

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

INTERNATIONAL HEALTH TECHNOLOGY COMPANY, LLC, a Colorado limited liability company, Plaintiff, v. RIPPLE NETWORK TECHNOLOGIES, INC., a Delaware corporation, Defendant.	§ § § § § § § § § § § § § § §	Case No. _____ JURY TRIAL DEMANDED
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COMPLAINT

Plaintiff International Health Technology Company, LLC ("Plaintiff" or "IHT Co."), for its Complaint with Jury Demand for patent infringement against Defendant Ripple Network Technologies, Inc. ("Defendant" or "Ripple"), alleges, based on its own knowledge as to itself and its own actions and based on information and belief as to all other matters, as follows:

PARTIES

1. IHT Co. is a limited liability company existing under the laws of Colorado with its principal place of business at 2990 East 17th Avenue, #807, Denver, CO 80206.

2. On information and belief, Ripple is a corporation organized under the laws of the State of Delaware with its principal place of business at 1770 NW 64th St., Suite 300, Fort Lauderdale, Florida 33309. Ripple can be served with process by serving its agent, Corporation Service Company, 251 Little Falls Drive, Wilmington, DE 19808.

JURISDICTION AND VENUE

3. This is an action for patent infringement under the Patent Laws of the United States, 35 U.S.C. § 101, *et seq.*

4. This Court has subject matter jurisdiction of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a) and pendant jurisdiction over the other claims for relief asserted herein.

5. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391 and 1400(b). Upon information and belief, Ripple has transacted business in this district and has committed, individually or in concert with others, acts of patent infringement in this district. In addition, Ripple resides in this district.

6. Ripple is also subject to this Court's specific and general personal jurisdiction pursuant to due process and the Delaware Long Arm Statute. Ripple has general minimum contacts with this judicial district by being incorporated in this judicial district, by transacting business within Delaware—including at least a portion of the infringements alleged herein, by placing infringing products into the stream of commerce with the knowledge or understanding that such products are sold in the State of Delaware—including in this district, and deriving substantial revenue from goods and services provided to individuals in Delaware and in this district. Personal jurisdiction exists over Ripple.

THE TECHNOLOGY AND INTELLECTUAL PROPERTY

7. On February 3, 2009, U.S. Patent No. 7,486,194 ("the '194 Patent" or the "Asserted Patent") was duly and legally issued by the United States Patent and Trademark Office ("USPTO") for an invention entitled "Personal Alarm System for Obtaining Assistance from Remote Recipients." *See* Exhibit A, attached hereto and incorporated by reference in its entirety.

8. The '194 Patent teaches methods for transmitting signals to a recipient, such as a contact, a monitoring center, or rescue or other emergency authorities, from a remote communication device. Specifically, the invention addresses using a triggering key to activate the interface module in the case of an emergency, thereby causing the communication device to

transmit a signal to the recipient. The "alarm system" of the Asserted Patent comprises a communication device (such as a cell phone), a triggering key (preferably designed to be easily carried by or attached to a user), and an interface module (which may be combined with the communication device).

9. IHT Co. is the owner of the Asserted Patent, with all substantive rights in and to that Patent, including the sole and exclusive right to prosecute this action and enforce the Asserted Patent against infringers, and to collect damages for all relevant times.

RIPPLE'S INFRINGING CONDUCT

10. Ripple offers a system ("the Ripple System") including a mobile application and a panic button device.

11. On information and belief, Ripple provides a website (<https://www.ripplesafety.com>, which is incorporated herein by this reference) through which Ripple markets and sells the Ripple System. The Ripple System includes a panic button device ("the Ripple Button"), as shown below:



<https://ripplesafety.com/> (last accessed June 14, 2022).

12. The Ripple Button is used with a mobile application ("the Ripple Mobile Application") to form the Ripple System.



Ripple Safety Instruction Manual available at https://cdn.shopify.com/s/files/1/0036/1984/8292/files/Instruction_Manual_2021.pdf?v=1625597366 (downloaded June 14, 2022).

13. The Ripple Mobile Application is distributed and/or sold by Ripple to users in the United States, including through the Google Play store and the Apple Store.

Information

Seller
Ripple Network Technologies, Inc.

Size
69.2 MB

Category
Lifestyle

Compatibility
iPhone
Requires iOS 10.0 or later.

iPod touch
Requires iOS 10.0 or later.

Mac
Requires macOS 11.0 or later and a Mac with Apple M1 chip.

Languages
English

Age Rating
12+
Infrequent/Mild Medical/Treatment Information

Location
This app may use your location even when it isn't open, which can decrease battery life.

Copyright
© Ripple Network Technologies, Inc.

Price
Free

<https://apps.apple.com/us/app/ripple-safety/id1111168728> (last accessed June 14, 2022).

ADDITIONAL INFORMATION

Updated	Size	Installs
May 10, 2021	49M	1,000+
Current Version	Requires Android	Content Rating
1.1.9	7.0 and up	Everyone Learn more
Permissions	Report	Offered By
View details	Flag as inappropriate	Ripple Safety
Developer		
Visit website		
support@ripplesafety.com		
Privacy Policy		

https://play.google.com/store/apps/details?id=com.ripplesupport.activity&hl=en_US&gl=US (accessed May 18, 2022).

14. The Ripple Button is activated by pressing the button on the device. A single click indicates that the user is in an uncomfortable situation, while three clicks indicates that the user is in an emergency. The Ripple Button syncs to a mobile phone through Bluetooth technology. *See* <https://ripplesafety.com/> (last accessed June 14, 2022). On information and belief, upon receiving the signal from the Ripple Button, the Ripple Mobile Application sends an alert to emergency responders, emergency contacts, and/or the Ripple Monitoring Team.

Emergency Situations

With three or more clicks, your Ripple Button alerts your Ripple Monitoring Team that you need emergency assistance. They'll dispatch your pre-selected emergency response (choose police or ambulance within the Ripple app) right to your location.

See <https://ripplesafety.com/> (last accessed June 14, 2022).

15. Ripple infringes the Asserted Patent by importing, offering to sell, and/or selling the Ripple System in the United States.

16. Specifically, the Ripple System infringes at least Claims 37, 38, 39, and 40 of the Asserted Patent. An exemplary claim chart showing the Ripple System's infringement of Claim 39 of the Asserted Patent is provided below.

Claim Language	Ripple's Infringement
<p>[39a] A personal alarm system comprising:</p>	<p>The Ripple System is a personal alarm system including the Ripple Button and the Ripple Mobile Application.</p> <div style="text-align: center;">  </div> <p>https://ripplesafety.com/ (last accessed June 14, 2022).</p> <div style="text-align: center;">  </div> <p>Ripple Safety Instruction Manual (downloaded June 14, 2022). Ripple sells the Ripple Button in the United States through its website and on Amazon and distributes the Ripple Mobile Application through the Apple and Google app stores.</p>

[39b] a communication device for transmitting a signal to a recipient;

The Ripple System includes the Ripple Mobile Application operating on a communication device, such as a smartphone. The communication device is capable of transmitting an alert to one or more recipients.



Ripple Safety Instruction Manual (downloaded June 14, 2022).

1 Download and Open the “Ripple Safety” App



Download the Ripple Safety app from the App Store or Google Play Store. Search “Ripple Safety” and select the app that matches the icon shown.

Ripple Safety Instruction Manual (downloaded June 14, 2022).

Emergency Situations

With three or more clicks, your Ripple Button alerts your Ripple Monitoring Team that you need emergency assistance. They'll dispatch your pre-selected emergency response (choose police or ambulance within the Ripple app) right to your location.

<https://ripplesafety.com/> (last accessed June 14, 2022).


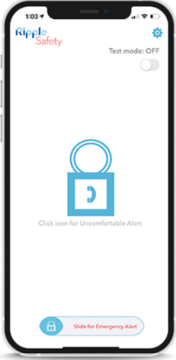
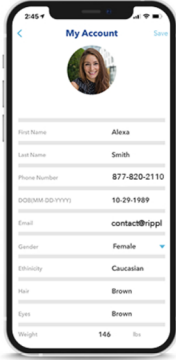
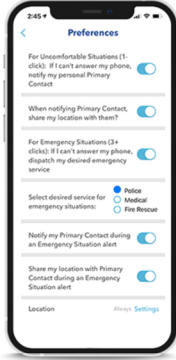



Connects direct to your
smartphone

The Ripple device uses Bluetooth to connect to the user's smartphone. To better respond to medical alerts, your professional monitoring team also receives any pre-set health information and other custom information you provide in the Ripple app.

<https://ripplesafety.com/> (last accessed June 14, 2022).

<p>[39c] an interface module in operative communication with the communication device for controlling the communication device,</p>	<p>The Ripple System includes the Ripple Mobile Application (the interface module) operating on and thus in operative communication with the communication device.</p> <div data-bbox="841 344 1019 705" data-label="Image"> </div> <p>Ripple Safety Instruction Manual (downloaded June 14, 2022).</p> <p>The Ripple Mobile Application controls the communication device by causing the communication device to transmit a signal when an alarm is activated (e.g., when the user pushes the Ripple Button).</p> <div data-bbox="743 968 792 1037" data-label="Image"> </div> <p>Connects direct to your smartphone</p> <p>The Ripple device uses Bluetooth to connect to the user's smartphone. To better respond to medical alerts, your professional monitoring team also receives any pre-set health information and other custom information you provide in the Ripple app.</p> <p>https://ripplesafety.com/ (last accessed June 14, 2022).</p>
<p>[39d] the interface module having a user-programmable memory and a user interface; and</p>	<p>The Ripple Mobile Application (interface module) can store user information (such as the user's Emergency Contacts) in memory. The Ripple Mobile Application includes a user interface that allows the user to enter the information.</p>

	<div style="display: flex; justify-content: space-around;"> <div style="width: 30%;"> <p>1 Open Settings</p> <p>From the Home Page, select the  icon in the top right corner to access "Settings".</p>  </div> <div style="width: 30%;"> <p>2 Build Your Profile</p> <p>Select "Account" from the "Settings" page and build out your personal profile.</p>  </div> <div style="width: 30%;"> <p>3 Customize your Service</p> <p>Select "Preferences" from the "Settings" screen and customize how you want your Ripple Team to respond to these situations.</p>  </div> </div> <p>Ripple Safety Instruction Manual (downloaded June 14, 2022).</p> <div style="text-align: center; margin-top: 20px;"> <p>4 Enter your Name, Email, and Agree to our Terms of Service</p> <p>Complete Additional Fields Enter your name and email in the corresponding fields. Once complete, agree to the Legal requirements and select "Next".</p> </div> <p>Ripple Safety Instruction Manual (downloaded June 14, 2022).</p>
<p>[39e] a triggering key in operative communication with the interface module for activating the interface module,</p>	<p>The Ripple System includes the Ripple Button (triggering key) which, when activated by the user, causes the Ripple Button to communicate through Bluetooth with the Ripple Mobile Application (interface module) and can cause the Ripple Mobile Application to transmit the alert.</p>

	<p style="text-align: center;">Connects direct to your smartphone</p> <p style="text-align: center;">The Ripple device uses Bluetooth to connect to the user's smartphone. To better respond to medical alerts, your professional monitoring team also receives any pre-set health information and other custom information you provide in the Ripple app.</p> <p style="text-align: center;">https://ripplesafety.com/pages/how-to-use (last accessed June 14, 2022).</p> <div style="text-align: center;">  </div> <p style="text-align: center;">Connects direct to your smartphone</p> <p style="text-align: center;">The Ripple device uses Bluetooth to connect to the user's smartphone. To better respond to medical alerts, your professional monitoring team also receives any pre-set health information and other custom information you provide in the Ripple app.</p> <p style="text-align: center;">https://ripplesafety.com/ (last accessed June 14, 2022).</p>
<p>[39f] wherein the triggering key and the interface module respectively</p>	<p>The Ripple Button (triggering key) and the Ripple Mobile Application (interface module) are paired and communicate using Bluetooth communication protocols. The Ripple Button must include a Bluetooth transmitter to be able to transmit the Bluetooth signal to the Ripple Mobile Application, and the mobile device running the Ripple Mobile Application</p>

include a Bluetooth™ transmitter and a Bluetooth™ receiver for allowing the triggering key to remotely activate the interface module.

must likewise include a Bluetooth receiver to be able to receive the Bluetooth signal from the Ripple Panic Button Device.



Connects direct to your smartphone

The Ripple device uses Bluetooth to connect to the user's smartphone. To better respond to medical alerts, your professional monitoring team also receives any pre-set health information and other custom information you provide in the Ripple app.

<https://ripplesafety.com/> (last accessed June 14, 2022).

Pair With Your Phone

1

From the Home Page, select the  icon in the top right corner to access "Devices".

2

Select "Devices" tab from the "Settings" page and select the Ripple icon with the "+" sign on it. IMPORTANT: Bluetooth must be turned on in order to pair Ripple Button.

3

Select "Add Device".

4

Click and HOLD your Ripple Button until your phone recognizes the device. This will take a few seconds.

5

Once your phone has recognized the device, CLICK your Ripple Button one-time to connect it to your phone. Your device is now paired.

6

Return to the Home Page.

	<p>Ripple Quick Start Guide (downloaded June 14, 2022).</p> <p>What mobile phones are supported? Users must have a Bluetooth® Smart Ready device to use our services. Mobile phones supported include iPhones running iOS 10.0 or later and Android devices running 7.0 and newer.</p> <p>Frequently Asked Questions, https://ripplesafety.com/pages/safety-button-faq-ripple-safety (last accessed June 14, 2022).</p> <p>Indeed, Ripple’s terms of service require Ripple’s customers to provide a mobile device with Bluetooth technology.</p> <p style="text-align: center;">Your Responsibilities</p> <p>The following are your responsibilities:</p> <ul style="list-style-type: none">• You shall provide a supported mobile cellular device with Internet access, Bluetooth technology, and uninterrupted telephone service. <p>Ripple Safety Terms of Service, https://ripplesafety.com/pages/legal (last accessed June 14, 2022).</p>
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17. On May 3, 2022, IHT Co. sent Ripple a letter putting it on notice of its infringement of the Asserted Patent. The letter was sent to the email address contact@ripplesafety.com, which is a contact address listed on the Ripple website. As of the date of filing of this complaint, IHT Co. has not received a response to this email. A true and correct copy of the May 3, 2022 letter sent to Ripple via email is attached hereto as Exhibit B and incorporated by reference in its entirety.

18. IHT Co. also sent a physical copy of the letter to Ripple’s business address on May 3, 2022. Ripple’s principal address and mailing address as identified on the Florida Secretary of State website is 1770 NW 64th St., Suite 300, Fort Lauderdale, FL 33309. As of the date of filing of this complaint, IHT Co. has not received a response to that physical letter. A true and correct copy of the May 3, 2022 letter sent to Ripple via certified mail is attached hereto as Exhibit C and incorporated by reference in its entirety.

19. Ripple received notice of its infringement of the Asserted Patent no later than May 3, 2022.

FIRST CLAIM FOR RELIEF
**(Direct Patent Infringement of U.S. Patent No. 7,486,194
in violation of 35 U.S.C. § 271(a))**

20. IHT Co. incorporates the foregoing paragraphs as if fully set forth herein.

21. Ripple made, has made, used, imported, provided, supplied, distributed, sold, and/or offered for sale the Ripple System, which include the infringing features. The Ripple System includes the Ripple Mobile Application that can be used on a variety of remote computing devices and gather and transmit location-specific information. See the exemplary claim chart provided above.

22. By doing so, Ripple has directly infringed (literally and/or under the doctrine of equivalents) at least Claims 37-40 of the Asserted Patent. Ripple's infringement in this regard is believed to be ongoing and not limited to the representative claim included in the chart.

23. Ripple has also directly infringed the Asserted Patent by exercising direction or control over the use of the Ripple System by its customers. When Ripple's customers download and use the Ripple Mobile Application, and/or when Ripple's customers purchase the Ripple Button, Ripple is putting the Ripple System into service and conditions the benefit received by each customer from using the Ripple System (which utilizes the systems and methods taught by the Asserted Patent), such benefit including improved data management across a variety of devices, only if the Ripple System is used in the manner prescribed by Ripple. Use of the Ripple System in such manner is believed to infringe the Asserted Patent.

24. IHT Co. has been damaged because of the infringing conduct by Ripple alleged above. Thus, Ripple is liable to IHT Co. in an amount that adequately compensates it for such infringements, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

25. Ripple's infringement of the Asserted Patent has been and continues to be willful and intentional and with full knowledge of the existence and validity thereof.

26. The willful and intentional nature of Ripple's infringement entitles IHT Co. to an award of treble damages pursuant to 35 U.S.C. § 284, and to an award of its attorneys' fees pursuant to 35 U.S.C. § 285.

27. IHT Co. will continue to suffer damages and irreparable harm unless Ripple is restrained and enjoined by this Court, pursuant to 35 U.S.C. § 283, from further infringement of the Asserted Patent.

SECOND CLAIM FOR RELIEF
**(Indirect Patent Infringement of U.S. Patent No. 7,486,194
in violation of 35 U.S.C. §§ 271(b) & (c))**

28. IHT Co. incorporates the foregoing paragraphs as if fully set forth herein.

29. On information and belief, Ripple has also indirectly infringed the Asserted Patent by inducing others to directly infringe the Asserted Patent. More specifically, Ripple has induced the end-users, Ripple's customers, to directly infringe (literally and/or under the doctrine of equivalents) the Asserted Patent by using the Ripple System, Ripple Button, and/or Ripple Mobile Application. Further, on information and belief, Ripple took active steps, directly and/or through contractual relationships with others, with the specific intent to cause them to use the Ripple System, Ripple Button, and/or Ripple Mobile Application in a manner that infringes one or more claims of the Asserted Patent, including, for example, Claims 37-40. Such steps by Ripple included, among other things, advising or directing customers and end-users to use the Ripple System, Ripple Button, and/or Ripple Mobile Application in an infringing manner; advertising and promoting the use of the Ripple System, Ripple Button, and/or Ripple Mobile Application in an infringing manner; and/or distributing instructions that guide users to use the accused products in

an infringing manner. On information and belief, Ripple is performing these steps, which constitute induced infringement, with the knowledge of the Asserted Patent and with the knowledge that the induced acts constitute infringement. On information and belief, Ripple is aware that the normal and customary use of the Ripple System, Ripple Button, and/or Ripple Mobile Application by Ripple's customers infringe the Asserted Patent. Ripple's inducement is believed to be ongoing.

30. On information and belief, Ripple has also indirectly infringed by contributing to the infringement of the Asserted Patent. More specifically, Ripple has contributed to the direct infringement of the Asserted Patent by the end-user of the Ripple System, Ripple Button, and/or Ripple Mobile Application. Further, on information and belief, the Ripple System, Ripple Button, and/or Ripple Mobile Application have features that are specially designed to be used in an infringing way and that have no substantial uses other than ones that infringe the Asserted Patent, including, for example, Claims 37-40. Specifically, the Ripple Button in combination with the Ripple Mobile Application includes an alarm device (i.e., the Ripple Button) that works with the Ripple Mobile Application on a user's smartphone or smart watch to send an emergency signal to predetermined recipients. The Ripple Button is useless without the user's smartphone or smartwatch and requires these communication devices to send the emergency signal. The Ripple Mobile Application includes features such as improved data management across a variety of devices and emergency notification signals that infringe the Asserted Patent. The Ripple Button's features and the Ripple Mobile Application's features constitute a material part of the invention of one or more of the claims of the Asserted Patent and are not staple articles of commerce suitable for substantial non-infringing use. On information and belief, Ripple's contributory infringement is ongoing.

31. On information and belief, Ripple has had knowledge of the Asserted Patent at least as early as May 3, 2022, and in no case later than the filing of the Complaint in this action.

32. Ripple's actions are at least objectively reckless as to the risk of infringing a valid patent and this objective risk was either known or should have been known by Ripple.

33. On information and belief, Ripple's indirect infringement of the Asserted Patent is, has been, and continues to be willful, intentional, deliberate, and/or in conscious disregard of IHT Co.'s rights under the Asserted Patent.

34. IHT Co. has been damaged because of the infringing conduct by Ripple alleged above. Thus, Ripple is liable to IHT Co. in an amount that adequately compensates it for such infringements, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

35. The willful and intentional nature of Ripple's infringement entitles IHT Co. to an award of treble damages pursuant to 35 U.S.C. § 284, and to an award of its attorneys' fees pursuant to 35 U.S.C. § 285.

36. IHT Co. will continue to suffer damages and irreparable harm unless Ripple is restrained and enjoined by this Court, pursuant to 35 U.S.C. § 283, from further infringement of the Asserted Patent.

PRAYER FOR RELIEF

IHT Co. requests that the Court find in its favor and against Ripple, and that the Court grant IHT Co. the following relief:

A. Judgment that one or more claims of the Asserted Patent has been infringed, either literally and/or under the doctrine of equivalents, by Ripple;

B. A permanent injunction enjoining Ripple and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in concert therewith from infringement of the Asserted Patent; or, in the alternative, an award of a reasonable ongoing royalty for future infringement of the Asserted Patent by such entities;

C. Judgment that Ripple accounts for and pays to IHT Co. all damages to and costs incurred by IHT Co. because of Ripple's infringing activities and other conduct complained of herein, including an award of all increased damages to which IHT Co. is entitled under 35 U.S.C. § 284;

D. That this Court declare this an exceptional case and award IHT Co. its attorneys' fees and costs in accordance with 35 U.S.C. § 285;

E. Pre-judgment and post-judgment interest on the damages caused to it by reason of Ripple's infringing activities and other conduct complained of herein; and

F. Such other and further relief as the Court may deem just and proper under the circumstances.

DEMAND FOR JURY TRIAL

IHT Co. hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

Dated: June 24, 2022

**KLEHR HARRISON
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/s/ Sean M. Brennecke

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