

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

IOT INNOVATIONS LLC,

Plaintiff,

v.

SIMPLISAFE, INC.,

Defendant.

Civil Action No.: 23-cv-10352

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff IOT INNOVATIONS LLC (“IOT Innovations” or “Plaintiff”) files this complaint against SIMPLISAFE, INC. (“SimpliSafe” or “Defendant”) alleging, 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:

**NATURE OF THE ACTION**

1. This is a patent infringement action to stop Defendant’s infringement of the following United States Patents (collectively, the “Asserted Patents”) issued by the United States Patent and Trademark Office (“USPTO”), copies of which are attached hereto as **Exhibit A, Exhibit B, Exhibit C, Exhibit D, Exhibit E, and Exhibit F**, respectively:

	<b>U.S. Patent No.</b>	<b>Title</b>
A.	7,209,876	System And Method For Automated Answering Of Natural Language Questions And Queries
B.	7,263,102	Multi-Path Gateway Communications Device
C.	7,526,762	Network With Mobile Terminals As Browsers Having Wireless Access To The Internet And Method For Using Same
D.	7,983,282	Edge Side Assembler
E.	8,972,576	Establishing A Home Relationship Between A Wireless Device And A Server In A Wireless Network
F.	9,008,055	Automatic Remote Services Provided By A Home Relationship Between A Device And A Server

2. Plaintiff seeks injunctive relief and monetary damages.

## **PARTIES**

3. Plaintiff is a limited liability company formed under the laws of Texas with a registered office address located in Austin, Texas (Travis County).

4. SimpliSafe is a corporation organized under the laws of the State of Delaware since August 11, 2006.

5. SimpliSafe has its principal place of business located at 100 Summer Street Suite, 300, Boston, Massachusetts 02110.

6. SimpliSafe may be served through its registered agent for service, Christian Cerda, also located at 100 Summer Street Suite, 300, Boston, Massachusetts 02110.

## **JURISDICTION AND VENUE**

7. Plaintiff repeats and re-alleges the allegations in Paragraphs above as though fully set forth in their entirety.

8. This is an action for infringement of a United States patent arising under 35 U.S.C. §§ 271, 281, and 284–85, among others. This Court has subject matter jurisdiction of the action under 28 U.S.C. § 1331 and § 1338(a).

9. Venue is proper against Defendant in this District pursuant to 28 U.S.C. § 1400(b) and 1391(c) because it has maintained established and regular places of business in this District and has committed acts of patent infringement in the District. *See In re: Cray Inc.*, 871 F.3d 1355, 1362-1363 (Fed. Cir. 2017).

10. Defendant is subject to this Court's specific and general personal jurisdiction under due process because of Defendant's substantial business in this judicial District, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, or deriving substantial revenue from goods and

services provided to individuals in this state and in this District.

11. Specifically, SimpliSafe intends to do and does business in, has committed acts of infringement in, and continues to commit acts of infringement in this District directly, through intermediaries, by contributing to and through inducement of third parties, and offers its products or services, including those accused of infringement here, to customers and potential customers located in this state, including in this District.

12. SimpliSafe maintains regular and established places of business in this District.

13. SimpliSafe offers products and services and conducts business in this District as described below.

14. SimpliSafe ships and causes to be shipped into the District infringing products and materials instructing its customers to perform infringing activities to its employees, exclusive and non-exclusive contractors, agents, and affiliates for installation, operation, and service at locations within this District.

15. Defendant commits acts of infringement from this District, including, but not limited to, use of the Accused Instrumentalities and inducement of third parties to use the Accused Instrumentalities in an infringing manner.

#### **THE ACCUSED INSTRUMENTALITIES**

16. Plaintiff repeats and re-alleges the allegations in Paragraphs above as though fully set forth in their entirety.

17. Based upon public information, SimpliSafe owns, operates, advertises, and/or controls the website and domain simplisafe.com, through which it advertises, sells, offers to sell, provides and/or educates customers about their products and services. *See Exhibit G.*

18. Defendant uses, causes to be used, sells, offers for sale, provides, supplies, or

distributes its home security platform and systems (the “Accused Instrumentalities”). *See Exhibit H.*

19. Defendant also instructs its customers, agents, employees, and affiliates regarding how to use the Accused Instrumentalities for home security and control. *See Exhibit I.*

20. For these reasons and the additional reasons detailed below, the Accused Instrumentalities practice at least one claim of each of the Asserted Patents.

### **COUNT I: INFRINGEMENT OF U.S. PATENT NO. 7,209,876**

21. Plaintiff repeats and re-alleges the allegations in the Paragraphs above as though fully set forth in their entirety.

22. The USPTO duly issued U.S. Patent No. 7,209,876 (hereinafter, the “’876 patent”) on April 24, 2007 after full and fair examination of Application No. 10/293,743 which was filed on November 13, 2002. *See Ex. A* at A-1.

23. IOT Innovations owns all substantial rights, interest, and title in and to the ’876 patent, including the sole and exclusive right to prosecute this action and enforce it against infringers and to collect damages for all relevant times.

24. The claims of the ’876 patent are not directed to an abstract idea and are not limited to well-understood, routine, or conventional activity. Rather, the claimed inventions include inventive components and functionalities that improve tools for searching electronic information repositories and retrieving relevant results using queries and results built from natural language.

25. The written description of the ’876 patent describes in technical detail each limitation of the claims, allowing a skilled artisan to understand the scope of the claims and how the non-conventional and non-generic combination of claim limitations is patently distinct from and improved upon what may have been considered conventional or generic in the art at the time of

the invention.

26. Defendant has directly infringed one or more claims of the '876 patent by using, providing, supplying, or distributing the Accused Instrumentalities.

27. Defendant has directly infringed, either literally or under the doctrine of equivalents, at least claim 1 of the '876 patent.

28. For example, Defendant, using the Accused Instrumentalities, including but not limited to SimpliSafe Home Security with Voice Control, incorporates voice commands, performs a method for producing answers to a question or query issued to an information repository containing natural language data, executable in a computer system, comprising the steps of: (a) receiving a search question or query containing at least one variable expression that is representative of desired answer data that is to be searched for in said information repository; (b) initiating a search of said information repository for information containing terms present in said search question or query and receiving a first data set comprising the information resulting from said search question or query; (c) searching said first data set for answer phrases present in syntactically similar form to said search question or query and containing answer data which may replace said variable expression to provide an answer to said search question or query, and retrieving answer phrases resulting from such search; and (d) modifying said answer phrases and providing output derived from said answer phrases in the form of one or more direct answers to said search question or query. For instance, when the SimpliSafe Home Security system is asked "Is the security system armed?," the SimpliSafe system responds by stating that SimpliSafe is disarmed if the armed state of the system is "off."

29. Since at least the time of receiving the original complaint in this action, Defendant has also indirectly infringed one or more claims of the '876 patent by inducing others to directly

infringe said claims. Defendant has induced end-users, including, but not limited to, Defendant's employees, partners, or contractors, to directly infringe, either literally or under the doctrine of equivalents, the '876 patent by providing or requiring use of the Accused Instrumentalities. Defendant took active steps, directly or through contractual relationships with others, with the specific intent to cause them to use the Accused Instrumentalities in a manner that infringes one or more claims of the '876 patent, including, for example, claim 1. Such steps by Defendant included, among other things, advising or directing personnel, contractors, or end-users to use the Accused Instrumentalities in an infringing manner; advertising and promoting the use of the Accused Instrumentalities in an infringing manner; or distributing instructions that guide users to use the Accused Instrumentalities in an infringing manner. Defendant is performing these steps, which constitute induced infringement with the knowledge of the '876 patent and with the knowledge that the induced acts constitute infringement. Defendant is aware that the normal and customary use of the Accused Instrumentalities by others would infringe the '876 patent. Defendant's inducement is ongoing. *See Ex. H.*

30. Defendant has also indirectly infringed by contributing to the infringement of the '876 patent. Defendant has contributed to the direct infringement of the '876 patent by their personnel, contractors, and customers. The Accused Instrumentalities have special features that are specially designed to be used in an infringing way and that have no substantial uses other than ones that infringe one or more claims of the '876 patent, including, for example, claim 1. The special features constitute a material part of the invention of one or more of the claims of the '876 patent and are not staple articles of commerce suitable for substantial non-infringing use. Defendant's contributory infringement is ongoing. *See Ex. I.*

31. Defendant had knowledge of the '876 patent at least as of the date when they were

notified of the filing of this action.

32. Furthermore, on information and belief, Defendant has a policy or practice of not reviewing the patents of others, including instructing its employees to not review the patents of others, and thus have been willfully blind of IOT Innovations' patent rights.

33. Defendant'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 Defendant.

34. IOT Innovations or its predecessors-in-interest have satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of one or more claims of the '876 patent.

35. IOT Innovations has been damaged as a result of the infringing conduct by Defendant alleged above. Thus, Defendant is liable to IOT Innovations in an amount that 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.

36. IOT Innovations has suffered irreparable harm, through its loss of market share and goodwill, for which there is no adequate remedy at law. IOT Innovations has and will continue to suffer this harm by virtue of Defendant's infringement of the '876 patent. Defendant's actions have interfered with and will interfere with IOT Innovations' ability to license technology. The balance of hardships favors IOT Innovations' ability to commercialize its own ideas and technology. The public interest in allowing IOT Innovations to enforce its right to exclude outweighs other public interests, which supports injunctive relief in this case.

## **COUNT II: INFRINGEMENT OF U.S. PATENT NO. 7,263,102**

37. Plaintiff repeats and re-alleges the allegations in the Paragraphs above as though fully set forth in their entirety.

38. The USPTO duly issued U.S. Patent No. 7,263,102 (hereinafter, the “’102 patent”) on August 28, 2007 after full and fair examination of Application No. 10/306,848 which was filed on November 27, 2002. *See Ex. B* at B-1. A Certificate of Correction was issued January 1, 2013. *See id.* at B-18.

39. IOT Innovations owns all substantial rights, interest, and title in and to the ’102 patent, including the sole and exclusive right to prosecute this action and enforce it against infringers and to collect damages for all relevant times.

40. The claims of the ’102 patent are not directed to an abstract idea and are not limited to well-understood, routine, or conventional activity. Rather, the claimed inventions include inventive components and functionalities that improve upon the function, operation, and security communications devices and networks using a personal digital gateway to enable multiple communications devices to share, transfer, and/or access standardized information and customize the presentation of such information.

41. The written description of the ’102 patent describes in technical detail each limitation of the claims, allowing a skilled artisan to understand the scope of the claims and how the non-conventional and non-generic combination of claim limitations is patently distinct from and improved upon what may have been considered conventional or generic in the art at the time of the invention.

42. Defendant has directly infringed one or more claims of the ’102 patent by using, providing, supplying, or distributing the Accused Instrumentalities.

43. Defendant has directly infringed, either literally or under the doctrine of equivalents, at least claim 14 of the ’102 patent.

44. For example, Defendant, using the Accused Instrumentalities, including but not



limited to the SimpliSafe Base Station, provides a personal digital gateway, comprising: (a) at least one input/output processor to input and to output data with the personal digital gateway; (b) at least one communications interface for communicating data with a communications device selected from a plurality of communications devices, comprising at least one of (1) a wireless communications device, (2) a mobile phone, (3) a wireless phone, (4) a WAP phone, (5) an IP phone, (6) a satellite phone, (7) a computer, (8) a modem, (9) a pager, (10) a digital music device, (11) a digital recording device, (12) a personal digital assistant, (13) an interactive television, (14) a digital signal processor, and (15) a Global Positioning System device; (c) a memory device for storing the data; (d) a rule-based application datasever providing a rule-based engine to categorize the data as at least one of (1) data associated with an access agent, (2) data associated with a configuration agent, (3) data associated with a security agent, and (4) data associated with a management agent; and (d) a processor communicating with the memory device, the processor selecting data stored in the memory device based upon information contained within a rule-based profile.

45. Since at least the time of receiving the original complaint in this action, Defendant has also indirectly infringed one or more claims of the '102 patent by inducing others to directly infringe said claims. Defendant has induced end-users, including, but not limited to, Defendant's employees, partners, or contractors, to directly infringe, either literally or under the doctrine of equivalents, the '102 patent by providing or requiring use of the Accused Instrumentalities. Defendant took active steps, directly or through contractual relationships with others, with the specific intent to cause them to use the Accused Instrumentalities in a manner that infringes one or more claims of the '102 patent, including, for example, claim 14. Such steps by Defendant included, among other things, advising or directing personnel, contractors, or end-users to use the

Accused Instrumentalities in an infringing manner; advertising and promoting the use of the Accused Instrumentalities in an infringing manner; or distributing instructions that guide users to use the Accused Instrumentalities in an infringing manner. Defendant is performing these steps, which constitute induced infringement with the knowledge of the '102 patent and with the knowledge that the induced acts constitute infringement. Defendant is aware that the normal and customary use of the Accused Instrumentalities by others would infringe the '102 patent. Defendant's inducement is ongoing. *See Ex. H.*

46. Defendant has also indirectly infringed by contributing to the infringement of the '102 patent. Defendant has contributed to the direct infringement of the '102 patent by their personnel, contractors, and customers. The Accused Instrumentalities have special features that are specially designed to be used in an infringing way and that have no substantial uses other than ones that infringe one or more claims of the '102 patent, including, for example, claim 14. The special features constitute a material part of the invention of one or more of the claims of the '102 patent and are not staple articles of commerce suitable for substantial non-infringing use. Defendant's contributory infringement is ongoing. *See Ex. I.*

47. Defendant had knowledge of the '102 patent at least as of the date when they were notified of the filing of this action.

48. Furthermore, on information and belief, Defendant has a policy or practice of not reviewing the patents of others, including instructing its employees to not review the patents of others, and thus have been willfully blind of IOT Innovations' patent rights.

49. Defendant'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 Defendant.

50. IOT Innovations or its predecessors-in-interest have satisfied all statutory obligations

required to collect pre-filing damages for the full period allowed by law for infringement of one or more claims of the '102 patent.

51. IOT Innovations has been damaged as a result of the infringing conduct by Defendant alleged above. Thus, Defendant is liable to IOT Innovations in an amount that 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.

52. IOT Innovations has suffered irreparable harm, through its loss of market share and goodwill, for which there is no adequate remedy at law. IOT Innovations has and will continue to suffer this harm by virtue of Defendant's infringement of the '102 patent. Defendant's actions have interfered with and will interfere with IOT Innovations' ability to license technology. The balance of hardships favors IOT Innovations' ability to commercialize its own ideas and technology. The public interest in allowing IOT Innovations to enforce its right to exclude outweighs other public interests, which supports injunctive relief in this case.

### **COUNT III: INFRINGEMENT OF U.S. PATENT NO. 7,526,762**

53. Plaintiff repeats and re-alleges the allegations in the Paragraphs above as though fully set forth in their entirety.

54. The USPTO duly issued U.S. Patent No. 7,526,762 (hereinafter, the "'762 patent") on April 28, 2009 after full and fair examination of Application No. 09/659,416 which was filed on September 11, 2000. *See Ex. C* at C-1.

55. IOT Innovations owns all substantial rights, interest, and title in and to the '762 patent, including the sole and exclusive right to prosecute this action and enforce it against infringers and to collect damages for all relevant times.

56. The claims of the '762 patent are not directed to an abstract idea and are not limited to

well-understood, routine, or conventional activity. Rather, the claimed inventions include inventive components and functionalities that improve upon the function, operation, distribution, and security of software updates on terminal servers using configuration servers and messaging to control upgrade delivery.

57. The written description of the '762 patent describes in technical detail each limitation of the claims, allowing a skilled artisan to understand the scope of the claims and how the non-conventional and non-generic combination of claim limitations is patently distinct from and improved upon what may have been considered conventional or generic in the art at the time of the invention.

58. Defendant has directly infringed one or more claims of the '762 patent by using, providing, supplying, or distributing the Accused Instrumentalities.

59. Defendant has directly infringed, either literally or under the doctrine of equivalents, at least claim 1 of the '762 patent.

60. For example, Defendant, using the Accused Instrumentalities, including but not limited to by upgrading firmware/software in the SimpliSafe Base Station and Keypad(s), performs a method comprising: (a) receiving a configuration upgrade message at a configuration server from a source of an at least partial software upgrade; (b) saving upgrade information in a database associated with the configuration server; (c) identifying a plurality of users requiring at least partial software upgrade; (d) thereafter providing the at least partial software upgrade to respective terminal servers associated with the plurality of users identified to require the at least partial software upgrade for subsequent distribution by the terminal servers to respective terminals of users identified to require the at least partial software upgrade; (e) identifying any terminal servers, following the provision of the at least partial software upgrade to which the at least partial software

upgrade has not yet been transferred; and (f) determining, in response to activation of a terminal associated with a terminal server, if the terminal server has been identified as a terminal server to which the at least partial software upgrade has not yet been transferred and, if so, providing the at least partial software upgrade to the terminal server.

61. Since at least the time of receiving the original complaint in this action, Defendant has also indirectly infringed one or more claims of the '762 patent by inducing others to directly infringe said claims. Defendant has induced end-users, including, but not limited to, Defendant's employees, partners, or contractors, to directly infringe, either literally or under the doctrine of equivalents, the '762 patent by providing or requiring use of the Accused Instrumentalities. Defendant took active steps, directly or through contractual relationships with others, with the specific intent to cause them to use the Accused Instrumentalities in a manner that infringes one or more claims of the '762 patent, including, for example, claim 1. Such steps by Defendant included, among other things, advising or directing personnel, contractors, or end-users to use the Accused Instrumentalities in an infringing manner; advertising and promoting the use of the Accused Instrumentalities in an infringing manner; or distributing instructions that guide users to use the Accused Instrumentalities in an infringing manner. Defendant is performing these steps, which constitute induced infringement with the knowledge of the '762 patent and with the knowledge that the induced acts constitute infringement. Defendant is aware that the normal and customary use of the Accused Instrumentalities by others would infringe the '762 patent. Defendant's inducement is ongoing. *See Ex. H.*

62. Defendant has also indirectly infringed by contributing to the infringement of the '762 patent. Defendant has contributed to the direct infringement of the '762 patent by their personnel, contractors, and customers. The Accused Instrumentalities have special features that are specially

designed to be used in an infringing way and that have no substantial uses other than ones that infringe one or more claims of the '762 patent, including, for example, claim 1. The special features constitute a material part of the invention of one or more of the claims of the '762 patent and are not staple articles of commerce suitable for substantial non-infringing use. Defendant's contributory infringement is ongoing. *See Ex. I.*

63. Defendant had knowledge of the '762 patent at least as of the date when they were notified of the filing of this action.

64. Furthermore, on information and belief, Defendant has a policy or practice of not reviewing the patents of others, including instructing its employees to not review the patents of others, and thus have been willfully blind of IOT Innovations' patent rights.

65. Defendant'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 Defendant.

66. IOT Innovations or its predecessors-in-interest have satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of one or more claims of the '762 patent.

67. IOT Innovations has been damaged as a result of the infringing conduct by Defendant alleged above. Thus, Defendant is liable to IOT Innovations in an amount that 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.

68. IOT Innovations has suffered irreparable harm, through its loss of market share and goodwill, for which there is no adequate remedy at law. IOT Innovations has and will continue to suffer this harm by virtue of Defendant's infringement of the '762 patent. Defendant's actions have interfered with and will interfere with IOT Innovations' ability to license technology. The

balance of hardships favors IOT Innovations' ability to commercialize its own ideas and technology. The public interest in allowing IOT Innovations to enforce its right to exclude outweighs other public interests, which supports injunctive relief in this case.

**COUNT IV: INFRINGEMENT OF U.S. PATENT NO. 7,983,282**

69. Plaintiff repeats and re-alleges the allegations in the Paragraphs above as though fully set forth in their entirety.

70. The USPTO duly issued U.S. Patent No. 7,983,282 (hereinafter, the "'282 patent") on July 19, 2011 after full and fair examination of Application No. 12/486,008 which was filed on June.17, 2009. *See Ex. D* at D-1. A Certificate of Correction was issued July 16, 2013. *See id.* at D-19.

71. IOT Innovations owns all substantial rights, interest, and title in and to the '282 patent, including the sole and exclusive right to prosecute this action and enforce it against infringers and to collect damages for all relevant times.

72. The claims of the '282 patent are not directed to an abstract idea and are not limited to well-understood, routine, or conventional activity. Rather, the claimed inventions include inventive components and functionalities that improve upon the function, operation, and security of communications devices and networks by personalizing a user experience across devices by using a personal digital gateway to communicate data associated with a common user to a plurality of communication devices.

73. The written description of the '282 patent describes in technical detail each limitation of the claims, allowing a skilled artisan to understand the scope of the claims and how the non-conventional and non-generic combination of claim limitations is patently distinct from and improved upon what may have been considered conventional or generic in the art at the time of

the invention.

74. Defendant has directly infringed one or more claims of the '282 patent by using, providing, supplying, or distributing the Accused Instrumentalities.

75. Defendant has directly infringed, either literally or under the doctrine of equivalents, at least claim 1 of the '282 patent.

76. For example, Defendant, using the Accused Instrumentalities, including but not limited to the SimpliSafe Base Station, Mobile App, Indoor Camera and Video Doorbell Pro (with Individual Camera Subscriptions and/or Interactive Monitoring), and a SimpliCam Subscription, performs a method, comprising: (a) identifying data associated with a common user of a personal digital gateway and of a plurality of communications devices; (b) receiving a selection of a communications device from the plurality of communications devices; (c) retrieving remote data from a selected communications device; and (d) forwarding the remote data to another one of the plurality of communications devices.

77. Since at least the time of receiving the original complaint in this action, Defendant has also indirectly infringed one or more claims of the '282 patent by inducing others to directly infringe said claims. Defendant has induced end-users, including, but not limited to, Defendant's employees, partners, or contractors, to directly infringe, either literally or under the doctrine of equivalents, the '282 patent by providing or requiring use of the Accused Instrumentalities. Defendant took active steps, directly or through contractual relationships with others, with the specific intent to cause them to use the Accused Instrumentalities in a manner that infringes one or more claims of the '282 patent, including, for example, claim 1. Such steps by Defendant included, among other things, advising or directing personnel, contractors, or end-users to use the Accused Instrumentalities in an infringing manner; advertising and promoting the use of the



Accused Instrumentalities in an infringing manner; or distributing instructions that guide users to use the Accused Instrumentalities in an infringing manner. Defendant is performing these steps, which constitute induced infringement with the knowledge of the '282 patent and with the knowledge that the induced acts constitute infringement. Defendant is aware that the normal and customary use of the Accused Instrumentalities by others would infringe the '282 patent. Defendant's inducement is ongoing. *See Ex. H.*

78. Defendant has also indirectly infringed by contributing to the infringement of the '282 patent. Defendant has contributed to the direct infringement of the '282 patent by their personnel, contractors, and customers. The Accused Instrumentalities have special features that are specially designed to be used in an infringing way and that have no substantial uses other than ones that infringe one or more claims of the '282 patent, including, for example, claim 1. The special features constitute a material part of the invention of one or more of the claims of the '282 patent and are not staple articles of commerce suitable for substantial non-infringing use. Defendant's contributory infringement is ongoing. *See Ex. I.*

79. Defendant had knowledge of the '282 patent at least as of the date when they were notified of the filing of this action.

80. Furthermore, on information and belief, Defendant has a policy or practice of not reviewing the patents of others, including instructing its employees to not review the patents of others, and thus have been willfully blind of IOT Innovations' patent rights.

81. Defendant'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 Defendant.

82. IOT Innovations or its predecessors-in-interest have satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of one

or more claims of the '282 patent.

83. IOT Innovations has been damaged as a result of the infringing conduct by Defendant alleged above. Thus, Defendant is liable to IOT Innovations in an amount that 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.

84. IOT Innovations has suffered irreparable harm, through its loss of market share and goodwill, for which there is no adequate remedy at law. IOT Innovations has and will continue to suffer this harm by virtue of Defendant's infringement of the '282 patent. Defendant's actions have interfered with and will interfere with IOT Innovations' ability to license technology. The balance of hardships favors IOT Innovations' ability to commercialize its own ideas and technology. The public interest in allowing IOT Innovations to enforce its right to exclude outweighs other public interests, which supports injunctive relief in this case.

**COUNT V: INFRINGEMENT OF U.S. PATENT NO. 8,972,576**

85. Plaintiff repeats and re-alleges the allegations in the Paragraphs above as though fully set forth in their entirety.

86. The USPTO duly issued U.S. Patent No. 8,972,576 (hereinafter, the "'576 patent") on March 3, 2015 after full and fair examination of Application No. 10/833,381 which was filed on April 28, 2004. *See Ex. E* at E-1.

87. IOT Innovations owns all substantial rights, interest, and title in and to the '576 patent, including the sole and exclusive right to prosecute this action and enforce it against infringers and to collect damages for all relevant times.

88. The claims of the '576 patent are not directed to an abstract idea and are not limited to well-understood, routine, or conventional activity. Rather, the claimed inventions include

inventive components and functionalities that improve upon the function, operation, and security communications devices and networks by employing an improved network protocol that enables the establishment of a known, persistent relationship between a mobile wireless device and a wireless network that allows the device to communicate over the network absent further configuration once the relationship has been established.

89. The written description of the '576 patent describes in technical detail each limitation of the claims, allowing a skilled artisan to understand the scope of the claims and how the non-conventional and non-generic combination of claim limitations is patently distinct from and improved upon what may have been considered conventional or generic in the art at the time of the invention.

90. Defendant has directly infringed one or more claims of the '576 patent by using, providing, supplying, or distributing the Accused Instrumentalities.

91. Defendant has directly infringed, either literally or under the doctrine of equivalents, at least claim 1 of the '576 patent.

92. For example, Defendant, using the Accused Instrumentalities, including but not limited to the SimpliSafe Base Station, SimpliSafe Server, and Mobile App, performs a method for establishing a relationship between a mobile device and a server in a network, comprising; (a) detecting the presence of the mobile device; (b) in response to determining that the mobile device is unrecognized, automatically notifying a network administrator; (c) in response to receiving authorization from the network administrator to establish the relationship, requesting authorization from the mobile device to authorize the establishment of the relationship; and (d) establishing the relationship between the mobile device and the network in response to receiving the authorization from the mobile device, such that no additional configuration is required by the mobile device to

communicate over the network once the relationship has been established.

93. Since at least the time of receiving the original complaint in this action, Defendant has also indirectly infringed one or more claims of the '576 patent by inducing others to directly infringe said claims. Defendant has induced end-users, including, but not limited to, Defendant's employees, partners, or contractors, to directly infringe, either literally or under the doctrine of equivalents, the '576 patent by providing or requiring use of the Accused Instrumentalities. Defendant took active steps, directly or through contractual relationships with others, with the specific intent to cause them to use the Accused Instrumentalities in a manner that infringes one or more claims of the '576 patent, including, for example, claim 1. Such steps by Defendant included, among other things, advising or directing personnel, contractors, or end-users to use the Accused Instrumentalities in an infringing manner; advertising and promoting the use of the Accused Instrumentalities in an infringing manner; or distributing instructions that guide users to use the Accused Instrumentalities in an infringing manner. Defendant is performing these steps, which constitute induced infringement with the knowledge of the '576 patent and with the knowledge that the induced acts constitute infringement. Defendant is aware that the normal and customary use of the Accused Instrumentalities by others would infringe the '576 patent. Defendant's inducement is ongoing. *See Ex. H.*

94. Defendant has also indirectly infringed by contributing to the infringement of the '576 patent. Defendant has contributed to the direct infringement of the '576 patent by their personnel, contractors, and customers. The Accused Instrumentalities have special features that are specially designed to be used in an infringing way and that have no substantial uses other than ones that infringe one or more claims of the '576 patent, including, for example, claim 1. The special features constitute a material part of the invention of one or more of the claims of the '576 patent

and are not staple articles of commerce suitable for substantial non-infringing use. Defendant's contributory infringement is ongoing. *See Ex. I.*

95. Defendant had knowledge of the '576 patent at least as of the date when they were notified of the filing of this action.

96. Furthermore, on information and belief, Defendant has a policy or practice of not reviewing the patents of others, including instructing its employees to not review the patents of others, and thus have been willfully blind of IOT Innovations' patent rights.

97. Defendant'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 Defendant.

98. IOT Innovations or its predecessors-in-interest have satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of one or more claims of the '576 patent.

99. IOT Innovations has been damaged as a result of the infringing conduct by Defendant alleged above. Thus, Defendant is liable to IOT Innovations in an amount that 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.

100. IOT Innovations has suffered irreparable harm, through its loss of market share and goodwill, for which there is no adequate remedy at law. IOT Innovations has and will continue to suffer this harm by virtue of Defendant's infringement of the '576 patent. Defendant's actions have interfered with and will interfere with IOT Innovations' ability to license technology. The balance of hardships favors IOT Innovations' ability to commercialize its own ideas and technology. The public interest in allowing IOT Innovations to enforce its right to exclude outweighs other public interests, which supports injunctive relief in this case.

**COUNT VI: INFRINGEMENT OF U.S. PATENT NO. 9,008,055**

101. Plaintiff repeats and re-alleges the allegations in the Paragraphs above as though fully set forth in their entirety.

102. The USPTO duly issued U.S. Patent No. 9,008,055 (hereinafter, the “’055 patent”) on April 14, 2015 after full and fair examination of Application No. 10/903,931 which was filed on July 29, 2004. *See Ex. F* at F-1.

103. IOT Innovations owns all substantial rights, interest, and title in and to the ’055 patent, including the sole and exclusive right to prosecute this action and enforce it against infringers and to collect damages for all relevant times.

104. The claims of the ’055 patent are not directed to an abstract idea and are not limited to well-understood, routine, or conventional activity. Rather, the claimed inventions include inventive components and functionalities that improve upon the function, operation, and security communications devices and networks by using services that are automatically employed once there is an established relationship between a device and a home network.

105. The written description of the ’055 patent describes in technical detail each limitation of the claims, allowing a skilled artisan to understand the scope of the claims and how the non-conventional and non-generic combination of claim limitations is patently distinct from and improved upon what may have been considered conventional or generic in the art at the time of the invention.

106. Defendant has directly infringed one or more claims of the ’055 patent by using, providing, supplying, or distributing the Accused Instrumentalities.

107. Defendant has directly infringed, either literally or under the doctrine of equivalents, at least claim 1 of the ’055 patent.

108. For example, Defendant, using the Accused Instrumentalities, including but not

limited to the SimpliSafe Base Station, SimpliSafe Server, CO Detectors, Sensors, Cameras, and Mobile App using push services, performs a method for automatically providing remote services for a mobile device having an established relationship with a server of a home network, comprising: (a) receiving, by the server, information that was stored in the mobile device when the established relationship was established when the mobile device establishes an Internet connection through a local network that is separate and remote from the home network, wherein establishing the established relationship includes allowing the user to set preferences that identifies at least one service that is automatically performed between the mobile device and the server when a connection is made; and (b) if the mobile device is recognized through the received information, automatically activating at least one function within the server to initiate a transfer of data between the mobile device and the server through the local network.

109. Since at least the time of receiving the original complaint in this action, Defendant has also indirectly infringed one or more claims of the '055 patent by inducing others to directly infringe said claims. Defendant has induced end-users, including, but not limited to, Defendant's employees, partners, or contractors, to directly infringe, either literally or under the doctrine of equivalents, the '055 patent by providing or requiring use of the Accused Instrumentalities. Defendant took active steps, directly or through contractual relationships with others, with the specific intent to cause them to use the Accused Instrumentalities in a manner that infringes one or more claims of the '055 patent, including, for example, claim 1. Such steps by Defendant included, among other things, advising or directing personnel, contractors, or end-users to use the Accused Instrumentalities in an infringing manner; advertising and promoting the use of the Accused Instrumentalities in an infringing manner; or distributing instructions that guide users to use the Accused Instrumentalities in an infringing manner. Defendant is performing these steps,

which constitute induced infringement with the knowledge of the '055 patent and with the knowledge that the induced acts constitute infringement. Defendant is aware that the normal and customary use of the Accused Instrumentalities by others would infringe the '055 patent. Defendant's inducement is ongoing. *See Ex. H.*

110. Defendant has also indirectly infringed by contributing to the infringement of the '055 patent. Defendant has contributed to the direct infringement of the '055 patent by their personnel, contractors, and customers. The Accused Instrumentalities have special features that are specially designed to be used in an infringing way and that have no substantial uses other than ones that infringe one or more claims of the '055 patent, including, for example, claim 1. The special features constitute a material part of the invention of one or more of the claims of the '055 patent and are not staple articles of commerce suitable for substantial non-infringing use. Defendant's contributory infringement is ongoing. *See Ex. I.*

111. Defendant had knowledge of the '055 patent at least as of the date when they were notified of the filing of this action.

112. Furthermore, on information and belief, Defendant has a policy or practice of not reviewing the patents of others, including instructing its employees to not review the patents of others, and thus have been willfully blind of IOT Innovations' patent rights.

113. Defendant'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 Defendant.

114. IOT Innovations or its predecessors-in-interest have satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of one or more claims of the '055 patent.

115. IOT Innovations has been damaged as a result of the infringing conduct by Defendant



alleged above. Thus, Defendant is liable to IOT Innovations in an amount that 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.

116. IOT Innovations has suffered irreparable harm, through its loss of market share and goodwill, for which there is no adequate remedy at law. IOT Innovations has and will continue to suffer this harm by virtue of Defendant's infringement of the '055 patent. Defendant's actions have interfered with and will interfere with IOT Innovations' ability to license technology. The balance of hardships favors IOT Innovations' ability to commercialize its own ideas and technology. The public interest in allowing IOT Innovations to enforce its right to exclude outweighs other public interests, which supports injunctive relief in this case.

#### **JURY DEMAND**

117. IOT Innovations hereby requests a trial by jury on all issues so triable by right.

#### **PRAYER FOR RELIEF**

118. IOT Innovations requests that the Court find in its favor and against Defendant, and that the Court grant IOT Innovations the following relief:

- a. Judgment that one or more claims of each of the Asserted Patents has been infringed, either literally or under the doctrine of equivalents, by Defendant or others acting in concert therewith;
- b. A permanent injunction enjoining Defendant and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in concert therewith from infringement of the '876 patent, the '102 patent, the '762 patent, the '282 patent, the '576 patent, and the '055 patent; or, in the alternative, an award of a reasonable ongoing royalty for future infringement of said patents by

such entities;

- c. Judgment that Defendant accounts for and pays to IOT Innovations all damages to and costs incurred by IOT Innovations because of Defendant's infringing activities and other conduct complained of herein;
- d. Judgment that Defendant's infringements be found willful as to the '876 patent, the '102 patent, the '762 patent, the '282 patent, the '576 patent, and the '055 patent and that the Court award treble damages for the period of such willful infringement pursuant to 35 U.S.C. § 284;
- e. Pre-judgment and post-judgment interest on the damages caused by Defendant's infringing activities and other conduct complained of herein;
- f. That this Court declare this an exceptional case and award IOT Innovations its reasonable attorneys' fees and costs in accordance with 35 U.S.C. § 285; and
- g. All other and further relief as the Court may deem just and proper under the circumstances.

Dated: February 17, 2023

Respectfully submitted,

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\*Admission *pro hac vice* anticipated

**List of Exhibits**

- A. U.S. Patent No. 7,209,876
- B. U.S. Patent No. 7,263,102
- C. U.S. Patent No. 7,526,762
- D. U.S. Patent No. 7,983,282
- E. U.S. Patent No. 8,972,576
- F. U.S. Patent No. 9,008,055
- G. Webpage: <https://simplisafe.com/>
- H. Webpage: <https://simplisafe.com/home-security-shop-packages>
- I. Webpage: <https://support.simplisafe.com>