

1 Susan S.Q. Kalra, CA SBN 167940  
Email: susan@m-iplaw.com  
2 MAHAMEDIP LAW LLP  
1055 West 7th Street, Suite 3300  
3 Los Angeles, CA 90017  
Telephone: (213) 433-5960  
4 Fax: (408) 236-6641

5 William P. Ramey, III (*pro hac vice anticipated*)  
Email: wramey@rameyfirm.com  
6 Ramey & Schwaller, LLP  
5020 Montrose Blvd., Suite 800  
7 Houston, Texas 77006  
Telephone: (713) 426-3923  
8 Fax: (832) 900-4941

9 *Attorneys for Plaintiff*  
PIXELTIDE PATHWAY LLC

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12 **UNITED STATES DISTRICT COURT**  
13 **CENTRAL DISTRICT OF CALIFORNIA**  
14 **WESTERN DIVISION**

15 PIXELTIDE PATHWAY LLC, a  
16 Texas limited liability company,

17 Plaintiff,

18 v.

19 TRACKR, INC., a California  
20 corporation,

21 Defendant.

Case No.: 2:22-cv-00689

**PLAINTIFF’S ORIGINAL  
COMPLAINT FOR PATENT  
INFRINGEMENT**

**(35 U.S.C. § 271)**

**JURY TRIAL DEMANDED**

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24 Pixeltide Pathway, LLC (“Pixeltide”) files this Original Complaint and demand  
25  
26 for jury trial seeking relief from patent infringement of the claims of U.S. Patent Nos.  
27 7,075,433 (“the ‘433 patent”) and 9,183,728 (“the ‘728 patent”) (referred to as the  
28

1 “Patents-in-Suit”) by TrackR, Inc. (“TrackR”).

2 **I. THE PARTIES**

3  
4 1. Plaintiff Pixeltide is a Texas Limited Liability Company with its principal  
5 place of business located at 2100 14th St, Ste 107 PMB 1017, Plano, TX 75074.

6  
7 2. On information and belief, TrackR is a corporation organized and existing  
8 under the laws of the state of California, with a regular and established place of  
9 business located at 7410 Hollister Ave, Goleta, CA 93117. On information and belief,  
10 TrackR sells and offers to sell products and services throughout California, including  
11 in this judicial district, and introduces products and services that perform infringing  
12 methods or processes into the stream of commerce knowing that they would be sold  
13 in California and this judicial district. TrackR can be served with process at its  
14 registered agent or anywhere else it may be found.  
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17 **II. JURISDICTION AND VENUE**

18  
19 3. This Court has original subject-matter jurisdiction over the entire action  
20 pursuant to 28 U.S.C. §§ 1331 and 1338(a) because Plaintiff’s claim arises under an  
21 Act of Congress relating to patents, namely, 35 U.S.C. § 271.

22  
23 4. This Court has personal jurisdiction over Defendant because: (i) Defendant is  
24 present within or has minimum contacts within the State of California and this judicial  
25 district; (ii) Defendant has purposefully availed itself of the privileges of conducting  
26 business in the State of California and in this judicial district; and (iii) Plaintiff’s cause  
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28

1 of action arises directly from Defendant’s business contacts and other activities in the  
2 State of California and in this judicial district.

3  
4 5. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and 1400(b).  
5 Defendant has committed acts of infringement and has a regular and established place  
6 of business in California. Further, venue is proper because Defendant conducts  
7  
8 substantial business in this forum, directly or through intermediaries, including: (i) at  
9 least a portion of the infringements alleged herein; and (ii) regularly doing or  
10 soliciting business, engaging in other persistent courses of conduct and/or deriving  
11  
12 substantial revenue from goods and services provided to individuals in California and  
13 this District.

14 **III. INFRINGEMENT**

15  
16 **A. Infringement of the ‘433 Patent**

17 6. On July 11, 2006, U.S. Patent No. 7,075,433 (“the ‘433 patent”, included as an  
18 attachment and part of this Complaint) entitled “Bluetooth theft control” was duly and  
19  
20 legally issued by the U.S. Patent and Trademark Office. Pixeltide owns the ‘433  
21 patent by assignment.

22  
23 7. The ‘433 patent relates to computerized theft and displacement control and  
24 observation, dedicated to objects which represent a certain value or importance for its  
25 owner and shall thus be observed.

26  
27 8. TrackR designs, manufactures, markets and sells systems and processes for  
28 relates to computerized theft and displacement control and observation, that infringe

1 one or more claims of the ‘433 patent, including one or more of claims 1-21, literally  
2 or under the doctrine of equivalents. Defendant put the inventions claimed by the ‘433  
3 Patent into service (i.e., used them); but for Defendant’s actions, the claimed-  
4 inventions embodiments involving Defendant’s products and services would never  
5 have been put into service. Defendant’s acts complained of herein caused those  
6 claimed-invention embodiments as a whole to perform, and Defendant’s procurement  
7 of monetary and commercial benefit from it.

10 9. Support for the allegations of infringement may be found in the following  
11 preliminary table attached as Exhibit A.

13 10. These allegations of infringement are preliminary and are therefore subject to  
14 change. For instance, there are other of Defendant’s products that infringe.

16 11. TrackR has and continues to induce infringement. TrackR has actively  
17 encouraged or instructed others (e.g., its customers and/or the customers of its related  
18 companies), and continues to do so, on how to use its products and services (e.g.,  
19 relates to computerized theft and displacement control and observation) such as to  
20 cause infringement of one or more of claims 1–21 of the ‘433 patent, literally or under  
21 the doctrine of equivalents. Moreover, TrackR has known of the ‘433 patent and the  
22 technology underlying it from at least the filing date of the lawsuit.<sup>1</sup> For clarity, direct  
23 infringement is previously alleged in this complaint.  
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27 \_\_\_\_\_  
28 <sup>1</sup> Plaintiff reserves the right to amend if discovery reveals an earlier date of knowledge.

1 12. TrackR has and continues to contributorily infringe. TrackR has actively  
2 encouraged or instructed others (e.g., its customers and/or the customers of its related  
3 companies), and continues to do so, on how to use its products and services (e.g.,  
4 relates to computerized theft and displacement control and observation) such as to  
5 cause infringement of one or more of claims 1–21 of the ‘433 patent, literally or under  
6 the doctrine of equivalents. Further, there are no substantial noninfringing uses for  
7 Defendant’s products and services. Moreover, TrackR has known of the ‘433 patent  
8 and the technology underlying it from at least the filing date of the lawsuit.<sup>2</sup> For  
9 clarity, direct infringement is previously alleged in this complaint.  
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13 13. TrackR has caused and will continue to cause Pixeltide damage by direct and  
14 indirect infringement of (including inducing infringement of) the claims of the ‘433  
15 patent.  
16

17 **B. Infringement of the ‘728 Patent**

18 14. On November 10, 2015, U.S. Patent No. 9,183,728 (“the ‘728 patent”,  
19 included as an attachment and part of this Complaint) entitled “Self-detection of lost  
20 device status using device-to-device communications with one or more expected  
21 neighboring devices” was duly and legally issued by the U.S. Patent and Trademark  
22 Office. Pixeltide owns the ‘728 patent by assignment.  
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27 \_\_\_\_\_  
28 <sup>2</sup> Plaintiff reserves the right to amend if discovery reveals an earlier date of  
knowledge.

1 15. The '728 patent provide methods and apparatus are provided for self-detection  
2 of lost device status using device-to-device communications with one or more  
3 expected neighboring devices.  
4

5 16. TrackR designs, manufactures, markets and sells systems and processes for  
6 providing for self-detection of lost device status using device-to-device  
7 communications with one or more expected neighboring devices, that infringe one or  
8 more claims of the '728 patent, including one or more of claims 1-18, literally or  
9 under the doctrine of equivalents. Defendant put the inventions claimed by the '728  
10 Patent into service (i.e., used them); but for Defendant's actions, the claimed-  
11 inventions embodiments involving Defendant's products and services would never  
12 have been put into service. Defendant's acts complained of herein caused those  
13 claimed-invention embodiments as a whole to perform, and Defendant's procurement  
14 of monetary and commercial benefit from it. Support for the allegations of  
15 infringement may be found in the following preliminary table attached as Exhibit B.  
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20 17. These allegations of infringement are preliminary and are therefore subject to  
21 change. For instance, there are other of Defendant's products that infringe.  
22

23 18. TrackR has and continues to induce infringement. TrackR has actively  
24 encouraged or instructed others (e.g., its customers and/or the customers of its related  
25 companies), and continues to do so, on how to use its products and services (e.g.,  
26 methods and apparatus for self-detection of lost device status using device-to-device  
27 communications with one or more expected neighboring devices) such as to cause  
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1 infringement of one or more of claims 1–18 of the ‘728 patent, literally or under the  
2 doctrine of equivalents. Moreover, TrackR has known of the ‘728 patent and the  
3 technology underlying it from at least the filing date of the lawsuit.<sup>3</sup> For clarity, direct  
4 infringement is previously alleged in this complaint.  
5

6 19. TrackR has and continues to contributorily infringe. TrackR has actively  
7 encouraged or instructed others (e.g., its customers and/or the customers of its related  
8 companies), and continues to do so, on how to use its products and services (e.g.,  
9 methods and apparatus for self-detection of lost device status using device-to-device  
10 communications with one or more expected neighboring devices) such as to cause  
11 infringement of one or more of claims 1–18 of the ‘728 patent, literally or under the  
12 doctrine of equivalents. Further, there are no substantial noninfringing uses for  
13 Defendant’s products and services. Moreover, TrackR has known of the ‘728 patent  
14 and the technology underlying it from at least the filing date of the lawsuit.<sup>4</sup> For  
15 clarity, direct infringement is previously alleged in this complaint.  
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20 20. TrackR has caused and will continue to cause Pixeltide damage by direct and  
21 indirect infringement of (including inducing infringement of) the claims of the ‘728  
22 patent.  
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26 <sup>3</sup> Plaintiff reserves the right to amend if discovery reveals an earlier date of  
27 knowledge.

28 <sup>4</sup> Plaintiff reserves the right to amend if discovery reveals an earlier date of  
knowledge.

1 **IV. PRAYER FOR RELIEF**

2 WHEREFORE, Pixeltide prays for relief as follows:

- 3
- 4 a. enter judgment that Defendant has infringed the claims of the Patents-in-Suit;
- 5 b. award Pixeltide damages in an amount sufficient to compensate it for
- 6 Defendant’s infringement of the Patents-in-Suit in an amount no less than a
- 7 reasonable royalty or lost profits, together with pre-judgment and post-
- 8 judgment interest and costs under 35 U.S.C. § 284;
- 9
- 10 c. award Pixeltide an accounting for acts of infringement not presented at trial and
- 11 an award by the Court of additional damage for any such acts of infringement;
- 12
- 13 d. declare this case to be “exceptional” under 35 U.S.C. § 285 and award Pixeltide
- 14 its attorneys’ fees, expenses, and costs incurred in this action;
- 15
- 16 e. declare Defendant’s infringement to be willful and treble the damages,
- 17 including attorneys’ fees, expenses, and costs incurred in this action and an
- 18 increase in the damage award pursuant to 35 U.S.C. § 284;
- 19
- 20 f. a decree addressing future infringement that either (i) awards a permanent
- 21 injunction enjoining Defendant and its agents, servants, employees, affiliates,
- 22 divisions, and subsidiaries, and those in association with Defendant from
- 23 infringing the claims of the Patents-in-Suit, or (ii) awards damages for future
- 24 infringement in lieu of an injunction in an amount consistent with the fact that
- 25 for future infringement the Defendant will be an adjudicated infringer of a valid
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1 patent, and trebles that amount in view of the fact that the future infringement  
2 will be willful as a matter of law; and  
3  
4 g. award Pixeltide such other and further relief as this Court deems just and  
5 proper.

6 Dated: January 31, 2022

Respectfully submitted,

7  
8 MAHAMEDIP LAW LLP

9 /s/ Susan S.Q. Kalra  
10 Susan S.Q. Kalra, CA SBN 167940  
11 Email: susan@m-iplaw.com  
12 1055 West 7th Street, Suite 3300  
13 Los Angeles, CA 90017  
14 Telephone: (213) 433-5960  
15 Fax: (408) 236-6641

16 RAMEY & SCHWALLER LLP

17 /s/ William P. Ramey, III  
18 William P. Ramey, III (*pro hac vice anticipated*)  
19 Email: wramey@rameyfirm.com  
20 5020 Montrose Blvd., Suite 800  
21 Houston, Texas 77006  
22 Telephone: (713) 426-3923  
23 Fax: (832) 689-9175

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28 ***Attorneys for Plaintiff***  
**Pixeltide Pathway, LLC**

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**DEMAND FOR JURY TRIAL**

Pixeltide Pathway, LLC hereby requests a trial by jury on issues so triable by right.

Dated: January 31, 2022

Respectfully submitted,

MAHAMEDIP LAW LLP

/s/ Susan S.Q. Kalra  
Susan S.Q. Kalra, CA SBN 167940  
1055 West 7th Street, Suite 3300  
Los Angeles, CA 90017  
Telephone: (213) 433-5960  
Fax: (408) 236-6641  
Email: susan@m-iplaw.com

RAMEY & SCHWALLER LLP

/s/ William P. Ramey, III  
William P. Ramey, III (*pro hac vice anticipated*)  
5020 Montrose Blvd., Suite 800  
Houston, Texas 77006  
Telephone: (713) 426-3923  
Fax: (832) 689-9175  
Email: wramey@rameyfirm.com

***Attorneys for Plaintiff***  
**Pixeltide Pathway, LLC**