

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

OMEGA PATENTS, LLC,
a Georgia limited liability company,

Plaintiff,

vs.

Case No. 1:10-CV-2772-RWS

NUMEREX CORP.,
a Pennsylvania corporation, and
NUMEREX SOLUTIONS, LLC,
a Delaware limited liability company,

INJUNCTIVE RELIEF REQUESTED

JURY TRIAL REQUESTED

Defendants.

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FIRST AMENDED COMPLAINT

Plaintiff Omega Patents, LLC, pursuant to Rule 15(a) of the Federal Rules of Civil Procedure, and with the written consent of Defendant Numerex Corp., hereby files its First Amended Complaint against Defendants NUMEREX CORP., and NUMEREX SOLUTIONS, LLC, states:

PARTIES, JURISDICTION AND VENUE

1. Plaintiff Omega Patents, LLC (“Omega”) is a Georgia limited liability company.
2. Defendant Numerex Corp., is, upon information and belief, a Pennsylvania corporation with its principal place of business in this State. Upon

information and belief, Numerex Corp. sells and offers for sale infringing products in the United States, including within this Judicial District.

3. Defendant Numerex Solutions, LLC, is, upon information and belief, a Delaware limited liability company registered to conduct business in this State. Upon information and belief, Numerex Solutions, LLC., sells and offers for sale infringing products in the United States, including within this Judicial District. Numerex Corp. and Numerex Solutions, LLC., are hereinafter referred to as “Numerex.”

4. This Court has jurisdiction over the subject matter of this action as to Numerex pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has *in personam* jurisdiction as to Numerex because, upon information and belief, Numerex is subject to both general and specific jurisdiction in this State. More particularly, upon information and belief, Numerex regularly conducts business activity in the State of Georgia and sells and offers to sell products that infringe one or more claims of Omega’s patents in this Judicial District.

6. Venue properly lies within this judicial district and division, pursuant to 28 U.S.C. §§1391(c) and 1400(b).

STATEMENT OF FACTS

7. Omega is the sole and exclusive owner of the following valid and enforceable United States Patents (collectively, the “Patents-in-Suit”):

PATENT NO.	TITLE
6,606,561 B2 (“the ‘561 Patent”)	Vehicle Tracker Including Input/Output Features and Related Methods
6,737,989 B2 (“the ‘989 Patent”)	Vehicle Tracker Unit Providing Variable Frequency Transmission and Related Methods
7,149,623 B2 (“the ‘623 Patent”)	Vehicle Tracker Including Input/Output Features and Related Methods

True and correct copies of the Patents-in-Suit are attached hereto as Exhibits A, B and C.

8. Kenneth E. Flick, the inventor of the Patents-in-Suit, is recognized as an innovator in the vehicle security systems industry. Mr. Flick has invented many improvements for the vehicle security industry, including innovations covering vehicle tracking.

9. The Patents-in-Suit reflect some of Mr. Flick’s inventions in the field. Mr. Flick has assigned all of his rights to the inventions claimed in the Patents-in-Suit to Omega.

10. Upon information and belief, Numerex has sold and offered for sale in the United States and in this Judicial District vehicle tracking products that directly or indirectly infringe upon one or more claims of the Patents-in-Suit.

11. Omega has not granted Numerex a license to practice the Patents-in-Suit for the accused products.

COUNT I
Action for Infringement of the Patents-in-Suit

12. Count I is an action by Omega against Numerex for monetary damages and injunctive relief for Numerex's infringement of the Patents-in-Suit.

13. Omega herein restates and reincorporates into this Count the allegations of Paragraphs 1 through 10 herein.

14. Upon information and belief, Numerex has made and/or offered for sale and sold and/or distributed vehicle tracking products that infringe directly, by inducement and/or contributorily, one or more claims of the Patents-in-Suit.

15. Omega is entitled to compensatory damages and injunctive relief for Numerex's infringing activities.

16. Upon information and belief, Numerex lacks justifiable belief that there is no infringement or that the infringed claims are invalid and has acted with objective recklessness in its infringing activity. Numerex's infringement is therefore willful, and Omega is entitled to an award of exemplary damages, attorneys' fees, and costs in bringing this action.

Wherefore, Plaintiff Omega prays this Honorable Court enter such preliminary and final orders and judgments as are necessary to provide Omega with the following requested relief:

A. A preliminary and then permanent injunction enjoining Numerex from infringing each of the Patents-in-Suit;

B. An award of damages against Numerex under 35 U.S.C. §284 in an amount adequate to compensate Omega for Numerex's infringement, but in no event less than a reasonable royalty for the use made by Numerex of the inventions set forth in the Patents-in-Suit;

C. An award against Numerex for exemplary damages, attorneys' fees, and costs under 35 U.S.C. § 285; and

D. Such other and further relief as this Court deems just and proper.

JURY TRIAL REQUEST

Omega requests a trial by jury as to all matters so triable.

Respectfully submitted November 19, 2010.

/s/Brian R. Gilchrist

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CERTIFICATE OF SERVICE

I hereby certify that on November 19, 2010, I electronically filed the following using the Management/Electronic Case Filing ("CM/ECF") system which will send a Notice of Electronic Filing to the following CM/ECF participants:

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