a material part of the invention of
4 one or more of the claims of the '388 patent and are not staple articles of commerce
5 suitable for substantial non-infringing use. Defendant's contributory infringement
6 is ongoing.

7 85. Defendant had knowledge of its infringement of the '388 patent at least as
8 of February of 2024.

9 86. Furthermore, on information and belief, Defendant has a policy or practice
10 of not reviewing the patents of others, including instructing its employees to not
11 review the patents of others, and thus have been willfully blind of FCS's patent
12 rights.

13 87. Defendant's actions are at least objectively reckless as to the risk of
14 infringing a valid patent and this objective risk was either known or should have
15 been known by Defendant.

16 88. Defendant's infringement of the '388 patent is, has been, and continues to
17 be willful, intentional, deliberate, or in conscious disregard of FCS's rights under
18 the patent.

19 89. FCS has been damaged as a result of the infringing conduct by Defendant
20 alleged above. Thus, Defendant is liable to FCS in an amount that compensates it
21 for such infringements, which by law cannot be less than a reasonable royalty,
22 together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

23 90. FCS has suffered irreparable harm, through its loss of market share and
24 goodwill, for which there is no adequate remedy at law. FCS has and will continue
25 to suffer this harm by virtue of Defendant's infringement of the '388 patent.
26 Defendant's actions have interfered with and will interfere with FCS's ability to
27 license technology. The balance of hardships favors FCS's ability to commercialize
28 its own ideas and technology. The public interest in allowing FCS to enforce its

1 right to exclude outweighs other public interests, which supports injunctive relief in
2 this case.

3 **COUNT VII: INFRINGEMENT OF U.S. PATENT NO. 8,005,053**

4 91. FCS repeats and re-alleges the allegations in the Paragraphs above as
5 though fully set forth in their entirety.

6 92. The USPTO duly issued U.S. Patent No. 8,005,053 (the “’053 patent”) on
7 August 23, 2011, after full and fair examination of Application No. 12/696,760,
8 which was filed on January 29, 2010. The ’053 patent is entitled “Channel
9 Interference Reduction.”

10 93. FCS owns all substantial rights, interest, and title in and to the ’053 patent,
11 including the sole and exclusive right to prosecute this action and enforce the ’053
12 patent against infringers and to collect damages for all relevant times.

13 94. The claims of the ’053 patent are not directed to an abstract idea and are
14 not limited to well-understood, routine, or conventional activity. Rather, the claimed
15 inventions include inventive components that improve upon the function and
16 operation of voice and data communications systems.

17 95. The written description of the ’053 patent describes in technical detail
18 each limitation of the claims, allowing a skilled artisan to understand the scope of
19 the claims and how the non-conventional and non-generic combination of claim
20 limitations is patently distinct from and improved upon what may have been
21 considered conventional or generic in the art at the time of the invention.

22 96. Defendant has directly infringed the claims of the ’053 patent by
23 importing, selling, manufacturing, offering to sell, using, providing, supplying, or
24 distributing the Accused Products. For instance, Defendant has directly infringed,
25 either literally or under the doctrine of equivalents, at least claim 1 of the ’053 patent.

26 97. As just one example of infringement, the Accused Products, used by
27 Defendant, comprise a first wireless transceiver configured to communicate data
28 according to a first wireless protocol; a second wireless transceiver configured to

1 communicate data according to a second wireless protocol that is different from the
2 first wireless protocol, a controller configured to select one of the first and second
3 wireless transceivers to communicate data of both the first and second wireless
4 protocols, and wherein the apparatus is configured to encode data of the wireless
5 protocol for the unselected transceiver into data of the wireless protocol for the
6 selected transceiver. *See* '053 Evidence of Use Charts attached hereto as **Exhibit G**.

7 98. FCS or its predecessors-in-interest have satisfied all statutory obligations
8 required to collect pre-filing damages for the full period allowed by law for
9 infringement of the '053 patent.

10 99. FCS has been damaged as a result of the infringing conduct by Defendant
11 alleged above. Thus, Defendant is liable to FCS in an amount that compensates it
12 for such infringements, which by law cannot be less than a reasonable royalty,
13 together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

14 **JURY DEMAND**

15 100. FCS hereby requests a trial by jury on all issues so triable by right.

16 **PRAYER FOR RELIEF**

17 101. FCS requests that the Court find in its favor and against Defendant, and
18 that the Court grant FCS the following relief:

- 19 a. Judgment that one or more claims of each of the Asserted Patents has been
20 infringed, either literally or under the doctrine of equivalents, by
21 Defendant or others acting in concert therewith;
- 22 b. A permanent injunction enjoining Defendant and its officers, directors,
23 agents, servants, affiliates, employees, divisions, branches, subsidiaries,
24 parents, and all others acting in concert therewith from infringement of
25 the '153 patent and the '388 patent; or, in the alternative, an award of a
26 reasonable ongoing royalty for future infringement of the Asserted Patents
27 by such entities;
- 28 c. Judgment that Defendant account for and pay to FCS all damages to and

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costs incurred by FCS because of Defendant’s infringing activities and other conduct complained of herein;

- d. Judgment that Defendant’s infringements of the ’040 patent, the ’153 patent, the ’845 patent, and the ’388 patent be found willful, and that the Court award treble damages for the period of such willful infringement pursuant to 35 U.S.C. § 284;
- e. Pre-judgment and post-judgment interest on the damages caused by Defendant’s infringing activities and other conduct complained of herein;
- f. That this Court declare this an exceptional case and award FCS its reasonable attorneys’ fees and costs in accordance with 35 U.S.C. § 285; and
- g. All other and further relief as the Court may deem just and proper under the circumstances.

1 Dated: September 3, 2024

Respectfully submitted,

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List of Exhibits

- A. Evidence of Use Chart for US Patent 6,549,583
- B. Evidence of Use Chart for US Patent 6,633,616
- C. Evidence of Use Chart for US Patent 7,058,040
- D. Evidence of Use Chart for US Patent 7,260,153
- E. Evidence of Use Chart for US Patent 7,656,845
- F. Evidence of Use Chart for US Patent 7,742,388
- G. Evidence of Use Chart for US Patent 8,005,053