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CalAmp Corp.

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

WESTERN DIVISION

CALAMP CORP., a Delaware Corporation,

Plaintiff,

v.

ENFOTRACE, a California Fictitious Business Entity, and TRACKN, INC., a California Corporation,

Defendants.

Case [redacted] CV08-0699 AHM CTx

COMPLAINT FOR PATENT INFRINGEMENT

DEMAND FOR JURY TRIAL

Plaintiff CalAmp Corp. ("Plaintiff"), for its complaint against defendants Enfotrace ("Enfotrace") and Trackn, Inc. ("Trackn") (collectively, "Defendants"), alleges on personal knowledge as to all facts known to it, and on information and belief as to all other facts, as follows:

JURISDICTION AND VENUE

1. This is an action for infringement of United States Patents No. 6,025,774 and No. 6,249,217 B1 (collectively, "CalAmp Patents") arising under the patent laws of the United States, 35 U.S.C. §101 *et seq.* This Court has original and exclusive jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a), providing for, respectively, federal question jurisdiction and jurisdiction of patent infringement actions in the United States district courts.

2. Venue is proper in this judicial district under 28 U.S.C. § 1391(b)(2) because a substantial part of the events giving rise to the claim asserted herein occurred in this District. Venue is also proper under 28 U.S.C. § 1391(b)(1) and 1400(b) because Defendants are subject to personal jurisdiction in this District and therefore "reside" in this District as that term is defined in 28 U.S.C. § 1391(c). Venue is also proper in this judicial district under 28 U.S.C. § 1400(b) because Defendants have committed acts of infringement and have a regular and established place of business in this judicial district.

THE PARTIES

3. Plaintiff CalAmp Corp. ("CalAmp") is a corporation organized under the laws of Delaware and maintains its principal place of business at 1401 N. Rice Ave., Oxnard, CA 93030.

4. Upon information and belief, Defendant Enfotrace is a fictitious business entity owned by Defendant Trackn that maintains its principal place of business at 27758 Santa Margarita Parkway, Suite 361 Mission Viejo, California, 92691.

5. Upon information and belief, Enfotrace purposefully avails itself of the privilege of doing business in this judicial district and maintains such continuous and

systematic contacts with the District to authorize this Court's exercise of personal jurisdiction over Enfotrace.

6. Upon information and belief, Defendant Trackn is a corporation organized under the laws of California and maintains its principal place of business at 27758 Santa Margarita Parkway, Suite 363 Mission Viejo, California 92691.

7. Trackn purposefully avails itself of the privilege of doing business in this judicial district and maintains such continuous and systematic contacts with the District to authorize this Court's exercise of personal jurisdiction over Trackn.

GENERAL ALLEGATIONS

8. On February 15, 2000, U.S. Patent No. 6,025,774, "Method For Retrieving Vehicular Collateral," was duly and lawfully issued by the United States Patent Office, naming Mark P. Forbes as the sole inventor. A true and correct copy of the '774 Patent is attached hereto as Exhibit A.

9. On June 19, 2001, U.S. Patent No. 6,249,217 B1, "Method For Retrieving Vehicular Collateral," was duly and lawfully issued by the United States Patent Office, naming Mark P. Forbes as the sole inventor. A true and correct copy of the '217 patent is attached hereto as Exhibit B.

10. The Patents generally relate to a vehicle location system, whose purpose is to facilitate the confiscation of vehicles serving as collateral on loans which go into default.

11. CalAmp is the sole owner of the Patents by assignment.

12. CalAmp manufactures and sells vehicle location systems. CalAmp is recognized as both an innovator and a producer of high quality satellite and wireless communications products and services.

13. CalAmp's vehicle location system has achieved widespread consumer acceptance.

14. Enfotrace offers to sell, and sells, in the United States, a line of vehicle location products, including but not limited to products sold under the name "Stealth-1."

15. Trackn offers to sell, and sells, in the United States, a line of vehicle location products, including but not limited to products sold under the names "Trackn Mobile Location Unit" and "Stealth-1."

COUNT I - INFRINGEMENT OF U.S. PATENT NO. 6,025,774 AND U.S. PATENT NO. 6,249,217 B1

16. Plaintiff repeats and incorporates by reference the allegations in paragraphs 1 through 15 above, as if fully set forth herein.

17. By making, using, selling, offering for sale, and/or importing into the United States, vehicle location systems containing each and every one of the elements of one or more claims of the CalAmp Patents, Defendants have directly and/or contributorily infringed, and/or induced the infringement of, the CalAmp Patents, and will continue to do so unless enjoined by this Court.

18. Defendants' ongoing infringement of the CalAmp Patents has caused, and until enjoined will continue to cause, irreparable injury to Plaintiff for which Plaintiff is entitled to damages in an amount to be established at trial, together with injunctive relief.

19. Defendants have willfully infringed, and are willfully infringing, the CalAmp Patents.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for the following relief:

A. That the Court enter judgment in favor of Plaintiff and against Defendants;

B. That Defendants, and all persons in active participation therewith, be permanently enjoined from directly infringing, contributorily infringing, or inducing infringement of, the CalAmp Patents;

C. That Defendants be ordered to recall and surrender all infringing products from all retail and distribution channels in the United States;

D. That Plaintiff recovers compensatory damages for Defendants' infringement in an amount to be established at trial, together with pre-judgment and post-judgment interest thereon at the maximum legal rate;

E. That Plaintiff recovers enhanced damages under 35 U.S.C. § 284 for Defendants' willful infringement of the CalAmp Patents;

F. That the Court determine that this case is exceptional within the meaning of 35 U.S.C. § 285, and award Plaintiff attorneys' fees incurred in connection with this action;

G. That Plaintiff recovers the costs of suit herein; and

H. Such other and further relief as this Court may deem just and proper.

Dated: February 1, 2008

GIBSON, DUNN & CRUTCHER LLP

By: _____
Wayne M. Barsky

Attorneys for Plaintiff,
CalAmp Corp.

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury on all issues in this action so triable pursuant to Rules 38 and 48 of the Federal Rules of Civil Procedure.

Dated: February 1, 2008

GIBSON, DUNN & CRUTCHER LLP

By: _____
Wayne M. Barsky
Attorneys for Plaintiff,
CalAmp Corp.

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EXHIBIT A

US006025774A

United States Patent [19]

Forbes

[11] Patent Number: 6,025,774

[45] Date of Patent: Feb. 15, 2000

[54] METHOD FOR RETRIEVING VEHICULAR COLLATERAL

[76] Inventor: Mark P. Forbes, 27758 Santa Margarita Pkwy., #314, Mission Viejo, Calif. 92691

[21] Appl. No.: 09/103,419

[22] Filed: Jun. 24, 1998

[51] Int. Cl.[7] B60R 25/10

[52] U.S. Cl. 340/426; 325/384; 340/988; 342/457; 701/213; 705/38

[58] Field of Search 340/988, 989, 340/990, 426, 928; 342/457; 701/207, 208, 213; 180/287; 705/38; 235/379, 380, 384

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Lo Jack flyer of 1 page "Lo Jack Protects Your Car . . . "

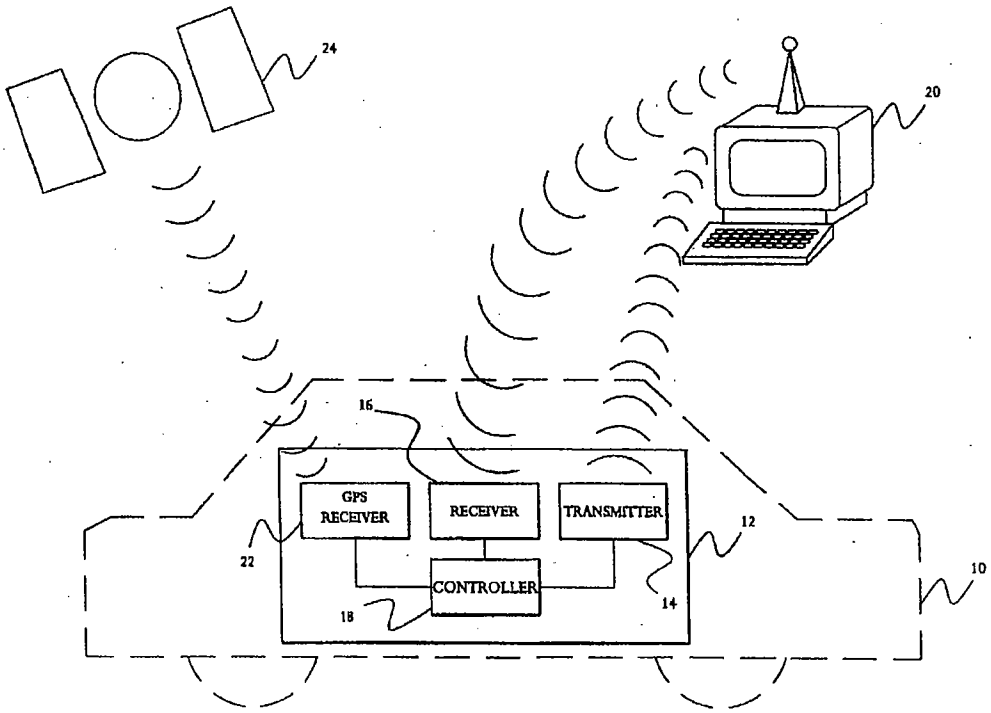
Primary Examiner—Brent A. Swarthout

Attorney, Agent, or Firm—Stetina Brunda Garred & Brucker

[57] ABSTRACT

In accordance with the present invention, there is provided a method of securing collateral for a loan when indicated by a loan status wherein the collateral is a vehicle. The method provides for installing a transmitter within the vehicle. The transmitter is capable of transmitting locational data regarding the vehicle. The loan status is monitored for a default condition. A data link is established from a base terminal to the transmitter of the vehicle upon an occurrence of the default condition in the loan status. Locational data is transmitted from the transmitter of the vehicle to the base terminal via the data link. The location of the vehicle is determined from the locational data transmitted to the base terminal. Finally, the vehicle is confiscated.

15 Claims, 2 Drawing Sheets



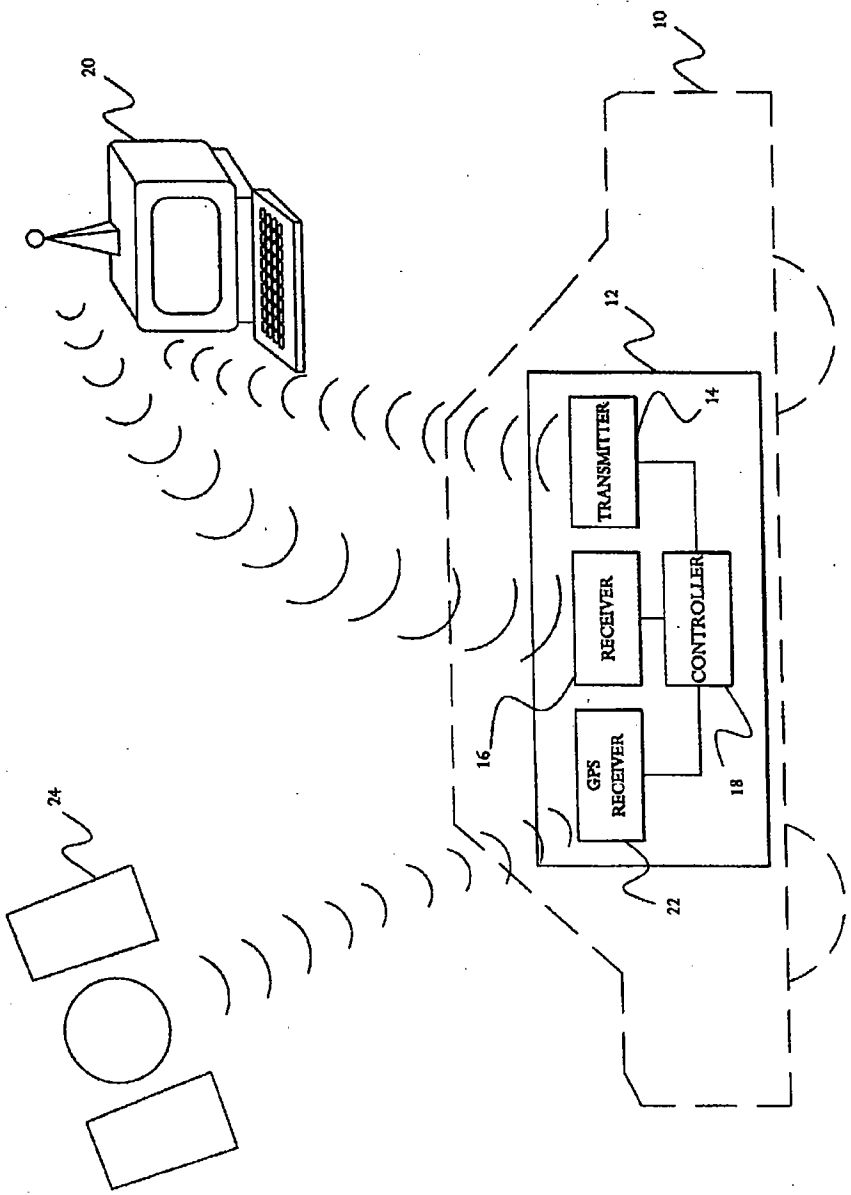

10
20
12
14
TRANSMITTER
RECEIVER
CONTROLLER
16
GPS RECEIVER
18
22
24

Fig. 1

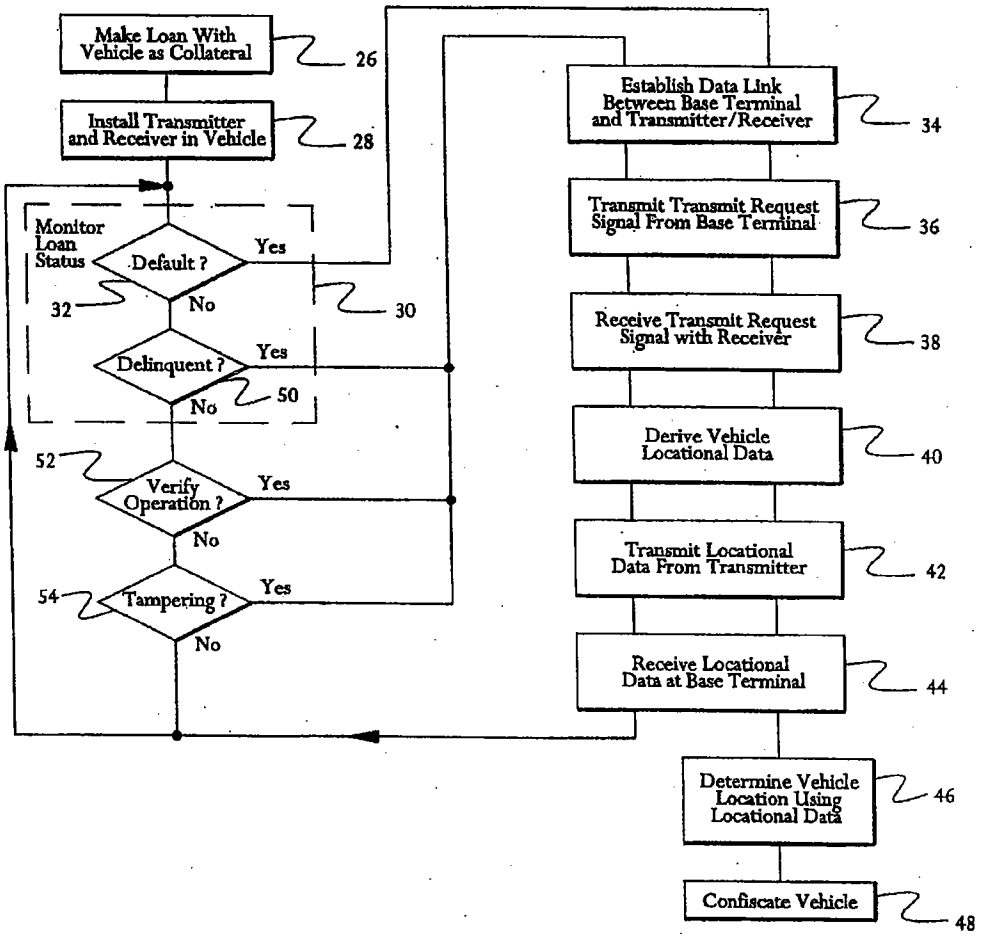

Make Loan With Vehicle as Collateral
26
Install Transmitter and Receiver in Vehicle
28
Monitor Loan Status
Default ?
Yes
No
30
32
Delinquent ?
Yes
No
50
52
Verify Operation ?
Yes
No
54
Tampering ?
Yes
No
Establish Data Link Between Base Terminal and Transmitter/Receiver
34
Transmit Transmit Request Signal From Base Terminal
36
Receive Transmit Request Signal with Receiver
38
Derive Vehicle Locational Data
40
Transmit Locational Data From Transmitter
42
Receive Locational Data at Base Terminal
44
Determine Vehicle Location Using Locational Data
46
Confiscate Vehicle
48

Fig. 2

METHOD FOR RETRIEVING VEHICULAR COLLATERAL

FIELD OF THE INVENTION

The present invention relates generally to a method of collateral retrieval, and more particularly to a method of retrieving vehicular collateral in which a transmitter is installed in the vehicle which provides locational data.

BACKGROUND OF THE INVENTION

Generally, vehicles such as automobiles have been financed through a personal loan system, whereby the purchaser borrows money from a financial or lending institution, takes title to the automobile and pays the loan balance in monthly payments which amortize the full amount of the loan. Typically, the financial institution retains a lien interest against the title of the vehicle and the loan is secured by a chattel mortgage thereon. The financial institution may confiscate or repossess the vehicle upon a default condition of the loan, as agreed to by the purchaser or as provided at law. It is contemplated that a default condition may arise where the loan payments are delinquent for a predetermined interval. Thus, the vehicle is used as collateral for the loan used to purchase the vehicle.

Additionally, lease arrangements are entered into whereby the lessee makes monthly rental payment, returning the vehicle to the lessor at the end of a predetermined term specified in the lease. Title typically remains with the lessor. It is sometimes specified in the lease that the lessee may at the lessee's option purchase the vehicle when the lease expires. In the event that the lessee defaults in making lease payments, the lessor may confiscate or repossess the vehicle.

Thus, upon a default condition of the loan or lease (these terms may be used interchangeably herein) the lending institution may seek to confiscate the loan collateral, i.e., the vehicle. Thus, the lending institution will authorize repossession personnel to confiscate the vehicle. Such confiscation processes may potentially require extensive resources and result in a time consumptive, expensive endeavor. Typically, the repossession personnel being the confiscation process with nothing more than the vehicle holder's last known billing address. Not only may such address be no longer valid, the vehicle may not be kept or stored at such location. Moreover, the individual responsible for the loan may even be actively avoiding being located and the vehicle being repossessed.

SUMMARY OF THE INVENTION

In accordance with the present invention, there is provided a method of securing collateral for a loan when indicated by a loan status wherein the collateral is a vehicle. The method provides for installing a transmitter within the vehicle. The transmitter is capable of transmitting locational data regarding the vehicle. The loan status is monitored for a default condition. A data link is established from a base terminal to the transmitter of the vehicle upon an occurrence of the default condition in the loan status. Locational data is transmitted from the transmitter of the vehicle to the base terminal via the data link. The location of the vehicle is determined from the locational data transmitted to the base terminal. Finally, the vehicle is confiscated.

Preferably, the data link is established at predetermined intervals and locational data from the transmitter to the base terminal is transmitted via the data link to verify the operation of the transmitter. In addition, the transmitter is capable

of sensing any physical tampering therewith and a tamper signal is transmitted in response to any sensed tampering via data link. Advantageously, the transmitter may be powered with a rechargeable battery. Furthermore, the method of the present invention may provide for deactivating the vehicle and enabling a vehicle alarm upon the loan status being in a default condition. In other embodiments of the present invention, the transmitter may be a cellular telephone and locational data may be based upon Global Positioning Satellite (GPS) technology.

As such, based on the foregoing, the present invention mitigates the inefficiencies and limitations associated with prior art methods of retrieving vehicular collateral. Advantageously, the method of the present invention facilitates expedient location and confiscation of vehicular collateral. The transmitter allows a lending institution to virtually instantaneously determine the location of a collateralized vehicle upon the loan status being in a default condition. In addition, the method may utilize current GPS technology to determine with a high degree of precision the location of the vehicle. Further still, the method may provide for an alarm within the vehicle to be enabled so as to further facilitate location and confiscation of the vehicle. In comparison, traditional methods of vehicular collateral retrieval typically begin with the lending institution via an agent thereof using only the last documented address for the individual responsible for the loan. Not only may such address be no longer valid, the vehicle may not be kept or stored at such location. Moreover, the individual responsible for the loan may even be actively avoiding being located and the vehicle being repossessed. As such, vehicle confiscation process may potentially be long and costly.

Additionally, the method of the present invention preferably provides for a verification process of operability of the transmitter. As such, the lending institution is able to test the installed transmitter by having the transmitter periodically send signals. Further, the method provides for the transmitter to alert the lending institution if the transmitter is tampered with. Thus, the lending institution has the benefit being confident that there is a high probability of retrieving the vehicle, should such course of action be necessary, by being able both verify the operability of the transmitter and having a tamper alert system in place.

Accordingly, the present invention represents a significant advance in the art.

BRIEF DESCRIPTION OF THE DRAWINGS

These, as well as other features of the present invention, will become more apparent upon reference to the drawings wherein:

FIG. **1** symbolically depicts vehicle retrieval apparatus and system configuration utilized in the preferred embodiment of the present invention; and

FIG. **2** a flow diagram of steps of the method of the present invention.

DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENT

Referring now to the drawings wherein the showings are for purposes of illustrating a preferred embodiment of the present invention only, and not for purposes of limiting the same, FIGS. **1** and **2** illustrate a method of retrieving vehicular collateral in accordance with the present invention.

As a preliminary matter, it is contemplated that a lending institution makes **26** a loan/lease arrangement with a bor-

rower respecting a vehicle **10**. The vehicle **10** is used as collateral for the loan. Whether the vehicle **10** is purchased, leased or rented, it is understood that the party seeking to secure, confiscate, repossess or otherwise seize the vehicle may be a bank, savings and loan, mortgage company, credit union, vehicle dealership, vehicle manufacturer, leasing agent, collection agency, or any other lending/financial institution and agents thereof. It if further understood that the holder or possessor of the vehicle may be the individual responsible for payment of the vehicle loan/lease and may be referred to as the purchaser, debtor, borrower or lessee. For purposes of the present invention, the term vehicle **10** is contemplated to include automobiles, trucks, motor cycles, boats, house boats, airplanes, helicopters, house trailers, mobile homes, recreational vehicles, heavy machinery (such as tractors) and other devices used for transportation.

In accordance with the present invention, there is provided a method of securing vehicular collateral when indicated by a loan status. The loan status may have a paid current condition and a default condition. When the loan status is in a default condition, it is contemplated that the lending institution may be entitled to confiscate or repossess the vehicle **10**.

The method provides for installing **28** a transmitter **14** within the vehicle **10**. The transmitter **14** is capable of transmitting locational data regarding the vehicle **10**. The loan status is monitored **30** for a default condition **32**. Upon an occurrence of the default condition **32** in the loan status, a data link is established **34** from a base terminal **20** to the transmitter **14** of the vehicle **10**. Locational data is transmitted **42** from the transmitter **14** of the vehicle **10** to the base terminal **20** via the data link. The location of the vehicle **10** is determined **46** from the locational data transmitted to the base terminal **20**. Thus, as early as the loan status having entered into a default condition, the general whereabouts of the collateralized vehicle **10** may be known to the lending institution, e.g., the base terminal **20**. Finally, the method provides for the vehicle **10** to be confiscated **48**, and thus completing the collateral securing process.

In the preferred embodiment of the method of the present invention, a retrieval apparatus **12** is installed **28** in the vehicle **10**. The retrieval apparatus **12** is provided with the transmitter **14**, a base communication receiver **16** and a controller **18**. It is contemplated that the transmitter **14** and base communication receiver **16** may be the same device, i.e., a transceiver. Furthermore, the transmitter **14** and base communication receiver **16** may take the form of a cellular telephone or other communications device. The transmitter **14** and the base communication receiver **16** are capable of respectively transmitting and receiving signals to and from the base terminal **20**. Such signals are distinct electromagnetic digital signals which may be RF signal, for example. It is contemplated that the retrieval apparatus **12** need not necessarily be provided with a base communication receiver **16**. Thus, the retrieval apparatus **12** may be passive in nature and may periodically or constantly transmit locational signals.

The transmitter **14** and base communication receiver **16** are electrically connected to a controller **18**. The controller **18** may be any type of digital processing device, or computer, such as a microprocessor. The use of a microprocessor as the controller **18** provides for versatility in programmability and provides for an apparatus which can be made as small in size as possible. By providing for an apparatus which is an small in size as possible, a more concealed installation of the retrieval apparatus **12** in the vehicle **10** can be achieved.

In operation, the base terminal **20** may be in electrical communication with a computer network of the lending institution. The computer network contains data respecting the status of the loan. Upon the loan status being in a default condition **32**, the base terminal **20** originates and transmits **36** a transmit request signal. The base communication receiver **16** is configured to receive the transmit request signal from the base terminal **20**. Thus, a data link is established **34** between the base terminal **20** and retrieval apparatus **12** disposed within the vehicle **10**. The base communication receiver **16** receives **38** the transmit request signal and the controller **18** processes the transmit request signal. In response, the controller **18** initiates the transmitter **14** to transmit **42** locational data of the vehicle **10** to the base terminal **20** via the data link.

It is contemplated that the loan status may further have a delinquent condition, wherein the loan is not paid current. The default condition is one where the loan has not been paid current for a predetermined interval. Thus, typically prior to the loan status being in a default condition, the loan status will be in a delinquent condition. Such a delinquent condition may be used to trigger the transmission of a transmit request signal from the base terminal **20** to the retrieval apparatus **12** as discussed above. Thus, the method of the present invention may further include monitoring **30** the status of the loan to for a delinquent condition **50** and subsequently establishing **34** a data link from the base terminal **20** to the transmitter **14** upon an occurrence of the delinquent condition. The locational data received **44** by the base terminal **20** in response to the transmit request signal may be stored for future use. For example, in the event that the retrieval apparatus **12** is later damaged or inoperable and the loan status is in a default condition, the stored locational data may provide a valuable lead for the repossession personnel to locate and confiscate the vehicle **10**.

Subsequent to the receipt of the transmit request signal by the base communication receiver **16**, the vehicle locational data **40** is derived regarding the vehicle **10**. Various methods deriving **40** such data may be utilized. It is contemplated that those methods of configuring a system to derive locational data respecting the location of the vehicle **10** utilizing a transmitter and/or receiver are chosen from those well known to one of ordinary skill in the art. In a very simple embodiment, the transmitted signals from the transmitter **14** themselves provide locational data. In this respect, such signals provide directional data which can be used to locate the emanating source, i.e., the transmitter **14** in the vehicle **10**. In such an embodiment, the base terminal **20** may additionally be mobile and directionally receive the transmitted signals. In another embodiment, the base terminal **20** may be in electronic communication with a plurality of mobile base terminals or an array of antennas which are directionally sensitive and thereby facilitating triangulation techniques to locate the vehicle **10**.

In the preferred embodiment of the present invention, however, Global Positioning Satellite (GPS) technology is used to derive **40** the locational data. The retrieval apparatus **10** may further be provided with a GPS positioning signal receiver **22**. A GPS data link is established from a global positioning satellite (GPS) **24** to the GPS positioning signal receiver **22** upon the receipt of the transmit request signal. A GPS positioning signal is received by the GPS positioning signal receiver **22** via the GPS data link. As one of ordinary skill in the art will appreciate, the locational data is derivable from the GPS positioning signal. Such locational data is then transmitted **42**, as described above. It is contemplated that the GPS locational data provides very precise information as

to the location of the vehicle **10**, and therefore facilitates the efficient determination **46** of the location and the confiscation **48** of the vehicle **10**.

In addition, the method of the present invention provides for a system operability verification procedure. A data link is established **34** from the base terminal to the transmitter at predetermined intervals prior to any occurrence of a default condition. The base terminal **20** originates and transmits **36** a transmit request signal which is received **38** by the base communication receiver **16**. In response, the transmitter **14** of the vehicle **10** transmits **42** locational data back to the base terminal **20**. The receipt of such locational data at the base terminal **20** successfully verifies the operation of the retrieval apparatus **12** including the transmitter **14** and the base communications receiver **16** therein. In addition, the received locational data may be stored for future use should reference to such data be desired. In operation, such a verification procedure could be followed monthly, for example. In the event that locational data is not received by the base terminal **20**, and therefore a failed verification occurs, the lending institution may follow-up in contacting the borrower, and correct any problems or defects in the retrieval apparatus **12**. Thus, such a verification procedure allows to the lending institution to increase its probability that the retrieval apparatus **12** will function as designed to facilitate the securing of the collateralized vehicle **10**.

The method of the present invention is preferably provided with a procedure of alerting the lending institution that the retrieval apparatus **12** has been physically tampered with. In this respect, the retrieval apparatus **12** and/or components thereof (e.g., transmitter **14**, base communication receiver **16**, GPS positioning signal receiver **22**, etc.) are configured to be capable of sensing any physical tampering therewith and transmitting a tamper signal in response to any sensed tampering. Thus, the data link is established **34** from the base terminal **20** to the transmitter **14** upon the sensing **54** of any physical tampering with the retrieval apparatus **12**. It is contemplated that the method of determining whether the retrieval apparatus **12** has been tampered with is chosen from those well known to one of ordinary skill in the art and may include electrical and electro-mechanical devices. Advantageously, it is contemplated that such a tampering alert procedure increases the probability that the retrieval apparatus **12** will function properly when desired because the lending institution may become aware of any such tampering prior to the loan entering into a default condition and the mere existence of the tampering alert procedure may deter acts of intentional damage to the retrieval apparatus.

While the retrieval apparatus **12** may be solely powered via the electrical system of the vehicle **10**, the retrieval apparatus **10** is preferably additionally powered with a rechargeable battery. In such a configuration, the rechargeable battery is electrically connected to a generator/alternator of the vehicle **10** and is recharged during operation of the vehicle **10**. Thus, the retrieval apparatus **12** may utilize the rechargeable battery as a back-up or alternate power supply. Advantageously, use of a rechargeable battery mitigates against unwanted and possibly intentional deactivation of the retrieval apparatus **12** where the vehicle battery is disconnected or the vehicle **10** is not in use.

In addition to the base communication receiver **16** being able to receive transmit request signals, a vehicle alarm signal may also be received. In this regard, the vehicle **10** may be provided with an audio and/or visual devices which are in electrical communication with the controller **18**. Such devices may be the vehicle's horn, lights, speakers, etc. The method of the present invention provides for the transmitting of a vehicle alarm signal from the base terminal **20** to the base communication receiver **16** and receiving the vehicle alarm signal with the base communication receiver **16**. The vehicle alarm signal is then communicated to the controller **18** which electrically enables the vehicle alarm. Such an alarm enablement step is contemplated to facilitate the determination of the exact location of the vehicle **10** once vehicle repossession personnel are within personal sensory range of the vehicle alarm system. Thus, while the locational data which is used by vehicle repossession personnel may allow such personnel to be within the generally locality of the vehicle **10**, the sounding of the vehicle horn or illumination vehicle headlamps may further facilitate finding the vehicle **10**. This is especially the case where the vehicle **10** is hidden or concealed within a garage, for example.

The base communication receiver **16** may be further capable of receiving a deactivation signal from the base terminal **20** and the controller **18** may be in electrical communication with any number of devices which would facilitate deactivation of the vehicle **10**, such the vehicle ignition or fuel system. As such, it is contemplated that the base terminal **20** may transmit a deactivation signal to the base communication receiver **16** via the data link. Upon receipt of the deactivation signal with the base communication receiver **16**, the controller **18** may process such signal and initiate the deactivation of the vehicle **10**. It is contemplated that the method of deactivating the vehicle **10** via the initiation by the controller **18** is chosen from those well known to one of ordinary skill in the art.

Additional modifications and improvements of the present invention may also be apparent to those of ordinary skill in the art. Thus, the particular combination of parts described and illustrated herein is intended to represent only one embodiment of the present invention, and is not intended to serve as limitations of alternative devices within the spirit and scope of the invention.

What is claimed is:

1. A method of securing collateral for a loan when indicated by a loan status wherein the collateral comprises a vehicle, the method comprising the steps of:

(a) installing a transmitter within the vehicle, the transmitter being capable of transmitting locational data regarding the vehicle;

(b) monitoring the loan status for a default condition;

(c) establishing a data link from a base terminal to the transmitter of the vehicle upon an occurrence of the default condition in the loan status;

(d) transmitting locational data from the transmitter of the vehicle to the base terminal via the data link;

(e) determining the location of the vehicle from the locational data transmitted to the base terminal; and

(f) confiscating the vehicle.

2. The method of claim 1 wherein step (a) further comprises the step of:

(1) installing a base communication receiver within the vehicle, the base communication receiver being capable of receiving a transmit request signal; and

step (c) further comprises the steps of:

(1) establishing a data link from a base terminal to the base communication receiver upon an occurrence of the default condition in the loan status; and

(2) receiving a transmit request signal from the base terminal with the base communication receiver via the data link.

3. The method of claim 2 wherein step (c) further comprising the steps of:

(1) establishing the data link from the base terminal to the base communication receiver at predetermined intervals prior to any occurrence of a default condition; and

(2) transmitting locational data from the transmitter to the base terminal via the data link to verify the operation of the base communication receiver.

4. The method of claim 1 wherein step (c) further comprising the steps of:

(1) establishing the data link from the base terminal to the transmitter at predetermined intervals prior to any occurrence of a default condition; and

(2) transmitting locational data from the transmitter to the base terminal via the data link to verify the operation of the transmitter.

5. The method of claim 4 wherein step (c) further comprising the step of:

(3) receiving the locational data at the base terminal and storing the locational data.

6. The method of claim 1 wherein step (b) further comprising the step of:

(1) monitoring the loan status for a delinquent condition; and

step (c) further comprising the step of:

(1) establishing a data link from a base terminal to the transmitter of the vehicle upon an occurrence of the delinquent condition in the loan status.

7. The method of claim 1 wherein the transmitter is capable of sensing any physical tampering therewith and transmitting a tamper signal in response to any sensed tampering, step (c) further comprises the step of:

(1) establishing the data link from the base terminal to the transmitter upon the sensing of any physical tampering with the transmitter.

8. The method of claim 1 wherein step (a) further comprising the step of:

(1) powering the transmitter with a rechargeable battery.

9. The method of claim 1 wherein the vehicle having an alarm, step (a) further comprises the step of:

(1) installing a base communication receiver within the vehicle, the base communication receiver being capable of receiving a vehicle alarm signal; and

step (d) further comprises the step of:

(1) transmitting a vehicle alarm signal from the base terminal to the base communication receiver via the data link;

(2) receiving the vehicle alarm signal with the base communication receiver; and

(3) enabling the vehicle alarm.

10. The method of claim 1 wherein step (a) further comprises the step of:

(1) installing a base communication receiver within the vehicle, the base communication receiver being capable of receiving a vehicle deactivation signal; and

step (d) further comprises the step of:

(1) transmitting a deactivation signal from the base terminal to the base communication receiver via the data link;

(2) receiving the deactivation signal with the base communication receiver; and

(3) deactivating the vehicle.

11. The method of claim 1 wherein step (a) further comprises the step of:

(1) installing a GPS positioning signal receiver;

step (c) further comprises the steps of;

(1) establishing a data link from a global positioning satellite (GPS) to the GPS positioning signal receiver; and

(2) receiving a GPS positioning signal; and

wherein the transmitted locational data being based upon the received GPS positioning signal.

12. The method of claim 1 wherein the transmitter is a cellular phone.

13. The method of claim 1 wherein the base terminal is mobile.

14. The method of claim 13 wherein step (e) further comprising the step of:

(1) moving the base terminal to determine the location of the vehicle.

15. The method of claim 1 wherein the installing of the transmitter is effectuated during the vehicle manufacturing process.

* * * * *

EXHIBIT B

US006249217B1

(12) **United States Patent**
Forbes

(10) **Patent No.: US 6,249,217 B1**
(45) **Date of Patent: *Jun. 19, 2001**

(54) **METHOD FOR RETRIEVING VEHICULAR COLLATERAL**

(76) Inventor: **Mark P. Forbes**, 27758 Santa Margarita Pkwy., #314, Mission Viejo, CA (US) 92691

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

This patent is subject to a terminal disclaimer.

(21) Appl. No.: **09/430,424**

(22) Filed: **Oct. 29, 1999**

Related U.S. Application Data

(63) Continuation of application No. 09/103,419, filed on Jun. 24, 1998, now Pat. No. 6,025,774.

(51) **Int. Cl.**[7] **B60R 25/10**
(52) **U.S. Cl.** 340/426; 235/384; 340/988; 342/457; 701/213; 705/38
(58) **Field of Search** 340/426, 988, 340/989, 990, 928; 342/457; 701/207, 208, 213; 180/287; 705/38; 235/379, 380, 384

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Lo Jack flyer of 1 page entitled *Lo Jack Protects Your Car.*

* cited by examiner

Primary Examiner—Brent A. Swarthout
(74) *Attorney, Agent, or Firm*—Stetina Brunda Garred & Brucker

(57) **ABSTRACT**

In accordance with the present invention, there is provided a method of securing collateral for a loan when indicated by a loan status wherein the collateral is a vehicle. The method provides for installing a transmitter within the vehicle. The transmitter is capable of transmitting locational data regarding the vehicle. The loan status is monitored for a default condition. A data link is established from a base terminal to the transmitter of the vehicle upon an occurrence of the default condition in the loan status. Locational data is transmitted from the transmitter of the vehicle to the base terminal via the data link. The location of the vehicle is determined from the locational data transmitted to the base terminal. Finally, the vehicle is confiscated.

15 Claims, 2 Drawing Sheets

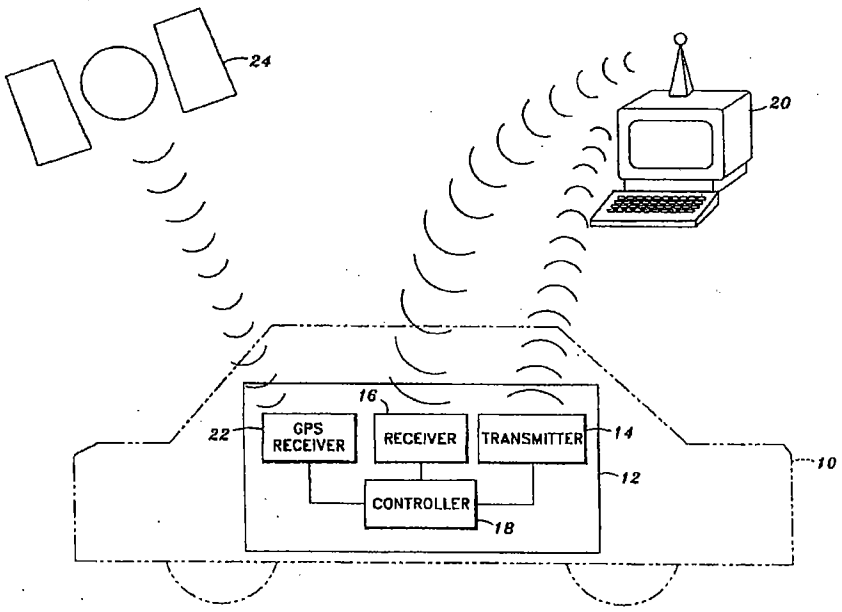

EXHIBIT B

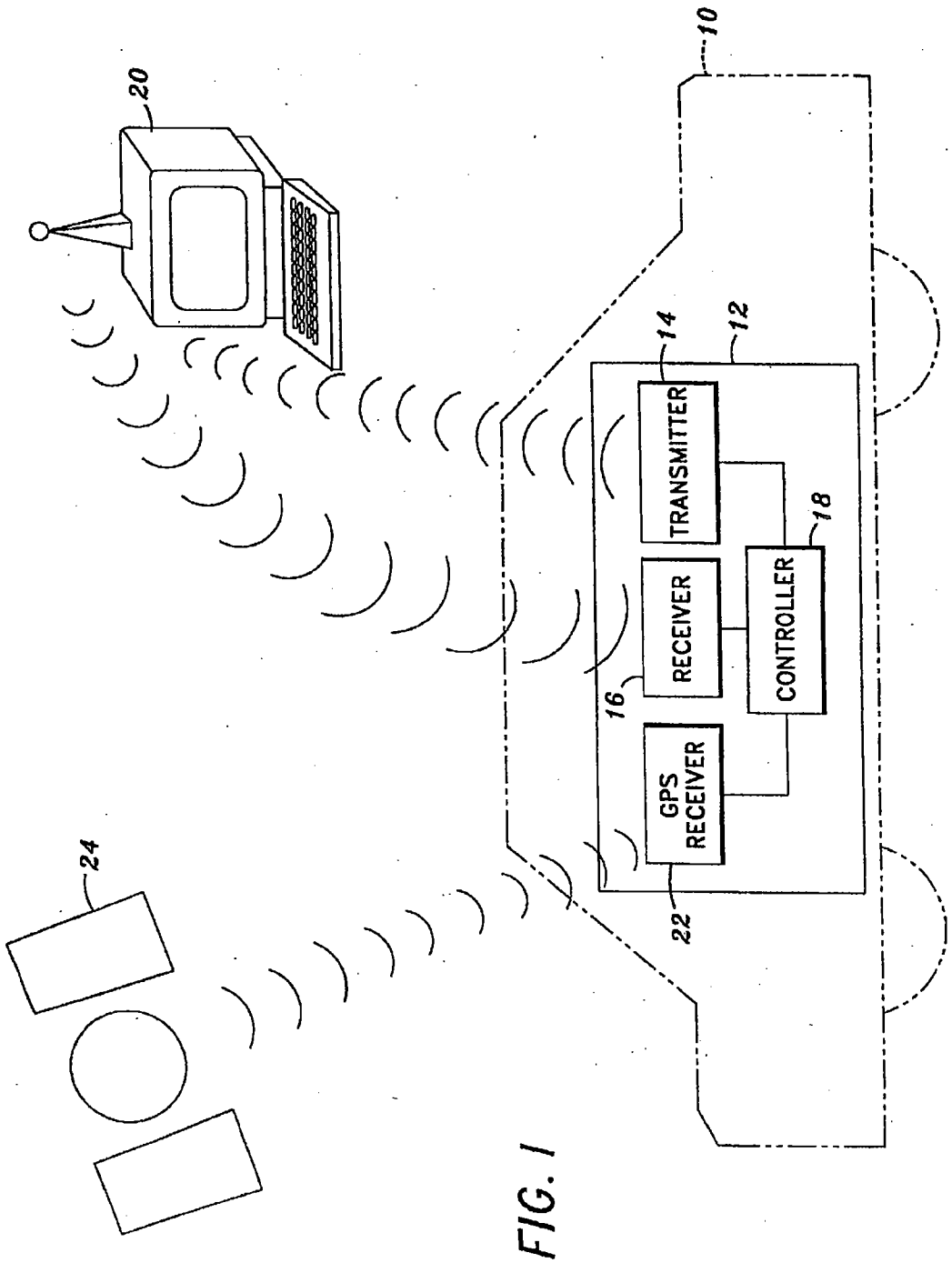
10
20
14
12
TRANSMITTER
18
RECEIVER
CONTROLLER
16
GPS RECEIVER
22
24

FIG. 1

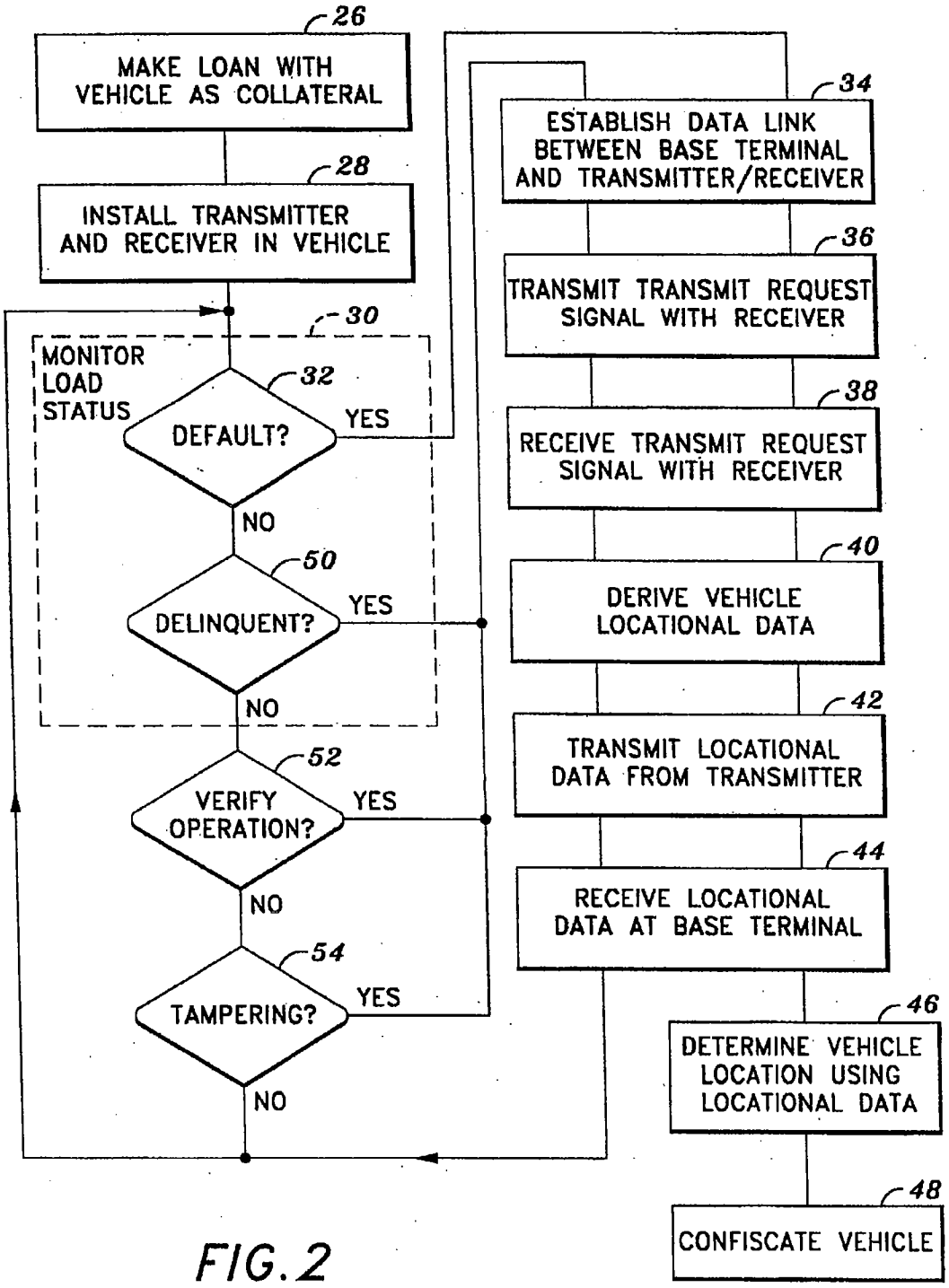
26
MAKE LOAN WITH VEHICLE AS COLLATERAL
28
INSTALL TRANSMITTER AND RECEIVER IN VEHICLE
30
MONITOR LOAD STATUS
32
DEFAULT?
YES
NO
50
DELINQUENT?
YES
NO
52
VERIFY OPERATION?
YES
NO
54
TAMPERING?
YES
NO
34
ESTABLISH DATA LINK BETWEEN BASE TERMINAL AND TRANSMITTER/RECEIVER
36
TRANSMIT TRANSMIT REQUEST SIGNAL WITH RECEIVER
38
RECEIVE TRANSMIT REQUEST SIGNAL WITH RECEIVER
40
DERIVE VEHICLE LOCATIONAL DATA
42
TRANSMIT LOCATIONAL DATA FROM TRANSMITTER
44
RECEIVE LOCATIONAL DATA AT BASE TERMINAL
46
DETERMINE VEHICLE LOCATION USING LOCATIONAL DATA
48
CONFISCATE VEHICLE

FIG. 2

METHOD FOR RETRIEVING VEHICULAR COLLATERAL

This is a continuation of application Ser. No. 09/103,419 filed Jun. 24, 1998, now U.S. Pat. No. 6,025,774.

FIELD OF THE INVENTION

The present invention relates generally to a method of collateral retrieval, and more particularly to-a method of retrieving vehicular collateral in which a transmitter is installed in the vehicle which provides locational data.

BACKGROUND OF THE INVENTION

Generally, vehicles such as automobiles have been financed through a personal loan system, whereby the purchaser borrows money from a financial or lending institution, takes title to the automobile and pays the loan balance in monthly payments which amortize the full amount of the loan. Typically, the financial institution retains a lien interest against the title of the vehicle and the loan is secured by a chattel mortgage thereon. The financial institution may confiscate or repossess the vehicle upon a default condition of the loan, as agreed to by the purchaser or as provided at law. It is contemplated that a default condition may arise where the loan payments are delinquent for a predetermined interval. Thus, the vehicle is used as collateral for the loan used to purchase the vehicle.

Additionally, lease arrangements are entered into whereby the lessee makes monthly rental payment, returning the vehicle to the lessor at the end of a predetermined term specified in the lease. Title typically remains with the lessor. It is sometimes specified in the lease that the lessee may at the lessee's option purchase the vehicle when the lease expires. In the event that the lessee defaults in making lease payments, the lessor may confiscate or repossess the vehicle.

Thus, upon a default condition of the loan or lease (these terms may be used interchangeably herein) the lending institution may seek to confiscate the loan collateral, i.e., the vehicle. Thus, the lending. institution will authorize repossession personnel to confiscate the vehicle. Such confiscation processes may potentially require extensive resources and result in a time consumptive, expensive endeavor. Typically, the repossession personnel being the confiscation process with nothing more than the vehicle holder's last known billing address. Not only may such address be no longer valid, the vehicle may not be kept or stored at such location. Moreover, the individual responsible for the loan may even be actively avoiding being located and the vehicle being repossessed.

SUMMARY OF THE INVENTION

In accordance with the present invention, there is provided a method of securing collateral for a loan when indicated by a loan status wherein the collateral is a vehicle. The method provides for installing a transmitter within the vehicle. The transmitter is capable of transmitting locational data regarding the vehicle. The loan status is monitored for a default condition. A data link is established from a base terminal to the transmitter of the vehicle upon an occurrence of the default condition in the loan status. Locational data is transmitted from the transmitter of the vehicle to the base terminal via the data link. The location of the vehicle is determined from the locational data transmitted to the base terminal. Finally, the vehicle is confiscated.

Preferably, the data link is established at predetermined intervals and locational data from the transmitter to the base terminal is transmitted via the data link to verify the operation of the transmitter. In addition, the transmitter is capable of sensing any physical tampering therewith and a tamper signal is transmitted in response to any sensed tampering via data link. Advantageously, the transmitter may be powered with a rechargeable battery. Furthermore, the method of the present invention may provide for deactivating the vehicle and enabling a vehicle alarm upon the loan status being in a default condition. In other embodiments of the present invention, the transmitter may be a cellular telephone and locational data may be based upon Global Positioning Satellite (GPS) technology.

As such, based on the foregoing, the present invention mitigates the inefficiencies and limitations associated with prior art methods of retrieving vehicular collateral. Advantageously, the method of the present invention facilitates expedient location and confiscation of vehicular collateral. The transmitter allows a lending institution to virtually instantaneously determine the location of a collateralized vehicle upon the loan status being in a default condition. In addition, the method may utilize current GPS technology to determine with a high degree of precision the location of the vehicle. Further still, the method may provide for an alarm within the vehicle to be enabled so as to further facilitate location and confiscation of the vehicle. In comparison, traditional methods of vehicular collateral retrieval typically begin with the lending institution via an agent thereof using only the last documented address for the individual responsible for the loan. Not only may such address be no longer valid, the vehicle may not be kept or stored at such location. Moreover, the individual responsible for the loan may even be actively avoiding being located and the vehicle being repossessed. As such, vehicle confiscation process may potentially be long and costly.

Additionally, the method of the present invention preferably provides for a verification process of operability of the transmitter. As such, the lending institution is able to test the installed transmitter by having the transmitter periodically send signals. Further, the method provides for the transmitter to alert the lending institution if the transmitter is tampered with. Thus, the lending institution has the benefit being confident that there is a high probability of retrieving the vehicle, should such course of action be necessary, by being able both verify the operability of the transmitter and having a tamper alert system in place.

Accordingly, the present invention represents a significant advance in the art.

BRIEF DESCRIPTION OF THE DRAWINGS

These, as well as other features of the present invention, will become more apparent upon reference to the drawings wherein:

FIG. 1 symbolically depicts vehicle retrieval apparatus and system configuration utilized in the preferred embodiment of the present invention; and

FIG. 2 a flow diagram of steps of the method of the present invention.

DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENT

Referring now to the drawings wherein the showings are for purposes of illustrating a preferred embodiment of the present invention only, and not for purposes of limiting the same, FIGS. 1 and 2 illustrate a method of retrieving vehicular collateral in accordance with the present invention.

As a preliminary matter, it is contemplated that a lending institution makes **26** a loan/lease arrangement with a borrower respecting a vehicle **10**. The vehicle **10** is used as collateral for the loan. Whether the vehicle **10** is purchased, leased or rented, it is understood that the party seeking to secure, confiscate, repossess or otherwise seize the vehicle may be a bank, savings and loan, mortgage company, credit union, vehicle dealership, vehicle manufacturer, leasing agent, collection agency, or any other lending/financial institution and agents thereof. It if further understood that the holder or possessor of the vehicle may be the individual responsible for payment of the vehicle loan/lease and may be referred to as the purchaser, debtor, borrower or lessee. For purposes of the present invention, the term vehicle **10** is contemplated to include automobiles, trucks, motor cycles, boats, house boats, airplanes, helicopters, house trailers, mobile homes, recreational vehicles, heavy machinery (such as tractors) and other devices used for transportation.

In accordance with the present invention, there is provided a method of securing vehicular collateral when indicated by a loan status. The loan status may have a paid current condition and a default condition. When the loan status is in a default condition, it is contemplated that the lending institution may be entitled to confiscate or repossess the vehicle **10**.

The method provides for installing **28** a transmitter **14** within the vehicle **10**. The transmitter **14** is capable of transmitting locational data regarding the vehicle **10**. The loan status is monitored **30** for a default condition **32**. Upon an occurrence of the default condition **32** in the loan status, a data link is established **34** from a base terminal **20** to the transmitter **14** of the vehicle **10**. Locational data is transmitted **42** from the transmitter **14** of the vehicle **10** to the base terminal **20** via the data link. The location of the vehicle **10** is determined **46** from the locational data transmitted to the base terminal **20**. Thus, as early as the loan status having entered into a default condition, the general whereabouts of the collateralized vehicle **10** may be known to the lending institution, e.g., the base terminal **20**. Finally, the method provides for the vehicle **10** to be confiscated **48**, and thus completing the collateral securing process.

In the preferred embodiment of the method of the present invention, a retrieval apparatus **12** is installed **28** in the vehicle **10**. The retrieval apparatus **12** is provided with the transmitter **14**, a base communication receiver **16** and a controller **18**. It is contemplated that the transmitter **14** and base communication receiver **16** may be the same device, i.e., a transceiver. Furthermore, the transmitter **14** and base communication receiver **16** may take the form of a cellular telephone or other communications device. The transmitter **14** and the base communication receiver **16** are capable of respectively transmitting and receiving signals to and from the base terminal **20**. Such signals are distinct electromagnetic digital signals which may be RF signal, for example. It is contemplated that the retrieval apparatus **12** need not necessarily be provided with a base communication receiver **16**. Thus, the retrieval apparatus **12** may be passive in nature and may periodically or constantly transmit locational signals.

The transmitter **14** and base communication receiver **16** are electrically connected to a controller **18**. The controller **18** may be any type of digital processing device, or computer, such as a microprocessor. The use of a microprocessor as the controller **18** provides for versatility in programmability and provides for an apparatus which can be made as small in size as possible. By providing for an apparatus which is an small in size as possible, a more concealed installation of the retrieval apparatus **12** in the vehicle **10** can be achieved.

In operation, the base terminal **20** may be in electrical communication with a computer network of the lending institution. The computer network contains data respecting the status of the loan. Upon the loan status being in a default condition **32**, the base terminal **20** originates and transmits **36** a transmit request signal. The base communication receiver **16** is configured to receive the transmit request signal from the base terminal **20**. Thus, a data link is established **34** between the base terminal **20** and retrieval apparatus **12** disposed within the vehicle **10**. The base communication receiver **16** receives **38** the transmit request signal and the controller **18** processes the transmit request signal. In response, the controller **18** initiates the transmitter **14** to transmit **42** locational data of the vehicle **10** to the base terminal **20** via the data link.

It is contemplated that the loan status may further have a delinquent condition, wherein the loan is not paid current. The default condition is one where the loan has not been paid current for a predetermined interval. Thus, typically prior to the loan status being in a default condition, the loan status will be in a delinquent condition. Such a delinquent condition may be used to trigger the transmission of a transmit request signal from the base terminal **20** to the retrieval apparatus **12** as discussed above. Thus, the method of the present invention may further include monitoring **30** the status of the loan to for a delinquent condition **50** and subsequently establishing **34** a data link from the base terminal **20** to the transmitter **14** upon an occurrence of the delinquent condition. The locational data received **44** by the base terminal **20** in response to the transmit request signal may be stored for future use. For example, in the event that the retrieval apparatus **12** is later damaged or inoperable and the loan status is in a default condition, the stored locational data may provide a valuable lead for the repossession personnel to locate and confiscate the vehicle **10**.

Subsequent to the receipt of the transmit request signal by the base communication receiver **16**, the vehicle locational data **40** is derived regarding the vehicle **10**. Various methods deriving **40** such data may be utilized. It is contemplated that those methods of configuring a system to derive locational data respecting the location of the vehicle **10** utilizing a transmitter and/or receiver are chosen from those well known to one of ordinary skill in the art. In a very simple embodiment, the transmitted signals from the transmitter **14** themselves provide locational data. In this respect, such signals provide directional data which can be used to locate the emanating source, i.e., the transmitter **14** in the vehicle **10**. In such an embodiment, the base terminal **20** may additionally be mobile and directionally receive the transmitted signals. In another embodiment, the base terminal **20** may be in electronic communication with a plurality of mobile base terminals or an array of antennas which are directionally sensitive and thereby facilitating triangulation techniques to locate the vehicle **10**.

In the preferred embodiment of the present invention, however, Global Positioning Satellite (GPS) technology is used to derive **40** the locational data. The retrieval apparatus **10** may further be provided with a GPS positioning signal receiver **22**. A GPS data link is established from a global positioning satellite (GPS) **24** to the GPS positioning signal receiver **22** upon the receipt of the transmit request signal. A GPS positioning signal is received by the GPS positioning signal receiver **22** via the GPS data link. As one of ordinary skill in the art will appreciate, the locational data is derivable from the GPS positioning signal. Such locational data is then

transmitted **42**, as described above. It is contemplated that the GPS locational data provides very precise information as to the location of the vehicle **10**, and therefore facilitates the efficient determination **46** of the location and the confiscation **48** of the vehicle **10**.

In addition, the method of the present invention provides for a system operability verification procedure. A data link is established **34** from the base terminal to the transmitter at predetermined intervals prior to any occurrence of a default condition. The base terminal **20** originates and transmits **36** a transmit request signal which is received **38** by the base communication receiver **16**. In response, the transmitter **14** of the vehicle **10** transmits **42** locational data back to the base terminal **20**. The receipt of such locational data at the base terminal **20** successfully verifies the operation of the retrieval apparatus **12** including the transmitter **14** and the base communications receiver **16** therein. In addition, the received locational data may be stored for future use should reference to such data be desired. In operation, such a verification procedure could be followed monthly, for example. In the event that locational data is not received by the base terminal **20**, and therefore a failed verification occurs, the lending institution may follow-up in contacting the borrower, and correct any problems or defects in the retrieval apparatus **12**. Thus, such a verification procedure allows to the lending institution to increase its probability that the retrieval apparatus **12** will function as designed to facilitate the securing of the collateralized vehicle **10**.

The method of the present invention is preferably provided with a procedure of alerting the lending institution that the retrieval apparatus **12** has been physically tampered with. In this respect, the retrieval apparatus **12** and/or components thereof (e.g., transmitter **14**, base communication receiver **16**, GPS positioning signal receiver **22**, etc.) are configured to be capable of sensing any physical tampering therewith and transmitting a tamper signal in response to any sensed tampering. Thus, the data link is established **34** from the base terminal **20** to the transmitter **14** upon the sensing **54** of any physical tampering with the retrieval apparatus **12**. It is contemplated that the method of determining whether the retrieval apparatus **12** has been tampered with is chosen from those well known to one of ordinary skill in the art and may include electrical and electromechanical devices. Advantageously, it is contemplated that such a tampering alert procedure increases the probability that the retrieval apparatus **12** will function properly when desired because the lending institution may become aware of any such tampering prior to the loan entering into a default condition and the mere existence of the tampering alert procedure may deter acts of intentional damage to the retrieval apparatus.

While the retrieval apparatus **12** may be solely powered via the electrical system of the vehicle **10**, the retrieval apparatus **10** is preferably additionally powered with a rechargeable battery. In such a configuration, the rechargeable battery is electrically connected to a generator/alternator of the vehicle **10** and is recharged during operation of the vehicle **10**. Thus, the retrieval apparatus **12** may utilize the rechargeable battery as a back-up or alternate power supply. Advantageously, use of a rechargeable battery mitigates against unwanted and possibly intentional deactivation of the retrieval apparatus **12** where the vehicle battery is disconnected or the vehicle **10** is not in use.

In addition to the base communication receiver **16** being able to receive transmit request signals, a vehicle alarm signal may also be received. In this regard, the vehicle **10** may be provided with an audio and/or visual devices which are in electrical communication with the controller **18**. Such devices may be the vehicle's horn, lights, speakers, etc. The method of the present invention provides for the transmitting of a vehicle alarm signal from the base terminal **20** to the base communication receiver **16** and receiving the vehicle alarm signal with the base communication receiver **16**. The vehicle alarm signal is then communicated to the controller **18** which electrically enables the vehicle alarm. Such an alarm enablement step is contemplated to facilitate the determination of the exact location of the vehicle **10** once vehicle repossession personnel are within personal sensory range of the vehicle alarm system. Thus, while the locational data which is used by vehicle repossession personnel may allow such personnel to be within the generally locality of the vehicle **10**, the sounding of the vehicle horn or illumination vehicle headlamps may further facilitate finding the vehicle **10**. This is especially the case where the vehicle **10** is hidden or concealed within a garage, for example.

The base communication receiver **16** may be further capable of receiving a deactivation signal from the base terminal **20** and the controller **18** may be in electrical communication with any number of devices which would facilitate deactivation of the vehicle **10**, such the vehicle ignition or fuel system. As such, it is contemplated that the base terminal **20** may transmit a deactivation signal to the base communication receiver **16** via the data link. Upon receipt of the deactivation signal with the base communication receiver **16**, the controller **18** may process such signal and initiate the deactivation of the vehicle **10**. It is contemplated that the method of deactivating the vehicle **10** via the initiation by the controller **18** is chosen from those well known to one of ordinary skill in the art.

Additional modifications and improvements of the present invention may also be apparent to those of ordinary skill in the art. Thus, the particular combination of parts described and illustrated herein is intended to represent only one embodiment of the present invention, and is not intended to serve as limitations of alternative devices within the spirit and scope of the invention.

What is claimed is:

1. A method of securing collateral for a loan when indicated by a loan status, the collateral comprises a vehicle, a transmitter capable of transmitting locational data regarding the vehicle is installed within the vehicle, the method comprising the steps of:

(a) receiving a signal in response to a change in the loan status;

(b) establishing a data link from a base terminal to the transmitter upon the receipt of the signal representative of a change in the loan status;

(c) transmitting locational data from the transmitter to the base terminal via the data link; and

(d) determining the location of the vehicle from the locational data transmitted to the base terminal for use in confiscating the vehicle.

2. The method of claim 1 wherein the change in the loan status includes the loan entering into a default condition.

3. The method of claim 1 wherein the change in the loan status includes the loan entering into a delinquent condition.

4. The method of claim 1 wherein a base communication receiver capable of receiving a transmit request signal is installed within the vehicle, step (b) further comprises the steps of:

(1) establishing a data link from a base terminal to the base communication receiver upon the receipt of a signal representative of a default condition in the loan status; and

(2) receiving a transmit request signal from the base terminal with the base communication receiver via the data link.

5. The method of claim 4 wherein step (b) further comprises the steps of:

(1) establishing the data link from the base terminal to the base communication receiver at predetermined intervals prior to any receipt of a signal in response to a change in the loan status; and

(2) receiving locational data transmitted from the transmitter to the base terminal via the data link to verify the operation of the base communication receiver.

6. The method of claim 1 wherein step (b) further comprises the steps of:

(1) establishing the data link from the base terminal to the transmitter at predetermined intervals prior to any receipt of a signal in response to a change in the loan status; and

(2) receiving locational data transmitted from the transmitter to the base terminal via the data link to verify the operation of the transmitter.

7. The method of claim 6 wherein step (b) further comprises the step of:

(3) storing the locational data.

8. The method of claim 1 wherein the transmitter is capable of sensing physical tampering therewith and transmitting a tamper signal in response to any sensed tampering, step (b) further comprises the step of:

(1) establishing the data link from the base terminal to the transmitter upon the sensing of any physical tampering with the transmitter.

9. The method of claim 1 wherein the vehicle has an alarm, a base communication receiver capable of receiving a vehicle alarm signal is installed within the vehicle, step (d) further comprises the step of:

(1) transmitting a vehicle alarm signal from the base terminal to the base communication receiver via the data link for enabling the vehicle alarm.

10. The method of claim 1 wherein a base communication receiver capable of receiving a vehicle deactivation signal is installed within the vehicle, step (d) further comprises the step of:

(1) transmitting a deactivation signal from the base terminal to the base communication receiver via the data link for deactivating the vehicle.

11. The method of claim 1 wherein a GPS positioning signal receiver is installed within the vehicle and the transmitted locational data is based upon a received GPS positioning signal.

12. The method of claim 1 wherein the transmitter is a cellular phone.

13. The method of claim 1 wherein the base terminal is mobile.

14. The method of claim 13 wherein step (d) further comprising the step of:

(1) moving the base terminal to determine the location of the vehicle.

15. A method of securing collateral for a loan when indicated by a loan status, the collateral comprises a vehicle, a transmitter capable of transmitting locational data regarding the vehicle is installed within the vehicle, the method comprising the steps of:

(a) receiving a signal in response to a change in the loan status;

(b) establishing a data link from a base terminal to the transmitter upon the receipt of the signal representative of the loan status being in a default condition;

(c) transmitting locational data from the transmitter to the base terminal via the data link; and

(d) determining the location of the vehicle from the locational data transmitted to the base terminal for use in confiscating the vehicle.

* * * * *

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge A. Howard Matz and the assigned discovery Magistrate Judge is Carolyn Turchin.

The case number on all documents filed with the Court should read as follows:

CV08- 699 AHM (CTx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

==========

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

[X] Western Division
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

[ ] Southern Division
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

[ ] Eastern Division
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself ☐)
CALAMP CORP.

DEFENDANTS
ENFOTRACE and TRACKN, INC.

(b) County of Residence of First Listed Plaintiff (Except in U.S. Plaintiff Cases):
Los Angeles

County of Residence of First Listed Defendant (In U.S. Plaintiff Cases Only):
Orange, CA

(c) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)
Michael Byerts
GIBSON, DUNN & CRUTCHER LLP
333 South Grand Avenue
Los Angeles, CA 90071
(213) 229-7000

Attorneys (If Known)
Unknown

II. BASIS OF JURISDICTION (Place an X in one box only.)

☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)

☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only
(Place an X in one box for plaintiff and one for defendant.)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated or Principal Place of Business in this State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated and Principal Place of Business in Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. ORIGIN (Place an X in one box only.)

☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify): ☐ 6 Multi District Litigation ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: **JURY DEMAND:** ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)
CLASS ACTION under F.R.C.P. 23: ☐ Yes ☒ No ☐ **MONEY DEMANDED IN COMPLAINT: $** _____

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
Patent infringement

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES
☐ 400 State Reapportionment
☐ 410 Antitrust
☐ 430 Banks and Banking
☐ 450 Commerce/ICC Rates/etc.
☐ 460 Deportation
☐ 470 Racketeer Influenced and Corrupt Organizations
☐ 480 Consumer Credit
☐ 490 Cable/Sat TV
☐ 810 Selective Service
☐ 850 Securities/Commodities /Exchange
☐ 875 Customer Challenge 12 USC 3410
☐ 890 Other Statutory Actions
☐ 891 Agricultural Act
☐ 892 Economic Stabilization Act
☐ 893 Environmental Matters
☐ 894 Energy Allocation Act
☐ 895 Freedom of Info. Act
☐ 900 Appeal of Fee Determination Under Equal Access to Justice
☐ 950 Constitutionality of State Statutes

CONTRACT
☐ 110 Insurance
☐ 120 Marine
☐ 130 Miller Act
☐ 140 Negotiable Instrument
☐ 150 Recovery of Overpayment & Enforcement of Judgment
☐ 151 Medicare Act
☐ 152 Recovery of Defaulted Student Loan (Excl. Veterans)
☐ 153 Recovery of Overpayment of Veteran's Benefits
☐ 160 Stockholders' Suits
☐ 190 Other Contract
☐ 195 Contract Product Liability
☐ 196 Franchise

REAL PROPERTY
☐ 210 Land Condemnation
☐ 220 Foreclosure
☐ 230 Rent Lease & Ejectment
☐ 240 Torts to Land
☐ 245 Tort Product Liability
☐ 290 All Other Real Property

TORTS PERSONAL INJURY
☐ 310 Airplane
☐ 315 Airplane Product Liability
☐ 320 Assault, Libel & Slander
☐ 330 Fed. Employers' Liability
☐ 340 Marine
☐ 345 Marine Product Liability
☐ 350 Motor Vehicle
☐ 355 Motor Vehicle Product Liability
☐ 360 Other Personal Injury
☐ 362 Personal Injury-Med Malpractice
☐ 365 Personal Injury-Product Liability
☐ 368 Asbestos Personal Injury Product Liability

TORTS PERSONAL PROPERTY
☐ 370 Other Fraud
☐ 371 Truth in Lending
☐ 380 Other Personal Property Damage
☐ 385 Property Damage Product Liability

BANKRUPTCY
☐ 422 Appeal 28 USC 158
☐ 423 Withdrawal 28 USC 157

CIVIL RIGHTS
☐ 441 Voting
☐ 442 Employment
☐ 443 Housing/Accommodations
☐ 444 Welfare
☐ 445 American with Disabilities – Employment
☐ 446 American with Disabilities – Other
☐ 440 Other Civil Rights

PRISONER PETITIONS
☐ 510 Motions to Vacate Sentence Habeas Corpus
☐ 530 General
☐ 535 Death Penalty
☐ 540 Mandamus/ Other
☐ 550 Civil Rights
☐ 555 Prison Condition

FORFEITURE / PENALTY
☐ 610 Agriculture
☐ 620 Other Food & Drug
☐ 625 Drug Related Seizure of Property 21 USC 881
☐ 630 Liquor Laws
☐ 640 R.R. & Truck
☐ 650 Airline Regs
☐ 660 Occupational Safety /Health
☐ 690 Other

LABOR
☐ 710 Fair Labor Standards Act
☐ 720 Labor/Mgmt. Relations
☐ 730 Labor/Mgmt. Reporting & Disclosure Act
☐ 740 Railway Labor Act
☐ 790 Other Labor Litigation
☐ 791 Empl. Ret. Inc. Security Act

PROPERTY RIGHTS
☐ 820 Copyrights
☒ 830 Patent
☐ 840 Trademark

SOCIAL SECURITY
☐ 861 HIA (1395ff)
☐ 862 Black Lung (923)
☐ 863 DIWC/DIWW (405(g))
☐ 864 SSID Title XVI
☐ 865 RSI(405(g))

FEDERAL TAX SUITS
☐ 870 Taxes (U.S. Plaintiff or Defendant)
☐ 871 IRS-Third Party 26 USC 7609

VIII(a). IDENTICAL CASES: Has this action been previously filed and dismissed, remanded or closed? ☒ No ☐ Yes
If yes, list case number(s):

FOR OFFICE USE ONLY: Case Number: _____

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

VIII(b). RELATED CASES: Have any cases been previously filed that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

(Check all boxes that apply)
- ☐ A. Arise from the same or closely related transactions, happenings, or events; or
- ☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
- ☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
- ☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: List the California County, or State if other than California, in which **EACH** named plaintiff resides (Use an additional sheet if necessary)
☐ Check here if the U.S. government, its agencies or employees is a named plaintiff.

LA

List the California County, or State if other than California, in which **EACH** named defendant resides. (Use an additional sheet if necessary).
☐ Check here if the U.S. government, its agencies or employees is a named defendant.

Orange, Ca

List the California County, or State if other than California, in which **EACH** claim arose. (Use an additional sheet if necessary)
Note: In land condemnation cases, use the location of the tract of land involved.
Los Angeles County

X. SIGNATURE OF ATTORNEY (OR PRO PER): _____ **Date** February 1, 2008

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))