

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

TELEMATICS CORPORATION,

Plaintiff,

v.

WEBTECH WIRELESS, INC. and  
WEBTECH WIRELESS (USA) INC.,

Defendants.

Civil Action File No.

**JURY TRIAL DEMANDED**

**COMPLAINT**

Plaintiff Telematics Corporation (“Telematics”) states its Complaint against Defendants Webtech Wireless, Inc. and Webtech Wireless (USA) Inc. (collectively “Defendants” or “Webtech Wireless”) as follows:

**JURISDICTION AND VENUE**

1. This is an action for patent infringement arising under the patent laws of the United States, Title 35, United States Code.

2. This Court has subject matter jurisdiction over all causes of action set forth herein pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States, 35 U.S.C. §§ 1 *et seq.*

3. Venue is proper in this judicial district and division pursuant to 28 U.S.C. §§1391(b) and (c) and 1400(b) in that Defendants have done business in

this District, have committed acts of infringement in this District, and/or continue to commit acts of infringement in this District, entitling Telematics to relief.

### **PARTIES**

4. Telematics is the owner, by assignment, of all right, title, and interest in and to the following United States Patents, including the right to bring suit for patent infringement: United States Patent No. 5,428,546 (“the ‘546 patent”); United States Patent No. 5,594,650 (“the ‘650 patent”); United States Patent No. 5,636,122 (“the ‘122 patent”); United States Patent No. 5,758,313 (“the ‘313 patent”); United States Patent No. 5,884,216 (“the ‘216 patent”); United States Patent No. 5,904,727 (“the ‘727 patent”); United States Patent No. 5,922,040 (“the ‘040 patent”); and United States Patent No. 6,088,648 (“the ‘648 patent”). The ‘546 patent, the ‘650 patent, the ‘122 patent, the ‘313 patent, the ‘216 patent, the ‘727 patent, the ‘040 patent, and the ‘648 patent are referred to herein collectively as “the patents-in-suit.”

5. Upon information and belief, Defendant Webtech Wireless, Inc. is a corporation organized and existing under the laws of Canada, with a principal place of business at 215-4299 Canada Way, Burnaby, British Columbia, Canada V5G 1H3.

6. Upon information and belief, Defendant Webtech Wireless (USA) Inc. is a corporation organized and existing under the laws of the State of Nevada, and may be served by service upon its registered agent, National Registered Agents Inc. of Nevada, 1000 East William Street, Suite 204, Carson City, Nevada 89701. Upon information and belief, Defendant Webtech Wireless (USA) Inc. is a wholly-owned subsidiary of Defendant Webtech Wireless, Inc.

7. Upon information and belief, Defendants are subject to personal jurisdiction in this Court because they maintain continuous and systematic contacts with customers in this district and division and sell infringing products and/or provide infringing services to customers in this district and division.

**COUNT ONE:**  
**INFRINGEMENT OF U.S. PATENT NO. 5,428,546**

8. Telematics realleges and incorporates herein the allegations of paragraphs 1 through 7 of this Complaint as if fully set forth herein.

9. On June 27, 1995, United States Patent No. 5,428,546 (“the ‘546 patent”) was duly and legally issued for “Method and Apparatus for Tracking Vehicle Location.” Telematics holds all rights and interest in the ‘546 patent. A true and correct copy of the ‘546 patent is attached hereto as Exhibit A.

10. Upon information and belief, Defendants have infringed directly and/or indirectly and continue to infringe directly and/or indirectly the ‘546 patent.

The infringing acts include, but are not limited to, the manufacture, use, sale, importation, and/or offer for sale of Defendants' Quadrant, InterFleet, and/or NextBus solutions and related software and/or hardware.

11. The acts of infringement of the '546 patent by the Defendants have caused damage to Telematics, and Telematics is entitled to recover from the Defendants the damages sustained by Telematics as a result of such infringement in an amount subject to proof at trial.

12. The infringement of Telematics' exclusive rights under the '546 patent by the Defendants will continue to damage Telematics, causing irreparable harm, for which there is no adequate remedy at law, unless enjoined by this Court.

**COUNT TWO:  
INFRINGEMENT OF U.S. PATENT NO. 5,594,650**

13. Telematics realleges and incorporates herein the allegations of paragraphs 1 through 7 of this Complaint as if fully set forth herein.

14. On June 14, 1997, United States Patent No. 5,594,650 ("the '650 patent") was duly and legally issued for "Method and Apparatus for Tracking Vehicle Location." Telematics holds all rights and interest in the '650 patent. A true and correct copy of the '650 patent is attached hereto as Exhibit B.

15. Upon information and belief, Defendants have infringed directly and/or indirectly and continue to infringe directly and/or indirectly the '650 patent.

The infringing acts include, but are not limited to, the manufacture, use, sale, importation, and/or offer for sale of Defendants' Quadrant, InterFleet, and/or NextBus solutions and related software and/or hardware.

16. The acts of infringement of the '650 patent by the Defendants have caused damage to Telematics, and Telematics is entitled to recover from the Defendants the damages sustained by Telematics as a result of such infringement in an amount subject to proof at trial.

17. The infringement of Telematics' exclusive rights under the '650 patent by the Defendants will continue to damage Telematics, causing irreparable harm, for which there is no adequate remedy at law, unless enjoined by this Court.

**COUNT THREE:**  
**INFRINGEMENT OF U.S. PATENT NO. 5,636,122**

18. Telematics realleges and incorporates herein the allegations of paragraphs 1 through 7 of this Complaint as if fully set forth herein.

19. On June 3, 1997, United States Patent No. 5,636,122 ("the '122 patent") was duly and legally issued for "Method and Apparatus for Tracking Vehicle Location and Computer Aided Dispatch." Telematics holds all rights and interest in the '122 patent. A true and correct copy of the '122 patent is attached hereto as Exhibit C.

20. Upon information and belief, Defendants have infringed directly and/or indirectly and continue to infringe directly and/or indirectly the '122 patent. The infringing acts include, but are not limited to, the manufacture, use, sale, importation, and/or offer for sale of Defendants' Quadrant solution and related software and/or hardware.

21. The acts of infringement of the '122 patent by the Defendants have caused damage to Telematics, and Telematics is entitled to recover from the Defendants the damages sustained by Telematics as a result of such infringement in an amount subject to proof at trial.

22. The infringement of Telematics' exclusive rights under the '122 patent by the Defendants will continue to damage Telematics, causing irreparable harm, for which there is no adequate remedy at law, unless enjoined by this Court.

**COUNT FOUR:**  
**INFRINGEMENT OF U.S. PATENT NO. 5,758,313**

23. Telematics realleges and incorporates herein the allegations of paragraphs 1 through 7 of this Complaint as if fully set forth herein.

24. On May 26, 1998, United States Patent No. 5,758,313 ("the '313 patent") was duly and legally issued for "Method and Apparatus for Tracking Vehicle Location." Telematics holds all rights and interest in the '313 patent. A true and correct copy of the '313 patent is attached hereto as Exhibit D.

25. Upon information and belief, Defendants have infringed directly and/or indirectly and continue to infringe directly and/or indirectly the '313 patent. The infringing acts include, but are not limited to, the manufacture, use, sale, importation, and/or offer for sale of Defendants' Quadrant solution and related software and/or hardware.

26. The acts of infringement of the '313 patent by the Defendants have caused damage to Telematics, and Telematics is entitled to recover from the Defendants the damages sustained by Telematics as a result of such infringement in an amount subject to proof at trial.

27. The infringement of Telematics' exclusive rights under the '313 patent by the Defendant will continue to damage Telematics, causing irreparable harm, for which there is no adequate remedy at law, unless enjoined by this Court.

**COUNT FIVE:**  
**INFRINGEMENT OF U.S. PATENT NO. 5,884,216**

28. Telematics realleges and incorporates herein the allegations of paragraphs 1 through 7 of this Complaint as if fully set forth herein.

29. On March 16, 1999, United States Patent No. 5,884,216 ("the '216 patent") was duly and legally issued for "Method and Apparatus for Tracking Vehicle Location." Telematics holds all rights and interest in the '216 patent. A true and correct copy of the '216 patent is attached hereto as Exhibit E.

30. Upon information and belief, Defendants have infringed directly and/or indirectly and continue to infringe directly and/or indirectly the '216 patent. The infringing acts include, but are not limited to, the manufacture, use, sale, importation, and/or offer for sale of Defendants' Quadrant solution and related software and/or hardware.

31. The acts of infringement of the '216 patent by the Defendants have caused damage to Telematics, and Telematics is entitled to recover from the Defendants the damages sustained by Telematics as a result of such infringement in an amount subject to proof at trial.

32. The infringement of Telematics' exclusive rights under the '216 patent by the Defendants will continue to damage Telematics, causing irreparable harm, for which there is no adequate remedy at law, unless enjoined by this Court.

**COUNT SIX:**  
**INFRINGEMENT OF U.S. PATENT NO. 5,904,727**

33. Telematics realleges and incorporates herein the allegations of paragraphs 1 through 7 of this Complaint as if fully set forth herein.

34. On May 18, 1999, United States Patent No. 5,904,727 ("the '727 patent") was duly and legally issued for "Graphical Fleet Management Methods." Telematics holds all rights and interest in the '727 patent. A true and correct copy of the '727 patent is attached hereto as Exhibit F.



35. Upon information and belief, Defendants have infringed directly and/or indirectly and continue to infringe directly and/or indirectly the '727 patent. The infringing acts include, but are not limited to, the manufacture, use, sale, importation, and/or offer for sale of Defendants' Quadrant solution and related software and/or hardware.

36. The acts of infringement of the '727 patent by the Defendants have caused damage to Telematics, and Telematics is entitled to recover from the Defendants the damages sustained by Telematics as a result of such infringement in an amount subject to proof at trial.

37. The infringement of Telematics' exclusive rights under the '727 patent by the Defendants will continue to damage Telematics, causing irreparable harm, for which there is no adequate remedy at law, unless enjoined by this Court.

**COUNT SEVEN:  
INFRINGEMENT OF U.S. PATENT NO. 5,922,040**

38. Telematics realleges and incorporates herein the allegations of paragraphs 1 through 7 of this Complaint as if fully set forth herein.

39. On July 13, 1999, United States Patent No. 5,922,040 ("the '040 patent") was duly and legally issued for "Method and Apparatus for Fleet Management." Telematics holds all rights and interest in the '040 patent. A true and correct copy of the '040 patent is attached hereto as Exhibit G.

40. Upon information and belief, Defendants have infringed directly and/or indirectly and continue to infringe directly and/or indirectly the '040 patent. The infringing acts include, but are not limited to, the manufacture, use, sale, importation, and/or offer for sale of Defendants' Quadrant and/or InterFleet solutions and related software and/or hardware.

41. The acts of infringement of the '040 patent by the Defendants have caused damage to Telematics, and Telematics is entitled to recover from the Defendants the damages sustained by Telematics as a result of such infringement in an amount subject to proof at trial.

42. The infringement of Telematics' exclusive rights under the '040 patent by the Defendant will continue to damage Telematics, causing irreparable harm, for which there is no adequate remedy at law, unless enjoined by this Court.

**COUNT EIGHT:**  
**INFRINGEMENT OF U.S. PATENT NO. 6,088,648**

43. Telematics realleges and incorporates herein the allegations of paragraphs 1 through 7 of this Complaint as if fully set forth herein.

44. On July 11, 2000, United States Patent No. 6,088,648 ("the '648 patent") was duly and legally issued for "Method and Apparatus for Tracking Vehicle Location." Telematics holds all rights and interest in the '648 patent. A true and correct copy of the '648 patent is attached hereto as Exhibit H.

45. Upon information and belief, Defendants have infringed directly and/or indirectly and continue to infringe directly and/or indirectly the '648 patent. The infringing acts include, but are not limited to, the manufacture, use, sale, importation, and/or offer for sale of Defendants' Quadrant, InterFleet, and/or NextBus solutions and related software and/or hardware.

46. The acts of infringement of the '648 patent by the Defendants have caused damage to Telematics, and Telematics is entitled to recover from the Defendants the damages sustained by Telematics as a result of such infringement in an amount subject to proof at trial.

47. The infringement of Telematics' exclusive rights under the '648 patent by the Defendants will continue to damage Telematics, causing irreparable harm, for which there is no adequate remedy at law, unless enjoined by this Court.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff Telematics prays that the Court enter judgment in its favor and against Defendants Webtech Wireless, Inc. and Webtech Wireless (USA) Inc., jointly and severally, as follows:

- A. That the Court enter judgment of infringement against the Defendants;
- B. That the Defendants be ordered to pay damages adequate to compensate Telematics for their acts of infringement, pursuant to 35 U.S.C. § 284;

C. That the Court find that this case is exceptional and award Telematics its reasonable attorneys' fees pursuant to 35 U.S.C. § 285;

D. That the Defendants and their officers, agents, employees, and those acting in privity with them, be permanently enjoined from further infringement, contributory infringement, and/or inducing infringement of any of the patents-in-suit, pursuant to 35 U.S.C. § 283;

E. That the Defendants be ordered to pay prejudgment and post-judgment interest;

F. That the Defendants be ordered to pay all costs associated with this action; and

G. That Telematics be granted such other and additional relief as the Court deems just, equitable, and proper.

**DEMAND FOR JURY TRIAL**

Pursuant to Fed. R. Civ. P. 38(b), Plaintiff Telematics Corporation demands a trial by jury of all issues triable of right by a jury.

This 10<sup>th</sup> day of September, 2012.

/s/ Dan R. Gresham

Dan R. Gresham

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N. Andrew Crain

Georgia Bar No. 193081

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