

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

SIPCO, LLC,	)	
	)	Civil Action File
Plaintiff,	)	
	)	
vs.	)	No. 6:11-cv-00048
	)	
COULOMB TECHNOLOGIES, INC.,	)	
ENERGYHUB, INC., SCHLAGE LOCK	)	
COMPANY LLC, TRANE U.S., INC., AND	)	
SMARTLABS, INC.	)	
	)	
Defendants.	)	<b><u>JURY TRIAL DEMANDED</u></b>
_____	)	
	)	

**AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff SIPCO, LLC (“SIPCO”) hereby makes this Amended Complaint for patent infringement against Defendants COULOMB TECHNOLOGIES, INC. (“Coulomb Technologies”), ENERGYHUB, INC. (“EnergyHub”), SCHLAGE LOCK COMPANY LLC (“Schlage”), TRANE U.S., INC. (“Trane US”), and SMARTLABS, INC. (“SmartLabs”) (collectively, “Defendants”), and respectfully shows the Court as follows:

**NATURE OF THE ACTION**

1. This is an action for patent infringement, brought under the Patent Act, 35 U.S.C. §§ 101 *et seq.* Plaintiff SIPCO is the leading company in the design and development of wireless mesh networks. As set forth more fully below, Defendants are willfully infringing a number of SIPCO’s patents.

2. U.S. Patent No. 7,103,511 (the “511 Patent”), entitled “Wireless Communications Networks for Providing Remote Monitoring of Devices,” was duly and legally

issued on September 5, 2006 by the U.S. Patent and Trademark Office to StatSignal IPC, LLC, the assignee of the named inventor Thomas D. Petite. A true and correct copy of the '511 Patent is attached hereto as Exhibit A.

3. 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 IPC, LLC, the assignee of the named inventor Thomas D. Petite. A true and correct copy of the '692 Patent is attached hereto as Exhibit B.

4. U.S. Patent No. 7,697,492 (the "'492 Patent"), entitled "Systems and Methods for Monitoring and Controlling Remote Devices," was duly and legally issued on April 13, 2010 by the U.S. Patent and Trademark Office to SIPCO, LLC, the assignee of the named inventor Thomas D. Petite. A true and correct copy of the '492 Patent is attached hereto as Exhibit C.

5. Plaintiff SIPCO is the sole owner of the entire right, title, and interest in the '511 Patent, the '692 Patent, and the '492 Patent (collectively, the "Patents-in-Suit") by virtue of assignment.

6. T. David Petite, the President of Plaintiff SIPCO, is the lead inventor 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.

7. Mr. Petite has been widely recognized as an entrepreneur. He was appointed to the Patent Public Advisory Committee by President Obama. He is the founder of the Native American Inventors Association and is a member of the Professional Awards Selection Committee of the American Indian Science Engineering Society.

8. Mr. Petite's contributions have been widely recognized as dozens of companies throughout the Smart Energy industries are either using his patented technology directly or have taken licenses to this technology, including, but not limited to, GE Appliances, Silver Spring Networks, Inc., Landis + Gyr, Itron, Inc., Eka Systems, Inc., Tendril Networks, Inc., ESCO Technologies Holding, Inc., Comverge Inc., Intermatic, Inc., Cooper US, Inc., Home Automation Inc., Advanced Sensor Technology, Elster Electricity, LLC, Hawking Technologies, Inc., Cypress Venture Group, Tantalus Systems Corp., Johnson Controls, Inc., Mesh City Inc., L.S. Research, LLC, and HomeSeer Technologies LLC.

9. Each Defendant, as provided in more detail below, has made, used, imported, and/or sold and/or continues to make, use, import, and/or sell the technology claimed by the '511 Patent, the '692 Patent, and/or the '492 Patent in systems and methods without SIPCO's permission.

10. Plaintiff SIPCO seeks damages for each Defendant's infringement of the '511 Patent, the '692 Patent, and/or the '492 Patent.

### **PARTIES**

11. Plaintiff SIPCO is a Georgia limited liability corporation. SIPCO's places of business are in Atlanta, Georgia and McKinney, Texas.

12. Upon information and belief, Coulomb Technologies is a Delaware corporation, having its principal place of business at 1692 Dell Avenue, Campbell, California 95008.

13. Upon information and belief, Defendant EnergyHub is a Delaware corporation, having its principal place of business at 232 3rd Street, Suite C201, Brooklyn, New York 11215.

14. Upon information and belief, Schlage is a Delaware limited liability company having a principal place of business at 2720 Tobey Drive, Indianapolis, IN 46219.

15. Upon information and belief, Trane US is a Delaware Corporation having its principal place of business at 3600 Pammel Creek Road, La Crosse, Wisconsin 54601.

16. Upon information and belief, Defendant SmartLabs is a California corporation, having its principal place of business at 16542 Millikan Ave, Irvine, CA 92606.

### **JURISDICTION AND VENUE**

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

18. This Court has personal jurisdiction over Coulomb Technologies. Coulomb Technologies regularly conducts business in the State of Texas and is subject to the jurisdiction of this Court. Coulomb Technologies has been 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 Patents-in-Suit, in this judicial district and elsewhere in the United States. Coulomb Technologies can be served with process through its registered agent, Jorge Del Calvo, at 2475 Hanover Street, Palo Alto, California 94304.

19. This Court has personal jurisdiction over EnergyHub. EnergyHub regularly conducts business in the State of Texas and is subject to the jurisdiction of this Court. EnergyHub has been 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 Patents-in-Suit, in this judicial district and elsewhere in the United States. EnergyHub can be served with process through its registered agent, Corporation Service Company, 2711 Centerville Road Suite 400, Wilmington, Delaware.

20. This Court has personal jurisdiction over Schlage. Schlage regularly conducts business in the State of Texas and is subject to the jurisdiction of this Court. Schlage has been 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 Patents-in-Suit, in this judicial district and elsewhere in the United States. Schlage can be served with process through its registered agent, C T Corporation System, at 818 West 7th Street, Los Angeles, California 90017-3407.

21. This Court has personal jurisdiction over Trane US. Trane US has a divisional headquarters located at 6200 Troup Highway, Tyler, Texas 75707, is registered in Texas, regularly conducts business in the State of Texas, and is subject to the jurisdiction of this Court. Trane US 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 Patents-in-Suit, in this judicial district and elsewhere in the United States. Trane US can be served with process through its registered agent, CT Corp System, 350 N. St. Paul St., Suite 2900, Dallas, Texas 75201. Schlage and Trane US will be referred to herein individually and collectively as “the Schlage/Trane Defendants.”

22. This Court has personal jurisdiction over SmartLabs. SmartLabs makes its products available for sale over the Internet throughout the United States, regularly conducts business in the State of Texas and is subject to the jurisdiction of this Court. SmartLabs has been 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 Patents-in-Suit, in this judicial district and elsewhere in the United

States. SmartLabs can be served with process through its registered agent, Joseph J. Dada, at 1101 Berkshire, Newport Beach, California 92660.

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

**COUNT I – INFRINGEMENT OF THE ‘511 PATENT**

24. SIPCO restates and realleges the allegations set forth in paragraphs 1 through 1-35 of this Complaint and incorporates them by reference.

25. SIPCO is the sole owner of the entire right, title, and interest in the ‘511 Patent by virtue of assignment, including all rights necessary to prosecute this case and collect all damages, past, present and future, resulting from Defendants’ infringement.

26. Defendant Coulomb Technologies has infringed and continues to infringe one or more claims of the ‘511 Patent, directly, contributorily, and/or by inducement, by making, using, inducing others to use, importing, offering for sale, and/or selling, without license, certain products that consist of and/or incorporate infringing wireless network products, including, without limitation, wireless network technology similar to that found in its Electric Vehicle Charging Stations and ChargePoint Network and components thereof, in violation of 35 U.S.C. § 271.

27. Defendant EnergyHub has infringed and continues to infringe one or more claims of the ‘511 Patent, directly, contributorily, and/or by inducement, by making, using, inducing others to use, importing, offering for sale, and/or selling, without license, certain products that consist of and/or incorporate infringing wireless network products, including, without limitation,

wireless network technology similar to that found in its energy management systems and components thereof, in violation of 35 U.S.C. § 271.

28. The Schlage/Trane Defendants have infringed and continue to infringe one or more claims of the '511 Patent, directly, contributorily, and/or by inducement, by making, using, inducing others to use, importing, offering for sale, and/or selling, without license, certain products that consist of and/or incorporate infringing wireless network products, including, without limitation, wireless network technology similar to that found in their Schlage LiNK System and components thereof, in violation of 35 U.S.C. § 271.

29. Defendant SmartLabs has infringed and continues to infringe one or more claims of the '511 Patent, directly, contributorily, and/or by inducement, by making, using, inducing others to use, importing, offering for sale, and/or selling, without license, certain products that consist of and/or incorporate infringing wireless network products, including, without limitation, wireless network technology similar to that found in its energy monitoring and home automation systems and components thereof, in violation of 35 U.S.C. § 271.

30. Defendants' directly contribute and induce infringement through supplying infringing systems and components to customers. Defendants' customers who purchase systems and components thereof and operate such systems and components thereof in accordance with Defendants' instructions directly infringe one or more claims of the '511 Patent in violation of 35 U.S.C. § 271.

31. The acts of infringement of the '511 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 their wrongful acts in an amount subject to proof at trial. The infringement of SIPCO's exclusive rights under the '511 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

32. The Defendants, and each of them, have had actual or constructive knowledge of the '511 Patent, yet each of them continues to infringe said patent. The infringement of the '511 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 THE '692 PATENT**

33. SIPCO restates and realleges the allegations set forth in paragraphs 1 through 1-47 of this Complaint and incorporates them by reference

34. SIPCO is the sole owner of the entire right, title, and interest in the '692 Patent by virtue of assignment, including all rights necessary to prosecute this case and collect all damages, past, present and future, resulting from Defendants' infringement.

35. Defendant Coulomb Technologies has infringed and continues to infringe one or more claims of the '692 Patent, directly, contributorily, and/or by inducement, by making, using, inducing others to use, importing, offering for sale, and/or selling, without license, certain products that consist of and/or incorporate infringing wireless network products, including, without limitation, wireless network technology similar to that found in its Electric Vehicle Charging Stations and ChargePoint Network and components thereof, in violation of 35 U.S.C. § 271.

36. Defendant EnergyHub has infringed and continues to infringe one or more claims of the '692 Patent, directly, contributorily, and/or by inducement, by making, using, inducing others to use, importing, offering for sale, and/or selling, without license, certain products that

consist of and/or incorporate infringing wireless network products, including, without limitation, wireless network technology similar to that found in its energy management systems and components thereof, in violation of 35 U.S.C. § 271.

37. The Schlage/Trane Defendants have infringed and continue to infringe one or more claims of the '692 Patent, directly, contributorily, and/or by inducement, by making, using, inducing others to use, importing, offering for sale, and/or selling, without license, certain products that consist of and/or incorporate infringing wireless network products, including, without limitation, wireless network technology similar to that found in their Schlage LiNK System and components thereof, in violation of 35 U.S.C. § 271.

38. Defendant SmartLabs has infringed and continues to infringe one or more claims of the '692 Patent, directly, contributorily, and/or by inducement, by making, using, inducing others to use, importing, offering for sale, and/or selling, without license, certain products that consist of and/or incorporate infringing wireless network products, including, without limitation, wireless network technology similar to that found in its energy monitoring and home automation systems and components thereof, in violation of 35 U.S.C. § 271.

39. Defendants' directly contribute and induce infringement through supplying infringing systems and components to customers. Defendants' customers who purchase systems and components thereof and operate such systems and components thereof in accordance with Defendants' instructions directly infringe one or more claims of the '692 Patent in violation of 35 U.S.C. § 271.

40. 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 their wrongful acts in an amount subject

to proof at trial. The infringement of SIPCO's exclusive rights under the '692 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

41. 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 III – INFRINGEMENT OF THE '492 PATENT**

42. SIPCO restates and realleges the allegations set forth in paragraphs 1 through 1-59 of this Complaint and incorporates them by reference

43. SIPCO is the sole owner of the entire right, title, and interest in the '492 Patent by virtue of assignment, including all rights necessary to prosecute this case and collect all damages, past, present and future, resulting from Defendants' infringement.

44. Defendant Coulomb Technologies has infringed and continues to infringe one or more claims of the '492 Patent, directly, contributorily, and/or by inducement, by making, using, inducing others to use, importing, offering for sale, and/or selling, without license, certain products that consist of and/or incorporate infringing wireless network products, including, without limitation, wireless network technology similar to that found in its Electric Vehicle Charging Stations and ChargePoint Network and components thereof, in violation of 35 U.S.C. § 271.

45. Defendant EnergyHub has infringed and continues to infringe one or more claims of the '492 Patent, directly, contributorily, and/or by inducement, by making, using, inducing

others to use, importing, offering for sale, and/or selling, without license, certain products that consist of and/or incorporate infringing wireless network products, including, without limitation, wireless network technology similar to that found in its energy management systems and components thereof, in violation of 35 U.S.C. § 271.

46. The Schlage/Trane Defendants have infringed and continue to infringe one or more claims of the '492 Patent, directly, contributorily, and/or by inducement, by making, using, inducing others to use, importing, offering for sale, and/or selling, without license, certain products that consist of and/or incorporate infringing wireless network products, including, without limitation, wireless network technology similar to that found in their Schlage LiNK System and components thereof, in violation of 35 U.S.C. § 271.

47. Defendant SmartLabs has infringed and continues to infringe one or more claims of the '492 Patent, directly, contributorily, and/or by inducement, by making, using, inducing others to use, importing, offering for sale, and/or selling, without license, certain products that consist of and/or incorporate infringing wireless network products, including, without limitation, wireless network technology similar to that found in its energy monitoring and home automation systems and components thereof, in violation of 35 U.S.C. § 271.

48. Defendants' directly contribute and induce infringement through supplying infringing systems and components to customers. Defendants' customers who purchase systems and components thereof and operate such systems and components thereof in accordance with Defendants' instructions directly infringe one or more claims of the '492 Patent in violation of 35 U.S.C. § 271.

49. The acts of infringement of the '492 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 their wrongful acts in an amount subject to proof at trial. The infringement of SIPCO's exclusive rights under the '492 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

50. The Defendants, and each of them, have had actual or constructive knowledge of the '492 Patent, yet each of them continues to infringe said patent. The infringement of the '492 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, SIPCO prays for the following relief against Defendants:

A. A judgment that Defendants, as set forth above, have directly infringed the '511 Patent, contributorily infringed the '511 Patent, and/or induced infringement of the '511 Patent;

B. A judgment that Defendants, as set forth above, have directly infringed the '692 Patent, contributorily infringed the '692 Patent, and/or induced infringement of the '692 Patent;

C. A judgment that Defendants, as set forth above, have directly infringed the '492 Patent, contributorily infringed the '492 Patent, and/or induced infringement of the '492 Patent;

D. An award of all damages recoverable under the laws of the United States and the laws of the State of Texas 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 '511 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 '692 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 '492 Patent, as set forth herein;

I. A judgment and order requiring Defendants, and each of them, to pay SIPCO 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 \_\_\_\_ day of March 2012.

ROBBINS GELLER RUDMAN  
& DOWD LLP

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was filed electronically in compliance with Local Rule CV-5(a). Therefore, this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(d) and (e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by email on this the \_\_\_\_ day of March, 2012.

/s/ James F. McDonough  
James F. McDonough