

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

TELEMATICS CORPORATION,

Plaintiff,

v.

CARRIERWEB, L.L.C.,

Defendant.

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Civil Action File No.  
1:12-cv-03126-RWS

**JURY TRIAL DEMANDED**

**FIRST AMENDED COMPLAINT**

COMES NOW Plaintiff Telematics Corporation (“Telematics”), pursuant to Federal Rule of Civil Procedure 15(a)(1)(B), and hereby states its First Amended Complaint against Defendant CarrierWeb, L.L.C. (“Defendant” or “CarrierWeb”) 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 Defendant does business in this

District, has committed acts of infringement in this District, and/or continues 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”); United States Patent No. 6,088,648 (“the ‘648 patent”), and United States Patent No. 7,085,775 (“the ‘775 patent”). The ‘546 patent, the ‘650 patent, the ‘122 patent, the ‘313 patent, the ‘216 patent, the ‘727 patent, the ‘040 patent, the ‘648 patent, and the ‘775 patent are referred to herein collectively as “the patents-in-suit.”

5. Defendant is a limited liability company organized and existing under the laws of the State of Georgia, with a principal place of business at 200 Technology Court, Suite 200K, Smyrna, Georgia 30082.

6. As a Georgia resident, Defendant is subject to personal jurisdiction in this Court.

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

7. Telematics realleges and incorporates herein the allegations of paragraphs 1 through 6 of this Complaint as if fully set forth herein.

8. 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 was filed and served upon Defendant as Exhibit A to the initial complaint and assigned Document No. 1-1, which provided Defendant with notice of the ‘546 patent at least as early as September 6, 2012.

9. Upon information and belief, Defendant’s customers have directly infringed the ‘546 patent by using Defendant’s ALWAYS-On Mobile Communications Platform and related hardware, software, and processed data in conjunction with other hardware and/or software to practice the claimed systems and/or methods of the ‘546 patent in the United States.

10. Upon information and belief, Defendant has induced the direct infringement by its customers by providing the ALWAYS-On Mobile Communications Platform and related hardware, software, and processed data to

its customers and assisting and/or instructing them to use the same in conjunction with other hardware and/or software to practice the claimed systems and/or methods in the United States.

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

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

12. Telematics realleges and incorporates herein the allegations of paragraphs 1 through 6 of this Complaint as if fully set forth herein.

13. 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 was filed and served upon Defendant as Exhibit B to the initial complaint and assigned Document No. 1-2, which provided Defendant with notice of the '650 patent at least as early as September 6, 2012.

14. Upon information and belief, Defendant's customers have directly infringed the '650 patent by using Defendant's ALWAYS-On Mobile Communications Platform and related hardware, software, and processed data in

conjunction with other hardware and/or software to practice the claimed apparatuses and/or methods of the '650 patent in the United States.

15. Upon information and belief, Defendant has induced the direct infringement by its customers by providing the ALWAYS-On Mobile Communications Platform and related hardware, software, and processed data to its customers and assisting and/or instructing them to use the same in conjunction with other hardware and/or software to practice the claimed apparatuses and/or methods in the United States.

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

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

17. Telematics realleges and incorporates herein the allegations of paragraphs 1 through 6 of this Complaint as if fully set forth herein.

18. 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 was filed and

served upon Defendant as Exhibit C to the initial complaint and assigned Document No. 1-3, which provided Defendant with notice of the '122 patent at least as early as September 6, 2012.

19. Upon information and belief, Defendant's customers have and continue to directly infringe the '122 patent by using Defendant's ALWAYS-On Mobile Communications Platform and related hardware, software, and processed data in conjunction with other hardware and/or software to practice the claimed apparatuses and/or methods of the '122 patent in the United States.

20. Upon information and belief, Defendant has and continues to induce the direct infringement by its customers by providing the ALWAYS-On Mobile Communications Platform and related hardware, software, and processed data to its customers and assisting and/or instructing them to use the same in conjunction with other hardware and/or software to practice the claimed apparatuses and/or methods in the United States.

21. The acts of infringement of the '122 patent by Defendant have caused damage to Telematics, and Telematics is entitled to recover from Defendant 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 Defendant 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 6 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 was filed and served upon Defendant as Exhibit D to the initial complaint and assigned Document No. 1-4, which provided Defendant with notice of the '313 patent at least as early as September 6, 2012.

25. Upon information and belief, Defendant's customers have and continue to directly infringe the '313 patent by using Defendant's ALWAYS-On Mobile Communications Platform and related hardware, software, and processed data in conjunction with other hardware and/or software to practice the claimed methods of the '313 patent in the United States.

26. Upon information and belief, Defendant has and continues to induce the direct infringement by its customers by providing the ALWAYS-On Mobile

Communications Platform and related hardware, software, and processed data to its customers and assisting and/or instructing them to use the same in conjunction with other hardware and/or software to practice the claimed methods in the United States.

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

28. The infringement of Telematics’ exclusive rights under the ‘313 patent by 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**

29. Telematics realleges and incorporates herein the allegations of paragraphs 1 through 6 of this Complaint as if fully set forth herein.

30. 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 was filed and served upon Defendant as



Exhibit E to the initial complaint and assigned Document No. 1-5, which provided Defendant with notice of the '216 patent at least as early as September 6, 2012.

31. Upon information and belief, Defendant's customers have directly infringed the '216 patent by using Defendant's ALWAYS-On Mobile Communications Platform and related hardware, software, and processed data in conjunction with other hardware and/or software to practice the claimed apparatuses and/or methods of the '216 patent in the United States.

32. Upon information and belief, Defendant has induced the direct infringement by its customers by providing the ALWAYS-On Mobile Communications Platform and related hardware, software, and processed data to its customers and assisting and/or instructing them to use the same in conjunction with other hardware and/or software to practice the claimed apparatuses and/or methods in the United States.

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

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

34. Telematics realleges and incorporates herein the allegations of paragraphs 1 through 6 of this Complaint as if fully set forth herein.

35. 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 was filed and served upon Defendant as Exhibit F to the initial complaint and assigned Document No. 1-6, which provided Defendant with notice of the ‘727 patent at least as early as September 6, 2012.

36. Upon information and belief, Defendant’s customers have and continue to directly infringe the ‘727 patent by using Defendant’s ALWAYS-On Mobile Communications Platform and related hardware, software, and processed data in conjunction with other hardware and/or software to practice the claimed methods and/or program of the ‘727 patent in the United States.

37. Upon information and belief, Defendant has and continues to induce the direct infringement by its customers by providing the ALWAYS-On Mobile Communications Platform and related hardware, software, and processed data to its customers and assisting and/or instructing them to use the same in conjunction

with other hardware and/or software to practice the claimed methods and/or program in the United States.

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

39. The infringement of Telematics' exclusive rights under the '727 patent by Defendant 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**

40. Telematics realleges and incorporates herein the allegations of paragraphs 1 through 6 of this Complaint as if fully set forth herein.

41. 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 was filed and served upon Defendant as Exhibit G to the initial complaint and assigned Document No. 1-7, which provided Defendant with notice of the '040 patent at least as early as September 6, 2012.

42. Upon information and belief, Defendant's customers have directly infringed the '040 patent by using Defendant's ALWAYS-On Mobile Communications Platform and related hardware, software, and processed data in conjunction with other hardware and/or software to practice the claimed systems and/or methods of the '040 patent in the United States.

43. Upon information and belief, Defendant has induced the direct infringement by its customers by providing the ALWAYS-On Mobile Communications Platform and related hardware, software, and processed data to its customers and assisting and/or instructing them to use the same in conjunction with other hardware and/or software to practice the claimed systems and/or methods in the United States.

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

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

45. Telematics realleges and incorporates herein the allegations of paragraphs 1 through 6 of this Complaint as if fully set forth herein.

46. 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 was filed and served upon Defendant as Exhibit H to the initial complaint and assigned Document No. 1-8, which provided Defendant with notice of the ‘648 patent at least as early as September 6, 2012.

47. Upon information and belief, Defendant’s customers have directly infringed the ‘648 patent by using Defendant’s ALWAYS-On Mobile Communications Platform and related hardware, software, and processed data in conjunction with other hardware and/or software to practice the claimed systems of the ‘648 patent in the United States.

48. Upon information and belief, Defendant has induced the direct infringement by its customers by providing the ALWAYS-On Mobile Communications Platform and related hardware, software, and processed data to its customers and assisting and/or instructing them to use the same in conjunction with other hardware and/or software to practice the claimed systems in the United States.

49. The acts of infringement of the ‘648 patent by Defendant have caused damage to Telematics, and Telematics is entitled to recover from Defendant the

damages sustained by Telematics as a result of such infringement in an amount subject to proof at trial.

**COUNT NINE:**  
**INFRINGEMENT OF U.S. PATENT NO. 7,085,775**

50. Telematics realleges and incorporates herein the allegations of paragraphs 1 through 6 of this Complaint as if fully set forth herein.

51. On August 1, 2006, United States Patent No. 7,085,775 (“the ‘775 patent”) was duly and legally issued for “Database Method and System for Conducting Integrated Dispatching.” Telematics holds all rights and interest in the ‘775 patent. A true and correct copy of the ‘775 patent is attached hereto as Exhibit A. Defendant was provided with notice of the ‘775 patent at least as early as November 28, 2012.

52. Upon information and belief, Defendant’s customers have and continue to directly infringe the ‘775 patent by using Defendant’s ALWAYS-On Mobile Communications Platform and related hardware, software, and processed data in conjunction with other hardware and/or software to practice the claimed systems and/or methods of the ‘775 patent in the United States.

53. Upon information and belief, Defendant has and continues to induce the direct infringement by its customers by providing the ALWAYS-On Mobile Communications Platform and related hardware, software, and processed data to

its customers and assisting and/or instructing them to use the same in conjunction with other hardware and/or software to practice the claimed systems and/or methods in the United States.

54. The acts of infringement of the '775 patent by Defendant have caused damage to Telematics, and Telematics is entitled to recover from Defendant the damages sustained by Telematics as a result of such infringement in an amount subject to proof at trial.

55. The infringement of Telematics' exclusive rights under the '775 patent by Defendant 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 Defendant as follows:

- A. That the Court enter judgment of infringement against Defendant;
- B. That Defendant 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 Defendant and its officers, agents, employees, and those acting in privity with them, be permanently enjoined from further infringement, contributory infringement, and/or inducing infringement of the '122, '313, '727, and '775 patents, pursuant to 35 U.S.C. § 283;

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

F. That Defendant 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 20<sup>th</sup> day of December, 2012.

/s/ Dan R. Gresham

Dan R. Gresham

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N. Andrew Crain

Georgia Bar No. 193081

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Attorneys for Plaintiff Telematics Corporation

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CIV. NO. 1:12-cv-03126-RWS

**CERTIFICATE OF SERVICE**

I hereby certify that on December 20, 2012, the foregoing **“FIRST AMENDED COMPLAINT”** was electronically filed with the Clerk of Court using the CM/ECF system, which will automatically send e-mail notification of such filing to all attorneys of record in this action.

/s/ Dan R. Gresham

Dan R. Gresham

Attorney for Plaintiff Telematics Corporation