

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

VETRIX, LLC,

Plaintiff,

v.

ONSOLVE, LLC

Defendant.

Case No.:

**COMPLAINT FOR PATENT INFRINGEMENT**  
**AND DEMAND FOR JURY TRIAL**

Plaintiff Vetrix, LLC (“Plaintiff” or “Vetrix”) hereby brings this Complaint against OnSolve, LLC (“Defendant” or “OnSolve”), and alleges as follows:

**I. PARTIES**

1. Plaintiff Vetrix, LLC is a Colorado limited liability company having its principal place of business at 12440 Piney Lake Road, Parker, CO 80138.

2. OnSolve, LLC is a corporation organized and existing under the laws of Delaware, with a principal place of business at 780 West Granada Blvd, Ormond Beach, Florida 32174.

**II. JURISDICTION AND VENUE**

3. This action arises under the patent laws of the United States of America, 35 U.S.C. §§ 1 *et seq.* This Court has exclusive subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. This Court has general and specific personal jurisdiction over OnSolve, consistent with due process, because OnSolve maintains a principal place of business in this District.

5. Venue is proper in this District under 28 U.S.C. § 1400(b), which provides that “any civil action for patent infringement may be brought in the judicial district where the defendant resides, or where the defendant has committed acts of infringement and has a regular and established place of business.”

### **III. FACTUAL ALLEGATIONS UNDERLYING ALL CLAIMS**

6. The patent at issue in this matter arose from the pioneering work of Melani S. Hernoud, an accomplished innovator in the field of security operations. In her decades of work in security and incident response management, Ms. Hernoud has recognized the need to quickly identify and communicate with individuals in the proximity of an emergency such as a severe weather incident, terrorist attack, fire, or other threat.

7. On February 25, 2020, Vetrix, the assignee of the relevant intellectual property rights related to the work of Ms. Hernoud and her associate, Duran David Dunn, filed U.S. Patent Application No. 16/800,136 (“the ’136 Application”). The ’136 Application claims priority to U.S. Patent Application No. 61/158,130, filed on March 6, 2009.

8. After examination, the United States Patent and Trademark Office (“USPTO”) issued U.S. Patent No. 11,438,732 (“the ’732 Patent”), entitled “Systems and Methods for Mobile Tracking, Communications and Alerting” on September 6,

2022. Ms. Hernoud and Mr. Dunn are the sole named inventors of the '732 Patent. A true and correct copy of the '732 Patent is attached as **Exhibit 1**.

9. Vetrix is the owner by assignment of all right, title, and interest in and to the '732 Patent, including the right to recover past damages for infringement.

10. OnSolve is an event management company that provides products and services related to notifications of critical events. OnSolve makes (or has made), uses, sells, offers for sale, and/or imports in the United States, and has made, used, sold, offered for sale, and/or imported into the United States, products and services that infringe the '732 Patent. OnSolve's infringing products and services include, but are not limited to, OnSolve mass notification systems and all OnSolve products and services that operate in substantially the same manner with respect to the '732 Patent ("the Accused Products").

11. As shown in **Exhibit 2**, which is incorporated by reference as though fully set forth herein, the Accused Products meet each and every element of at least Claim 1 of the '732 Patent.

### **COUNT I - INFRINGEMENT OF THE '732 PATENT**

12. Vetrix repeats and re-alleges the allegations of the above paragraphs as if fully set forth herein.

13. OnSolve directly infringes and has directly infringed one or more claims of the '732 Patent without authority by making (or having made), using, selling, offering for sale, and/or importing the Accused Products. A detailed claim chart that

maps each element of at least one claim (Claim 1) of the '732 Patent against an exemplary Accused Product showing OnSolve's infringement (based on OnSolve's acts of making, using, selling, offering for sale and/or importing Accused Products) of the '732 Patent is attached as **Exhibit 2**.

14. OnSolve's acts of infringement have occurred within this District and elsewhere throughout the United States.

15. Vetrix has been damaged and will suffer additional damages due to OnSolve's infringement.

#### **IV. PRAYER FOR RELIEF**

WHEREFORE, Vetrix respectfully requests that the Court enter judgment as follows:

- A. Declaring that OnSolve has infringed the '732 Patent;
- B. Awarding damages in an amount to be proven at trial, but in no event less than a reasonable royalty, for OnSolve's infringement, including pre-judgment and post-judgment interest at the maximum rate permitted by law;
- C. Ordering an award of reasonable attorneys' fees against OnSolve to Vetrix as provided by 35 U.S.C. § 285 or other relevant law or provision;
- D. Awarding expenses, costs, and disbursements in this action against OnSolve to Vetrix, including prejudgment interest; and
- E. Awarding such other and further relief as the Court deems just and proper.

**V. DEMAND FOR JURY TRIAL**

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Vetrix hereby demands a trial by jury in this action of all claims so triable.

Dated: December 9, 2022

Respectfully submitted,

/s/ Thomas A. Zehnder  
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\*(Motions to appear pro hac vice forthcoming)

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