

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

FRESHLOC TECHNOLOGIES, INC.

Plaintiff,

vs.

AEROSCOUT, INC., EKAHAU INC.,
and INNERWIRELESS, INC.,

Defendants.

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Civil Action No. 2:07cv239 TJW

JURY DEMAND

COMPLAINT

Plaintiff FreshLoc Technologies, Inc. (“FreshLoc”) brings this action against Defendants AeroScout, Inc. (“AeroScout”), Ekahau Inc. (“Ekahau”), and InnerWireless, Inc. (“InnerWireless”), and for its cause of action alleges:

The Parties

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

2. Upon information and belief, AeroScout is a corporation organized and existing under the laws of the State of Delaware and is doing business in this judicial district and elsewhere. AeroScout has its principal offices at 1300 Island Drive, Suite 202, Redwood City, CA 94065. AeroScout may be served with process by serving its registered agent, PHS Corporate Services, Inc., at his registered office at 1313 N. Market Street, Suite 5100, Wilmington, DE 19801.

3. Upon information and belief, Ekahau is a corporation organized and existing under the laws of the State of Delaware and is doing business in this judicial district and elsewhere. Ekahau has its principal offices at 12930 Saratoga Avenue, Suite B-8, Saratoga, CA

95070. Ekahau may be served with process by serving its registered agent, Corporation Service Company DBA CSC – Lawyers Incorporating Service, at its registered office at PO Box 526036, Sacramento, CA 95852.

4. Upon information and belief, InnerWireless is a corporation organized and existing under the laws of the State of Delaware and is doing business in this judicial district and elsewhere. InnerWireless has its principal offices at 1155 Kas Drive, Suite 200, Richardson, TX 75081. InnerWireless may be served with process by serving its registered agent, CT Corporation System at 350 N. St. Paul Street, Dallas, TX 75201.

Jurisdiction and Venue

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

Claim For Patent Infringement

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

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

8. The '104 and '791 patents, in general, relate to position location systems, and more particularly to a radiolocation system adapted for use in an environment subject to multipath effects. More specifically, some claims of the '104 and '791 patents relate to such systems that accomplish position location using time-of-arrival differentiation for radiolocation transmissions received at multiple receivers.

9. Upon information and belief, AeroScout provides position location systems, including but not limited to its AeroScout Visibility System. By providing such systems AeroScout has in the past and continues to infringe directly, by inducement, or by contributing to the infringement of the '791 patent, including but not limited to claims 1, 40, 25 and 48.

10. Upon information and belief, Ekahau provides position location systems, including but not limited to its Ekahau Real-Time Location System. By providing such systems Ekahau has in the past and continues to infringe directly, by inducement, or by contributing to the infringement of the '791 patent, including but not limited to claims 25 and 48.

11. Upon information and belief, InnerWireless provides position location systems, including but not limited to its PanOS Platform. By providing such systems InnerWireless has in the past and continues to infringe directly, by inducement, or by contributing to the infringement of the '791 patent, including but not limited to claims 25 and 48.

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

13. As a consequence of the Defendant's infringement, FreshLoc has been irreparably damaged and such damage will continue without the issuance of an injunction by this Court.

Demand for Jury Trial

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

Prayer for Relief

WHEREFORE, FreshLoc prays for entry of judgment:

A. That claims 1 and 48 of U.S. Patent Re. 36,791 have been infringed by the Defendant AeroScout, Inc. and by others whose infringement has been contributed to and/or induced by AeroScout, Inc.;

B. That claims 48 of U.S. Patent Re. 36,791 have been infringed by the Defendants Ekahau Inc. and InnerWireless, Inc. and by others whose infringement has been contributed to and/or induced by Ekahau Inc. and InnerWireless, Inc.;

C. That Defendants and each of their officers, agents, employees, representatives, successors, assigns and those acting in privity or concert with them be permanently enjoined from further infringement of U.S. Patent Re. 36,791.

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

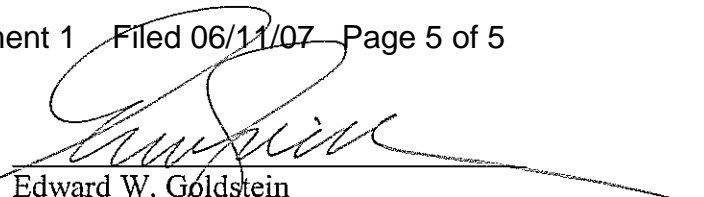
E. That FreshLoc be granted pre-judgment and post-judgment interest on the damages caused by reason of Defendants' activity complained of herein;

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

G. That costs be awarded to FreshLoc; and

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

Dated: 6/8, 2007



Edward W. Goldstein

Texas Bar No. 08099500

Corby R. Vowell

Texas Bar No. 24031621

GOLDSTEIN, FAUCETT & PREBEG, L.L.P.

1177 West Loop South, Suite 400

Houston, Texas 77027

(713) 877-1515 – Telephone

(713) 877-1145 – Facsimile

egoldstein@gfpiplaw.com

cvowell@gfpiplaw.com

Counsel for Plaintiff