

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

SIPCO, LLC, ) CIVIL ACTION FILE  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
FLORIDA POWER & LIGHT )  
COMPANY, and FPL GROUP, INC., ) NO. 1:09-CV-22209-FAM  
 )  
Defendants. )  
 ) **JURY TRIAL DEMANDED**

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**AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff SIPCO, LLC (“SIPCO”) hereby makes this Amended Complaint against defendants FLORIDA POWER & LIGHT COMPANY, FPL GROUP, INC. (collectively “FPL”), and SILVER SPRING NETWORKS, INC. (“SILVER SPRING”), respectfully showing the Court as follows:

**PARTIES**

1. Plaintiff SIPCO is a Georgia limited liability corporation. SIPCO’s principal place of business is in Atlanta, Georgia.

2. Defendant FLORIDA POWER & LIGHT COMPANY is a Florida Corporation, having its principal place of business at 700 Universe Boulevard, Juno Beach, Florida 33408.

3. Defendant FPL GROUP, INC. is a Florida Corporation, having its principal place of business at 700 Universe Boulevard, Juno Beach, Florida 33408.

4. Defendant SILVER SPRING NETWORKS, INC. is a Delaware corporation, having its principal place of business at 555 Broadway Street, Redwood, California 94063.

### **JURISDICTION AND VENUE**

5. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 101 *et seq.*

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

7. This Court has personal jurisdiction over FLORIDA POWER & LIGHT COMPANY. FLORIDA POWER & LIGHT COMPANY is a Florida corporation, headquartered in Florida, that regularly conducts business in the State of Florida and is subject to the jurisdiction of this Court. FLORIDA POWER & LIGHT COMPANY has been and is doing business in this judicial district by manufacturing, distributing, marketing, using, selling and/or offering for sale its

products including, but not limited to, products that practice the subject matter claimed in the patent involved in this action, in this judicial district and elsewhere in the United States. FLORIDA POWER & LIGHT COMPANY can be served with process through its registered agent, J. E. Leon, 9250 W. Flagler Street, Miami, Florida 33174.

8. This Court has personal jurisdiction over FPL GROUP, INC. FPL GROUP, INC. is a Florida corporation, headquartered in Florida, that regularly conducts business in the State of Florida and is subject to the jurisdiction of this Court. FPL GROUP, INC. has been and is doing business in this judicial district by manufacturing, distributing, marketing, using, selling and/or offering for sale its products including, but not limited to, products that practice the subject matter claimed in the patent involved in this action, in this judicial district and elsewhere in the United States. FPL GROUP, INC. can be served with process through its registered agent, J. E. Leon, 9250 W. Flagler Street, Miami, Florida 33174.

9. Upon information and belief, this Court has personal jurisdiction over SILVER SPRING. Upon information and belief, SILVER SPRING regularly conducts business in the State of Florida and is subject to the jurisdiction of this Court. Upon information and belief, SILVER SPRING has been and is doing business in this judicial district by manufacturing, distributing, marketing, using,

selling and/or offering for sale its products including, but not limited to, products that practice the subject matter claimed in the patent involved in this action, in this judicial district and elsewhere in the United States. SILVER SPRING can be served with process through its registered agent, William E. Zisko, Greenburg Traurig, 1900 University Ave., East Palo Alto, California 94303.

10. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391 and 1400(b). Defendants have done business in this District, committed acts of infringement in this District, and continue to commit acts of infringement in this District, all of which entitle SIPCO to relief.

### **PATENTS-IN-SUIT**

11. SIPCO restates and realleges the allegations set forth in paragraphs 1 through 10 of this Complaint and incorporates them by reference.

12. U.S. Patent No. 6,437,692 (the “‘692 Patent”), entitled “System And Method For Monitoring And Controlling Remote Devices,” was duly and legally issued on August 20, 2002 by the U.S. Patent and Trademark Office to StatSignal Systems, Inc., the assignee of the named inventors T. David Petite and Richard M. Huff. A true and correct copy of the ‘692 Patent is attached hereto as Exhibit A.

13. U.S. Patent No. 7,053,767 (the “‘767 Patent”), entitled “System And Method For Monitoring And Controlling Remote Devices,” was duly and legally

issued on May 30, 2006 by the U.S. Patent and Trademark Office to StatSignal Systems, Inc., the assignee of the named inventors T. David Petite and Richard M. Huff. A true and correct copy of the '767 Patent is attached hereto as Exhibit B.

14. U.S. Patent No. 7,468,661 (the "'661 Patent"), entitled "System And Method For Monitoring And Controlling Remote Devices," was duly and legally issued on December 23, 2008 by the U.S. Patent and Trademark Office to Hunt Technologies, Inc., the assignee of the named inventors T. David Petite and Richard M. Huff. A true and correct copy of the '661 Patent is attached hereto as Exhibit C.

15. SIPCO is the sole owner of the entire right, title, and interest in the '692 Patent, the '767 Patent, and the '661 Patent (collectively, the "Patents-in-Suit") by virtue of assignment, including all rights necessary to prosecute this case and collect all damages, past, present and future, resulting from Defendants' infringement.

16. T. David Petite, the President of Plaintiff SIPCO, is one of two co-inventors of the technologies embodied in the Patents-in-Suit. Mr. Petite is a pioneer in the field of wireless technology, and his inventions are widely deployed in a variety of products and networks throughout the United States.

## COUNT I

### **INFRINGEMENT OF U.S. PATENT NO. 6,437,692**

17. SIPCO restates and realleges the allegations set forth in paragraphs 1 through 16 of this Complaint and incorporates them by reference.

18. Defendants have infringed and continue to infringe one or more claims of the '692 Patent, directly, contributorily, and/or by inducement, by making, using, selling, and/or offering for sale in this country, and/or importing into this country, and inducing others to use, without license, certain products and services that consist of, employ and/or incorporate infringing wireless network products and services, including without limitation wireless network technology similar to that found in its Smart Grid system, known in part as the Energy Smart Miami ("ESM") initiative, and components thereof, in violation of 35 U.S.C. § 271. In particular, the infringing systems and components include, without limitation, wireless network technology found in the utility meters, applications and control systems, wireless communications protocols, devices, network interface cards, computer devices, enabling software, data collection and processing, and associated communications platforms, gateways, and controls.

19. The acts of infringement of the '692 Patent by the Defendants, and each of them, have caused damage to SIPCO, and SIPCO is entitled to recover

from the Defendants, and each of them, the damages sustained by SIPCO as a result of Defendants' wrongful acts in an amount subject to proof at trial. The infringement of SIPCO's exclusive rights under the '692 Patent by Defendants, and each of them, will continue to damage SIPCO, causing irreparable harm, for which there is no adequate remedy at law, unless enjoined by this Court.

20. The Defendants, and each of them, have had actual or constructive knowledge of the '692 Patent, yet each of them continues to infringe said patent. The infringement of the '692 Patent by the Defendants, and each of them, is willful and deliberate, entitling SIPCO to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

## **COUNT II**

### **INFRINGEMENT OF U.S. PATENT NO. 7,053,767**

21. SIPCO restates and realleges the allegations set forth in paragraphs 1 through 16 of this Complaint and incorporates them by reference.

22. Defendants have infringed and continue to infringe one or more claims of the '767 Patent, directly, contributorily, and/or by inducement, by making, using, selling, and/or offering for sale in this country, and/or importing into this country, and inducing others to use, without license, certain products and services that consist of, employ and/or incorporate infringing wireless network

products and services, including without limitation wireless network technology similar to that found in its Smart Grid system, known in part as the Energy Smart Miami (“ESM”) initiative, and components thereof, in violation of 35 U.S.C. § 271. In particular, the infringing systems and components include, without limitation, wireless network technology found in the utility meters, applications and control systems, wireless communications protocols, devices, network interface cards, computer devices, enabling software, data collection and processing, and associated communications platforms, gateways, and controls.

23. The acts of infringement of the ‘767 Patent by the Defendants, and each of them, have caused damage to SIPCO, and SIPCO is entitled to recover from the Defendants, and each of them, the damages sustained by SIPCO as a result of Defendant’s wrongful acts in an amount subject to proof at trial. The infringement of SIPCO’s exclusive rights under the ‘767 Patent by the Defendants, and each of them, will continue to damage SIPCO, causing irreparable harm, for which there is no adequate remedy at law, unless enjoined by this Court.

24. The Defendants, and each of them, have had actual or constructive knowledge of the ‘767 Patent, yet each of them continues to infringe said patent. The infringement of the ‘767 Patent by the Defendants, and each of them, is willful

and deliberate, entitling SIPCO to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

### **COUNT III**

#### **INFRINGEMENT OF U.S. PATENT NO. 7,468,661**

25. SIPCO restates and realleges the allegations set forth in paragraphs 1 through 16 of this Complaint and incorporates them by reference.

26. Defendants have infringed and continue to infringe one or more claims of the '661 Patent, directly, contributorily, and/or by inducement, by making, using, selling, and/or offering for sale in this country, and/or importing into this country, and inducing others to use, without license, certain products and services that consist of, employ and/or incorporate infringing wireless network products and services, including without limitation wireless network technology similar to that found in its Smart Grid system, known in part as the Energy Smart Miami ("ESM") initiative, and components thereof, in violation of 35 U.S.C. § 271. In particular, the infringing systems and components include, without limitation, wireless network technology found in the utility meters, applications and control systems, wireless communications protocols, devices, network interface cards, computer devices, enabling software, data collection and processing, and associated communications platforms, gateways, and controls.

27. The acts of infringement of the '661 Patent by the Defendants, and each of them, has caused damage to SIPCO, and SIPCO is entitled to recover from the Defendants, and each of them, the damages sustained by SIPCO as a result of Defendants' wrongful acts in an amount subject to proof at trial. The infringement of SIPCO's exclusive rights under the '661 Patent by the Defendants, and each of them, will continue to damage SIPCO, causing irreparable harm, for which there is no adequate remedy at law, unless enjoined by this Court.

28. The Defendants, and each of them, have had actual or constructive knowledge of the '661 Patent, yet continues to infringe said patent. The infringement of the '661 Patent by the Defendants, and each of them, is willful and deliberate, entitling SIPCO to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for the following relief against Defendants:

A. A judgment that Defendants, and each of them, have directly infringed the '692 Patent, contributorily infringed the '692 Patent, and/or induced infringement of the '692 Patent;

B. A judgment that Defendants, and each of them, have directly infringed the '767 Patent, contributorily infringed the '767 Patent, and/or induced infringement of the '767 Patent;

C. A judgment that Defendants, and each of them, have directly infringed the '661 Patent, contributorily infringed the '661 Patent, and/or induced infringement of the '661 Patent;

D. An award of all damages recoverable under the laws of the United States and the laws of the State of Florida in an amount to be proven at trial;

E. An award of treble damages pursuant to 35 U.S.C. § 284 against Defendants, and each of them, as a result of Defendant's willful infringement;

F. A preliminary, and thereafter permanent, injunction enjoining and restraining Defendants, and each of them, and their officers, directors, agents, servants, employees, attorneys, and all others acting under, by or through them, from directly infringing, contributorily infringing, and inducing the infringement of the '692 Patent, as set forth herein;

G. A preliminary, and thereafter permanent, injunction enjoining and restraining Defendants, and each of them, and their officers, directors, agents, servants, employees, attorneys, and all others acting under, by or through them,

from directly infringing, contributorily infringing, and inducing the infringement of the '767 Patent, as set forth herein;

H. A preliminary, and thereafter permanent, injunction enjoining and restraining Defendants, and each of them, and their officers, directors, agents, servants, employees, attorneys, and all others acting under, by or through them, from directly infringing, contributorily infringing, and inducing the infringement of the '661 Patent, as set forth herein;

I. A judgment and order requiring Defendants, and each of them, to pay Plaintiff pre-judgment and post-judgment interest on the full amounts of the damages awarded;

J. A judgment requiring Defendants, and each of them, to pay the costs of this action (including all disbursements) and attorneys' fees as provided by 35 U.S.C. § 285, with prejudgment interest; and

K. Such other and further relief as this Court may deem just and equitable.

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands that all issues so triable be determined by a jury.

Respectfully submitted, this 4th day of September, 2009.

COUGHLIN STOIA GELLER  
RUDMAN & ROBBINS LLP

*/s/David J. George*

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### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on September 4, 2009, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system. The electronic case filing system sent a “Notice of Electronic Filing” to the attorneys of record who have consented in writing to accept this notice as service of this document by electronic means.

/s/ David J. George  
DAVID J. GEORGE