

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

FRESHLOC TECHNOLOGIES, INC.,

Plaintiff,

v.

AWARE POINT CORPORATION,
CENTRAK, INC. and GE HEALTHCARE
INC.,

Defendants.

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Civil Action No. 3:10-CV-1532

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff FreshLoc Technologies, Inc. (“FreshLoc”) brings this action against the Defendants Awarepoint Corporation (“Awarepoint”), CenTrak, Inc. (“CenTrack”) and GE Healthcare Inc. (“GE”) and for its cause of action alleges:

The Parties

1. FreshLoc is a corporation organized and existing under the laws of the State of Texas, with its principal place of business at 15443 Knoll Trail, Suite #100, Dallas, Texas 75248.

2. Upon information and belief, Awarepoint is a corporation organized and existing under the laws of the State of Delaware and is doing business in this judicial district and elsewhere. Awarepoint may be served with process by serving its registered agent, Corporation Service Company dba CSC-Lawyers Incorporating Service Company, 211 E. 7th Street, Suite 620, Austin, Texas 78701-3334.

3. Upon information and belief, CenTrak is a corporation organized and existing under the laws of the State of Delaware and is doing business in this judicial district and

elsewhere. CenTrak may be served with process by serving its registered agent, Harvard Business Services, Inc., 16192 Coastal Highway, Lewes, Delaware 19958.

4. Upon information and belief, GE is a corporation organized and existing under the laws of the State of Delaware and is doing business in this judicial district and elsewhere. GE may be served with process by serving its registered agent, CT Corporation System, 350 N. St. Paul Street, Suite 2900, Dallas, TX 75201.

Jurisdiction and Venue

5. This action arises under the patent laws of the United States, Title 35 United States Code, particularly §§ 271 and 281 and Title 28 United States Code, particularly §1338(a). Venue is proper in this Court under Title 28 United States Code §§ 1391(b) and (c) and 1400(b).

Claim For Patent Infringement

6. On June 2, 1992, U.S. Patent No. 5,119,104 (“the ‘104 patent”) was duly and legally issued for “Location System Adapted for Use in Multipath Environments”. A copy of the ‘104 patent is attached as Exhibit A and is made a part hereof. By assignment, FreshLoc is the owner of the ‘104 patent and at all relevant times has had the right to enforce the ‘104 patent.

7. On July 25, 2000, U.S. Patent No. Re. 36,791 (“the ‘791 patent”) was duly and legally issued for “Location System Adapted for Use in Multipath Environments”. A copy of the ‘791 patent is attached as Exhibit B and is made a part hereof. The ‘791 patent is the result of a reissue application filed on the ‘104 patent on June 2, 1994. By assignment, FreshLoc is the owner of the ‘791 patent and at all relevant times has had the right to enforce the ‘791 patent.

8. The ‘104 and ‘791 patents, in general, relate to position location systems. More specifically, some claims of the ‘104 and ‘791 patents relate to radiolocation systems that

accomplish position location using area detection based on radio signals received at one or more receivers.

9. Upon information and belief, Defendant Awarepoint provides position location systems, including but not limited to its RFID based location systems sold under the brand name Awarepoint Real-Time Awareness Solution. By providing such systems Awarepoint has in the past and continues to infringe directly, by inducement, or by contributing to the infringement of the '791 patent, including but not limited to claim 48.

10. Upon information and belief, Defendant CenTrak provides position location systems, including but not limited to its RFID based location systems sold under the brand name InTouchCare RTLS. By providing such systems CenTrak has in the past and continues to infringe directly, by inducement, or by contributing to the infringement of the '791 patent, including but not limited to claim 48.

11. Upon information and belief, Defendant GE provides position location systems, including but not limited to its RFID based location systems sold under the brand name AgileTrac. By providing such systems GE has in the past and continues to infringe directly, by inducement, or by contributing to the infringement of the '791 patent, including but not limited to claims 48.

12. As a result of Defendants' infringing conduct, Defendants have damaged FreshLoc. The Defendants are liable to FreshLoc in an amount that adequately compensates FreshLoc for Defendants' infringement, which by law in no event can be less than a reasonable royalty.

Demand for Jury Trial

13. FreshLoc demands a jury trial on all issues triable of right by a jury.

Prayer for Relief

WHEREFORE, FreshLoc prays for entry of judgment:

A. That claim 48 of U.S. Patent Re. 36,791 have been infringed by Defendants Awarepoint, CenTrak and GE, and by others whose infringement has been contributed to and/or induced by Defendants;

B. That Defendants account for and pay to FreshLoc all damages and costs caused by Defendants' activities complained of herein;

C. That FreshLoc be granted pre-judgment and post-judgment interest on the damages caused by reason of Defendants' activities complained of herein;

D. That FreshLoc be granted its attorneys' fees in this action;

E. That costs be awarded to FreshLoc; and

F. That FreshLoc be granted such other and further relief that is just and proper under the circumstances.

Dated: August 6, 2010.

/s/ Jonathan T. Suder
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