

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF KENTUCKY**

DISCOVERY SCHOOLS, INC.,
a Florida Corporation,

Plaintiff,

v.

RADIO ID EQUIPMENT INC, d/b/a
CarRiderPro, a Kentucky Corporation,

Defendant.

CIVIL ACTION No.:

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff, DISCOVERY SCHOOLS , INC. (hereinafter “DISCOVERY SCHOOLS”), by and through the undersigned, hereby files this Complaint for patent infringement against RADIO ID EQUIPMENT INC., d/b/a CarRiderPro (hereinafter “RIDE”), and, in so doing, states as follows:

JURISDICTION, VENUE AND THE PARTIES

1. This is an action brought pursuant to the Patent Laws of the United States, 35 U.S.C. §§ 271, *et. seq.*
2. This Court has original jurisdiction pursuant to Title 28, United States Code, Sections 1331 and 1338, as this case involves patent infringement and federal questions arising under the Constitution, laws or treaties of the United States.
3. At all times material hereto, DISCOVERY SCHOOLS, a Florida corporation, had and has its principal address located in Fort Lauderdale, FL.
4. At all times material hereto, RIDE, a Kentucky corporation, has and had its

principal address located in Frankfort, KY.

5. This action arises as a result of the infringing conduct of RIDE, which implicates interstate commerce.

6. Venue is proper in the Eastern District of Kentucky pursuant to Title 28, United States Code, Section 1391(b) and (c) as RIDE “resides” in this judicial district, as the term “reside” is interpreted under Chapter 87, United States Code, and because a substantial part of the events giving rise to the infringement claims at issue occurred within this judicial district. Venue is also appropriate pursuant to Title 28, United States Code, Section 1400(b), which provides, in part, that “[a]ny civil action for patent infringement may be brought in the judicial district where the defendant resides”.

7. All conditions precedent have been met, waived, or satisfied to bring this lawsuit.

GENERAL ALLEGATIONS

8. DISCOVERY SCHOOLS, founded in 2009, provides management, marketing, human resources and operational assistance to K – 12 charter schools.

9. In 2010, Jon T. Rogers (“Mr. Rogers”), founder of DISCOVERY SCHOOLS, recognized the importance of coordinating the pick-up of school-aged children at the end of the school day by parents and other caregivers with students at school. Mr. Rogers sought to better organize dismissal of various students with incoming vehicular traffic, that is, to match student dismissals with parent or caregivers arriving in cars, trucks and other vehicles.

10. Mr. Rogers wanted a better way to dismiss school-aged children at the end of

the day and replace the somewhat chaotic procedure of having children stand near the drive-thru pick-up area while multitudes of cars and other vehicles congregated in essentially the same space on school grounds. He recognized that children of tender age sometimes do not follow instructions, and misunderstand traffic flow, patterns and controls. He also recognized that drivers, picking up children, were unduly distracted by the chaotic scene of children at the pick-up station or stations.

11. Mr. Rogers wanted to improve safety, both for the children and the adult drivers, and to assure that persons picking up these children were authorized to do so by the primary parent(s) or caregiver(s). Also, Mr. Rodgers sought to improve school-based dismissal monitoring systems then available in 2010-2012.

12. Given these issues, Mr. Rogers, in combination with Gordon Mackay, invented and developed a Driver/Parent Arrival Notification System and Method.

13. In summary, one of several now-patented inventions is a system to identify a driver or parent picking up with an associated student at school when the student may be in one or two classrooms (e.g., dismissal locations) at school. These dismissal locations have displays (e.g., display monitors) to announce the student's dismissal. The parent or driver's vehicle has a mobile code carrier (e.g., a card or tag) bearing a unique code. A code reader on the school campus identifies the unique code from the mobile code carrier when the vehicle enters the campus. The inventive system uses a computer-based system (e.g., with processors and data memory stores) connected to multiple displays at the dismissal location areas. The computer memory has a data structure (e.g., a database) associating the unique code data with

student ID data, the student's parent or guardian then arriving at school, and the student's location data (one student location of multiple classroom/dismissal locations) where the student may be present. Stated differently, the database has the unique code data, student ID data, and device/display location data for the student.

14. The inventive system receives the unique code from the code reader and searches the database memory to identify (a) the student, and (b) the location or locations where the student may be in school. The system then sends a predetermined message (e.g., "dismiss Student X") to the displays at the student's dismissal location or locations.

15. Mssrs. Rogers and Mackay filed their patent on March 29, 2012 and the U.S. Patent and Trademark Office ("USPTO") issued the patent on September 8, 2015, that is, U.S. Patent No. 9,129,239 entitled Driver/Parent Arrival Notification System and Method of Notification ("the '239 Patent"). A copy of the '239 Patent is attached hereto as **Exhibit "A1"**.

16. On April 3, 2012, Mssrs. Rogers and Mackay assigned the '239 Patent to DISCOVERY SCHOOLS. A copy of the Patent Assignment attached hereto as **Exhibit "B."**

17. An Ex Parte Reexamination Request was filed by RIDE in the USPTO on May 28, 2021 seeking reexamination of the '239 Patent.

18. After reexamination, the USPTO issued a Reexamination Certificate which: (a) confirmed the patentability of claims 1 – 17; (b) determined that claims 18 and 19 were patentable as amended in the Reexamination Certificate; and (c) claim 20, dependent upon a reexamined amended claim, was determined to be patentable. The Reexamination Certificate is attached hereto as **Exhibit "A2."**

19. The patented system is used by multiple schools in the controlled dismissal of thousands of students on a daily basis. Utilizing the system as described above, students are dismissed in a safe and orderly manner allowing for staff to supervise students exiting facilities for pickup. Staff are better able to ensure a safe student departure procedure because only students, associated with authorized drivers, are present in the dismissal area.

THE INFRINGEMENT

20. Sometime mid-2020, DISCOVERY SCHOOLS initiated an investigation of school-based student pick-up systems.

21. During its investigation, DISCOVERY SCHOOLS located RIDE's Automated Student Pickup System which RIDE brands under the name, CarRiderPro.

22. RIDE does business as CarRiderPro. *See Exhibit "C"*, attached.

23. Details of RIDE's CarRiderPro student pick-up system are explained online at <www.CarRiderPro.com>.

24. As required in the '239 Patent, in the CarRiderPro (hereinafter "CRP") system, each vehicle has a unique "encoded vehicle tag." **Exhibit "D,"** pg. 10, attached (excerpts from the "What is CarRiderPro" online video); *see also* Exh. D, pgs. 1-3.

25. In fact, CRP is described by RIDE as a computer-based system with an online server using a database memory store wherein the "encoded vehicle tags [] are assigned to each student ... and []cross referenced to parents or guardians that are responsible for their pickup after school each day." Exh. D, pg. 10.

26. The CRP system is further described by RIDE as "automatically detect[ing]

each tag as it enters the pickup zone and identif[ying] all students linked to it.” Exh. D, pg. 10; *see also* pgs. 2-5. The CRP system is described as using a code reader to detect the vehicle tag. Exh. D, pgs. 4-5.

27. The CRP system is identical or similar to DISCOVERY SCHOOLS’ patented system. For example, one of the inventive systems in the ‘239 Patent identifies the vehicle picking up one or more designated students at school. These designated students may be in one or more classrooms or dismissal locations. The driver’s vehicle has a mobile code carrier card or tag bearing a unique tag code. A code reader identifies the tag code from the tag when the vehicle enters the campus. This particular inventive system uses a computer database to match the tag code data, student ID data, the parent or guardian, and the device/display location data for the designated student(s) at school. *See* Independent Claims 1, 10, and 18 in the ‘239 Patent and Reexamination Certificate defining the Discovery Schools Patent.

28. After the CRP system identifies the tag code and the associated student or students, RIDE explains that the CRP system “displays each student's name on a Client computer display, in real time, in proper sequence with the vehicles in the pickup line.” Exh. D pg. 10; *see also* pgs. 6-8. RIDE further describes that the CRP system “allows school staff to utilize hand held devices such as tablet computers or smart phones to make on the fly additions or adjustments to the assemblage of students.” Exh. D pg. 10, *see also* pgs. 7-8 (multiple displays). These hand-held devices access the CRP database via telecommunication links. Exh. D pg. 10(client computer link). “A message is sent to the displays(s) in the school dismissal area, telling school teachers and staff ... to send the students out to their cars.” Exh.

D, pg. 11 (from CRP FaceBook), see also pgs. 6-8.

29. The video at <www.CarRiderPro.com> shows multiple dismissal locations having displays announcing the dismissal of one or more designated students.

30. Again, the CRP system is identical or similar to DISCOVERY SCHOOLS' patented system. For example, one of DISCOVERY SCHOOLS' inventive systems has the computer system connected to multiple displays at respective dismissal location areas. Operationally, the computer database matches tag code data with student(s) ID data, and device/display location data for the designated student(s) at school. In this DISCOVERY SCHOOLS' patented system, the dismissal locations (e.g., classrooms) have computer displays which announce the designated student's dismissal by sending a predetermined message (e.g., "dismiss Student X") to the designated displays at one or multiple dismissal locations.

31. Based on the foregoing, the RIDE CRP system directly infringes one or more claims in the '239 Patent. Alternatively, DISCOVERY SCHOOLS asserts that, at a bare minimum, RIDE infringes one or more of said claims of the '239 Patent under the doctrine of equivalents.

32. RIDE makes, sells and offers to sell its CRP system. *See* Exh. C, pgs. 1-2 (RIDE sales proposal).

33. RIDE induces its customers to practice the claimed invention in the '239 Patent by selling its CRP system and instructing its customers how to use the invention in the '239 Patent and thereby infringes one or more of said claims of the '239 Patent.

34. Due to RIDE's acts of infringement, DISCOVERY SCHOOLS has suffered and will continue to suffer economic damages from such infringing activity.

35. DISCOVERY SCHOOLS has been and will continue to be irreparably harmed by these continuing acts of infringement because compensatory damages are inadequate to compensate for DISCOVERY SCHOOLS.

36. As a result of RIDE's infringing conduct, DISCOVERY SCHOOLS has been required to engage the undersigned counsel to pursue its interests in this matter, and is obligated to pay the undersigned a reasonable attorneys' fee for their services, and to reimburse the undersigned for any costs incurred in connection with said representation.

COUNT I: WILLFUL PATENT INFRINGEMENT

37. DISCOVERY SCHOOLS realleges and reavers paragraphs one (1) through thirty-six (36) as if fully set forth herein.

38. This is an action for willful patent infringement pursuant to Title 35, United States Code, Section 271, of the United States Patent Act.

39. As more fully set forth above, RIDE has willfully infringed, and continues to willfully infringe, literally and/or under the doctrine of equivalents, Independent Claims 1, 10, and 18 of the '239 Patent and one or more dependent claims 2-9, 11-17, and 10 and 2, by making, using, inducing others to use, selling and offering to sell the accused CRP Automated Student Pickup System.

40. RIDE's willful actions have caused, and continue to cause, economic harm to DISCOVERY SCHOOLS.

41. RIDE's refusal to honor DISCOVERY SCHOOLS's exclusive patent rights has caused, and will continue to cause, irreparable harm.

42. DISCOVERY SCHOOLS has no adequate remedy at law, especially because the property at issue is intellectual property.

43. There is no remedy at law that can fully compensate DISCOVERY SCHOOLS for the deprivation of said patent rights.

WHEREFORE, Plaintiff DISCOVERY SCHOOLS, INC., by and through the undersigned, hereby respectfully demands judgment against Defendant RADIO ID EQUIPMENT, INC., for the full amount of damages sustained, including, but not limited to, any and all remedies available pursuant to the Patent Laws of the United States, 35 U.S.C. §§ 271, *et. seq.*, which include, but are not limited to, no less than a reasonable royalty award, lost profits, treble damages, costs, pre and post judgment interest at the maximum allowable rate, attorneys' fees, permanent injunction enjoining Defendant RADIO ID EQUIPMENT, INC., and all those in active concert and participation with RADIO ID EQUIPMENT, INC., from using, making, selling, marketing, distributing, transferring, or otherwise infringing on the claims of the '239 Patent, and such other and further relief this Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff DISCOVERY SCHOOLS, INC., a Florida corporation, hereby demands trial by jury of all issues so triable as a matter of law.

Dated this 10th day of May, 2023.

Respectfully Submitted,

/s/ Alexander D. Brown/

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