

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

OMEGA PATENTS, LLC,
a Georgia limited liability company,

Plaintiff,

vs.

ENFORA, INC., a Delaware
Corporation, and
NOVATEL WIRELESS, INC.,
a Delaware Corporation,

Defendants.

Case No. 1:13-cv-00646-TWT

INJUNCTIVE RELIEF REQUESTED

JURY TRIAL REQUESTED

FIRST AMENDED COMPLAINT

Plaintiff Omega Patents, LLC, hereby files its First Amended Complaint against Defendants Enfora, Inc. and Novatel Wireless, Inc., and alleges as follows:

PARTIES, JURISDICTION AND VENUE

1. Plaintiff Omega Patents, LLC (“Omega”) is a Georgia limited liability company.
2. Defendant Enfora Inc. (“Enfora”) is, upon information and belief, a Delaware corporation with its principal place of business in Texas. Upon

information and belief, Enfora sells and offers for sale infringing products in the United States, including within this Judicial District.

3. Defendant Novatel Wireless, Inc. (“Novatel”) is, upon information and belief, a Delaware corporation with its principal place of business in California. Upon information and belief, Novatel sells and offers for sale infringing products in the United States, including within this Judicial District.

4. Upon information and belief, Enfora is a wholly-owned subsidiary of Novatel. Upon information and belief, Novatel directs and controls Enfora.

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

6. This Court has *in personam* jurisdiction as to Defendants because, upon information and belief, Defendants are subject to both general and specific jurisdiction in this State. More particularly, upon information and belief, Defendants regularly conduct business activity in the State of Georgia and sell and offer to sell products that infringe one or more claims of Omega’s patents in this Judicial District.

7. Venue properly lies within this judicial district and division, pursuant to 28 U.S.C. §§1391(c) and 1400(b).

STATEMENT OF FACTS

8. Omega is the sole and exclusive owner of the following valid and enforceable United States Patents (collectively, the “Patents-in-Suit”):

PATENT NO.	TITLE
6,346,876 (“the ‘876 Patent”)	Multi-vehicle compatible control system generating command signals on a data bus and associated methods
7,671,727 (“the ‘727 Patent”)	Speed exceeded notification device for vehicle having a data bus and associated methods
8,032,278 (“the ‘278 Patent”)	Vehicle tracking unit with downloadable codes and associated methods
8,362,886 (“the ‘886 Patent”)	Multi-controller data bus adaptor and associated methods

True and correct copies of the Patents-in-Suit are attached hereto as Exhibits A-D.

9. Kenneth E. Flick, the inventor of the Patents-in-Suit, is recognized as an innovator in the vehicle electronics industry. Mr. Flick has invented many improvements for the vehicle electronics industry, including innovations covering vehicle tracking and data bus.

10. The Patents-in-Suit reflect some of Mr. Flick’s inventions in the field. Mr. Flick has assigned all of his rights to the inventions claimed in the Patents-in-Suit to Omega. Omega currently owns the Patents-in-Suit and has owned them since the date of issuance and during the alleged infringement of the Defendants.

11. Upon information and belief, Enfora has sold and offered for sale in the United States and in this Judicial District vehicle data bus and tracking products that directly or indirectly infringe upon one or more claims of the Patents-in-Suit. The accused products include, but are not limited to, the Enfora MT 3000 and MT-3050.

12. Upon information and belief, Novatel has sold and offered for sale in the United States and in this Judicial District vehicle data bus and tracking products that directly or indirectly infringe upon one or more claims of the Patents-in-Suit. The accused products include, but are not limited to, the Enfora MT 3000 and MT-3050.

13. Omega affirmatively gave Enfora, and therefore Novatel, written notice of certain of the Patents-in-Suit at least as early as December 2012. Upon information and belief, Enfora, and therefore Novatel, knew of the Patents-in-Suit prior to December 2012.

14. Additionally, upon information and belief, the patent numbers for one or more of the Patents-in-Suit have been marked on products of Omega's licensees since at least 2008.

15. Omega has not granted Defendants a license to practice the Patents-in-Suit for the accused products.

COUNT I
Action for Infringement of the Patents-in-Suit

16. Count I is an action by Omega against Defendants for monetary damages and injunctive relief for Defendant's infringement of the Patents-in-Suit.

17. Omega herein restates and reincorporates into this Count the allegations of Paragraphs 1 through 15 herein.

18. Upon information and belief, Defendants have made and/or offered for sale and sold and/or distributed vehicle data bus and tracking products that infringe directly, by inducement and/or contributorily, one or more claims of the Patents-in-Suit in the United States and in this Judicial District.

19. Omega is entitled to compensatory damages and injunctive relief for Defendants' infringing activities.

20. Upon information and belief, Defendants lack justifiable belief that there is no infringement or that the infringed claims are invalid and has acted with objective recklessness in its infringing activity. Defendants' infringement is therefore willful, and Omega is entitled to an award of exemplary damages, attorneys' fees, and costs in bringing this action.

Wherefore, Plaintiff Omega prays this Honorable Court enter such preliminary and final orders and judgments as are necessary to provide Omega with the following requested relief:

A. A permanent injunction enjoining Defendants from infringing each of the Patents-in-Suit;

B. An award of damages against Defendants under 35 U.S.C. §284 in an amount adequate to compensate Omega for Defendants' infringement, but in no event less than a reasonable royalty for the use made by Defendants of the inventions set forth in the Patents-in-Suit;

C. An award against Defendants for exemplary damages, attorneys' fees, and costs under 35 U.S.C. § 285; and

D. Such other and further relief as this Court deems just and proper.

JURY TRIAL REQUEST

Omega requests a trial by jury as to all matters so triable.

Respectfully submitted this 7th day of March, 2013.

/s/Dan R. Gresham

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