

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

OMEGA PATENTS, LLC,
a Georgia limited liability company,

Plaintiff,

vs.

VERIZON CONNECT, INC.,
a Delaware corporation, and
VERIZON COMMUNICATIONS,
INC., a Delaware corporation,

Defendants.

Case No.:

INJUNCTIVE RELIEF
REQUESTED

JURY TRIAL REQUESTED

COMPLAINT

Plaintiff Omega Patents, LLC, hereby files its Complaint against Defendants Verizon Telematics, Inc. and Verizon Communications, Inc., and alleges as follows:

PARTIES, JURISDICTION AND VENUE

1. Plaintiff Omega Patents, LLC (“Omega”) is a Georgia limited liability company.

2. Upon information and belief, Defendant Verizon Connect, Inc., fka Verizon Telematics, Inc. (“Verizon Connect”) is a Delaware corporation with an agent for service at 1209 Orange St., Wilmington, DE 19801.

3. Upon information and belief, Defendant Verizon Communications, Inc. (“Verizon Communication”) is a Delaware corporation with an agent for service at 1209 Orange St., Wilmington, DE 19801.

4. Upon information and belief Verizon Connect is a wholly owned subsidiary of Verizon Telecommunications.

5. Upon information and belief, Defendants regularly engage in marketing activities that promote the sale of products that infringe the patent-in-suit to customers and/or potential customers, including those located in Florida and in specifically in the Middle District of Florida. For example, the Hum+/HumX device discussed herein is available for sale at various Verizon retail locations, including at 4782 Millenia Plaza Way, Orlando, Florida.

6. This Court has jurisdiction over the subject matter of this action as to the Defendants pursuant to 28 U.S.C. §§ 1331 and 1338(a).

7. This Court has *in personam* jurisdiction as to Defendants because, upon information and belief, they are subject to both general and specific jurisdiction in this State. More particularly, Defendants are registered to do business in Florida and sell and offer to sell products that infringe one or more claims of Omega’s patent in this Judicial District.

8. Venue is proper in this judicial district pursuant to 28 U.S.C. §§1391 and 1400 because, among other things, Defendants are subject to personal jurisdiction in this judicial district, are registered to do business in Florida, and have purposely transacted business involving the accused products in this judicial district, including sales to one or more customers in Florida, and certain of the acts complained of herein occurred in this judicial district, in Florida and in the United States.

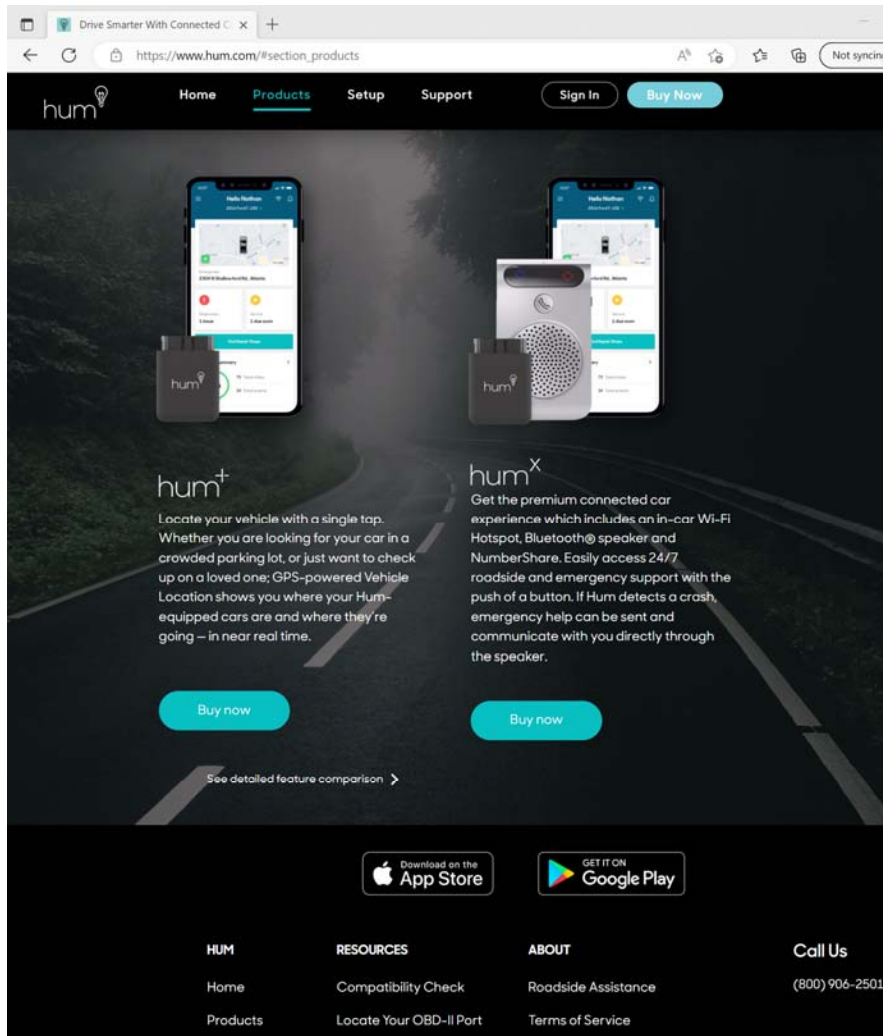
STATEMENT OF FACTS

9. On October 4, 2011, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 8,032,278 B2 (“the ‘278 Patent”). Omega is the sole and exclusive owner of the valid and enforceable ‘278 Patent, a copy of which is attached hereto as Exhibit A.

10. Kenneth E. Flick is the inventor of the Patent-in-Suit. Mr. Flick has assigned all of his rights to the inventions claimed in the Patent-in-Suit to Omega, which has owned them since the date of issuance and during the alleged infringement of Defendants.

11. Upon information and belief, Defendants manufacture, import, offer for sale and/or sell devices in the United States that directly or indirectly infringe upon one or more claims of the Patent-in-Suit. Verizon

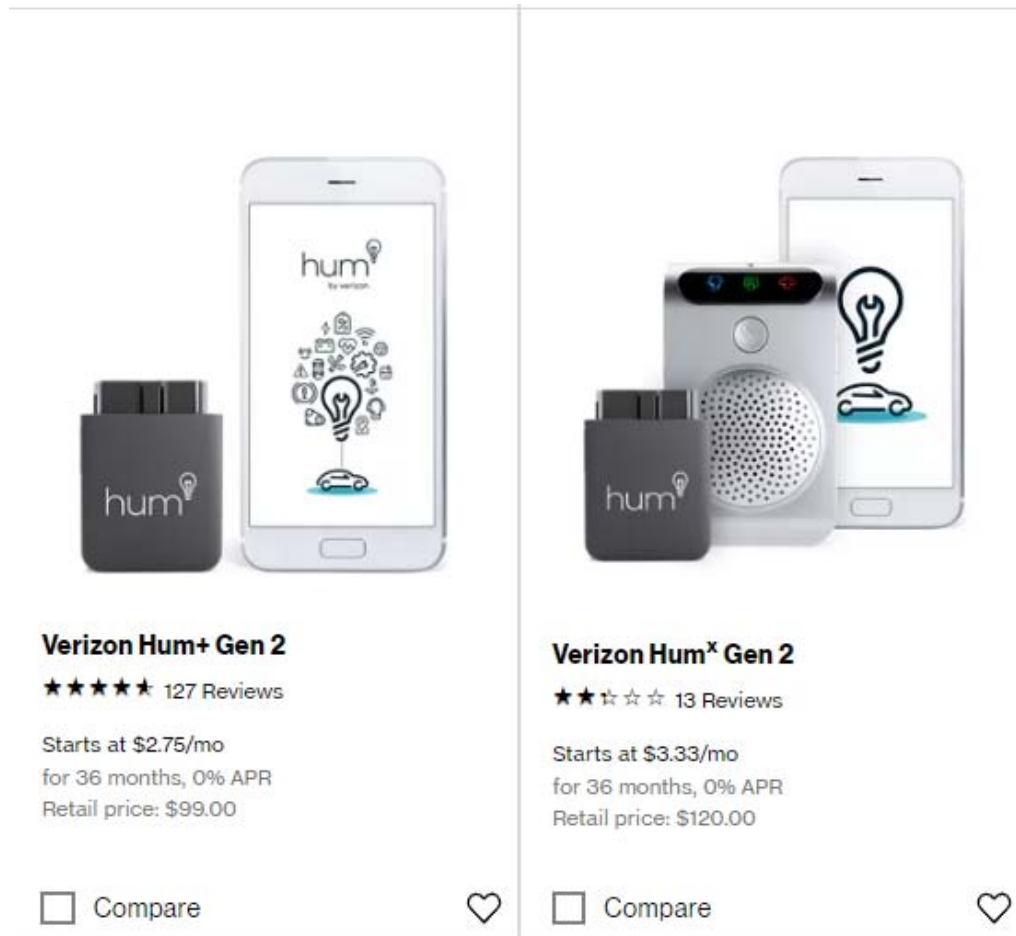
Connect promotes these products under the HUM brand on <https://www.hum.com/>, offering both the Hum+ and HumX:



12. Verizon Telecommunications promotes the same Hum+ and HumX products on <https://www.verizon.com/connected-devices/verizon/>:

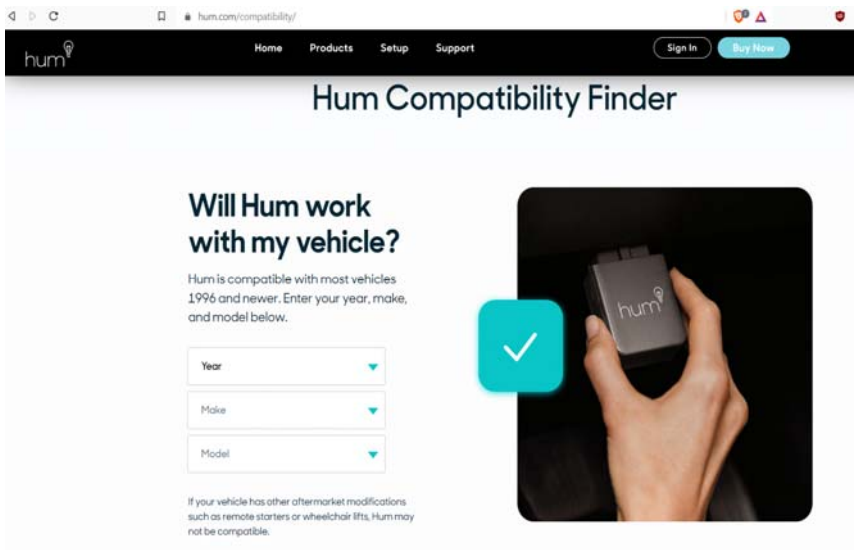
The screenshot shows the Verizon website's 'Shop Verizon connected devices' page. The browser address bar shows the URL 'https://www.verizon.com/connected-devices/verizon/'. The page features a navigation bar with 'Shop', 'Why Verizon', and 'Support' options. Below the navigation, there are filters for device brands (All, Apple, Samsung, Verizon, Google, Arlo, Fossil) and a 'Sort by: Featured' dropdown. A grid of seven product cards is displayed, each with an image, title, star rating, number of reviews, and pricing information. Two cards, 'Verizon Hum+ Gen 2' (one showing the device and another showing it with a smartphone), are highlighted with a red rectangular box. Below the product grid is an email sign-up form with the text 'Stay connected to our products and deals.' and a 'Sign up' button. At the bottom of the page is a dark footer with four columns of links: 'Shop' (Devices, Accessories, Plans, Home Internet & TV, Deals, TracFone), 'Top Device Brands' (Samsung, Apple, Motorola, Google, Amazon), 'Support' (Support overview, Return policy, Contact us, Sign in, Download My Verizon App, Lifeline), and 'About Verizon' (About us, Careers, News, Responsibility, Verizon Innovative Learning, Consumer info, Articles). A 'Chat with us' button is located in the bottom right corner of the footer.

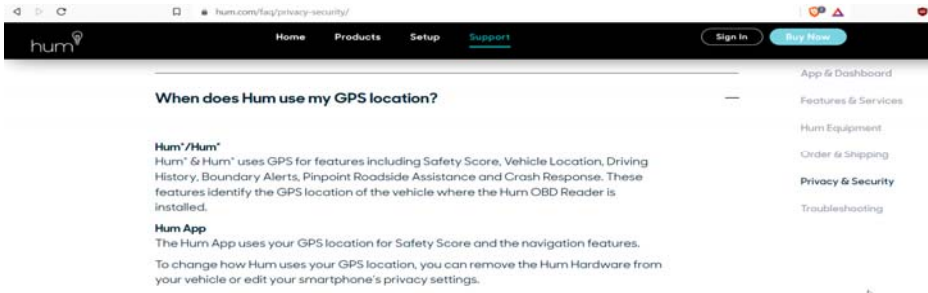
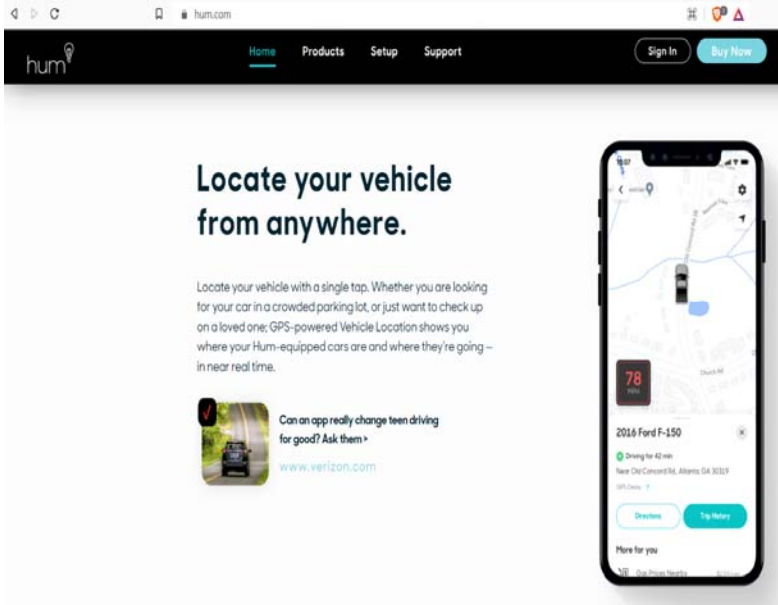
Product Name	Star Rating	Reviews	Starts at	Retail Price
Verizon GizmoWatch Disney Edition	★★★★	132	\$5.55/mo	\$159.99
Verizon GizmoWatch 2	★★★★	626	\$2.77/mo	\$99.99
Verizon Care Smart watch	★★★★	52	\$4.16/mo	\$149.99
Verizon Wireless Home Phone	★★★★	464	\$2.77/mo	\$99.99
Verizon Hum+ Gen 2	★★★★	127	\$2.76/mo	\$99.00
Verizon Hum+ Gen 2	★★★★	13	\$3.33/mo	\$120.00
Verizon Smart Locator	★★★★	27	\$99.99	



13. Defendants' Hum products are multi-vehicle compatible devices designed to provide vehicle tracking and interface and communicate on the vehicle's bus. Hum products include both a cellular transceiver and a GPS receiver and send vehicle position information to a user or a monitoring station accessed by users.

14. The below chart shows Defendants and their customers infringing at least Claim 1 of the '278 Patent:

<u>U.S. PATENT 8,032,278</u>	
OMEGA PATENT CLAIM	INFRINGING HUM PRODUCTS
<p>1. A multi-vehicle compatible tracking unit for a vehicle comprising a vehicle data bus extending throughout the vehicle, the multi-vehicle compatible tracking unit comprising:</p>	<p>The Hum+/HumX is a multi-vehicle compatible tracking unit for a vehicle comprising a vehicle data bus extending throughout the vehicle.</p> <p>https://www.hum.com/compatibility/ shows all the different make model and year of the cars that are supported by the multi-vehicle compatible products.</p>  <p>To provide multi-vehicle capability, the accused products transmit both 11bit and 29bit ID diagnostic messages.</p>
<p>a vehicle position determining</p>	<p>The Hum+/HumX each includes a vehicle position determining device.</p>

U.S. PATENT 8,032,278	
OMEGA PATENT CLAIM	INFRINGING HUM PRODUCTS
<p>device;</p>	 <p>1</p>
<p>a wireless communications device;</p>	 <p>2</p>
<p>a wireless communications device;</p>	<p>The Hum+/HumX each includes a wireless communication device, that is, cellular circuitry providing LTE Connectivity.</p> <p>The FCC ID is the same for both devices.</p>

¹ <https://www.hum.com/faq/getting-started/>

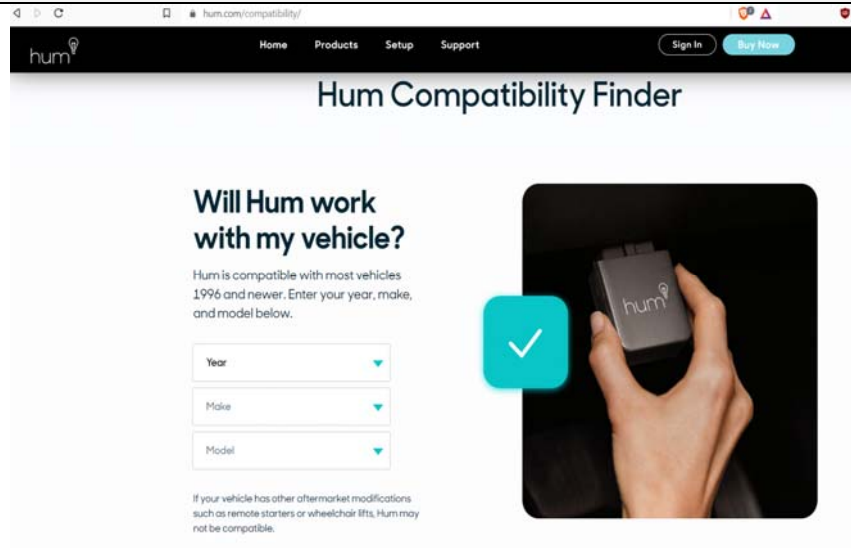
² <https://www.hum.com/>

U.S. PATENT 8,032,278																													
OMEGA PATENT CLAIM	INFRINGING HUM PRODUCTS																												
	<p>FCC ID: ZOQVT-410 Grantee Code: ZOQ</p> <p>From the operational description filing with the FCC, each has support for 3G (WCDMAII and WCDMA V), LTE and Bluetooth for wireless communication.</p> <div style="border: 1px solid black; padding: 5px;"> <p>2.4 Antenna Gain</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">Antenna Type</th> <th style="text-align: center;">Frequency Band (MHz)</th> <th style="text-align: center;">Antenna Gain (dBi)</th> </tr> </thead> <tbody> <tr> <td rowspan="14" style="text-align: center; vertical-align: middle;">Metal</td> <td>WCDMA II 1852.4-1907.6</td> <td style="text-align: center;">2.49</td> </tr> <tr> <td>WCDMA V 826.4-846.6</td> <td style="text-align: center;">1.1</td> </tr> <tr> <td>LTE 2 1850.7-1909.3</td> <td style="text-align: center;">2.49</td> </tr> <tr> <td>LTE 4 1710.7-1754.3</td> <td style="text-align: center;">1.1</td> </tr> <tr> <td>LTE 5 824.7-846.5</td> <td style="text-align: center;">1.1</td> </tr> <tr> <td>LTE 12 699.7-715.3</td> <td style="text-align: center;">1.3</td> </tr> <tr> <td>LTE 13 779.5-784.5</td> <td style="text-align: center;">2.2</td> </tr> <tr> <td>LTE 17 706.5-713.5</td> <td style="text-align: center;">1.3</td> </tr> <tr> <td>2412-2462</td> <td style="text-align: center;">0.15</td> </tr> <tr> <td>5180-5240</td> <td style="text-align: center;">4.26</td> </tr> <tr> <td>5745-5825</td> <td style="text-align: center;">4.26</td> </tr> <tr> <td>Bluetooth 2402-2480</td> <td style="text-align: center;">0.15</td> </tr> </tbody> </table> </div>	Antenna Type	Frequency Band (MHz)	Antenna Gain (dBi)	Metal	WCDMA II 1852.4-1907.6	2.49	WCDMA V 826.4-846.6	1.1	LTE 2 1850.7-1909.3	2.49	LTE 4 1710.7-1754.3	1.1	LTE 5 824.7-846.5	1.1	LTE 12 699.7-715.3	1.3	LTE 13 779.5-784.5	2.2	LTE 17 706.5-713.5	1.3	2412-2462	0.15	5180-5240	4.26	5745-5825	4.26	Bluetooth 2402-2480	0.15
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	<p>a multi-vehicle compatible controller for cooperating with said vehicle position determining device and said wireless communications device to send vehicle position information;</p>	<p>The Hum+/HumX each includes a multi-vehicle compatible controller for cooperating with said vehicle position determining device and said wireless communications device to send vehicle position information.</p> <p>https://www.hum.com/compatibility/ shows all the different make model and year of the cars that are supported by the multi-vehicle compatible products.</p>																											

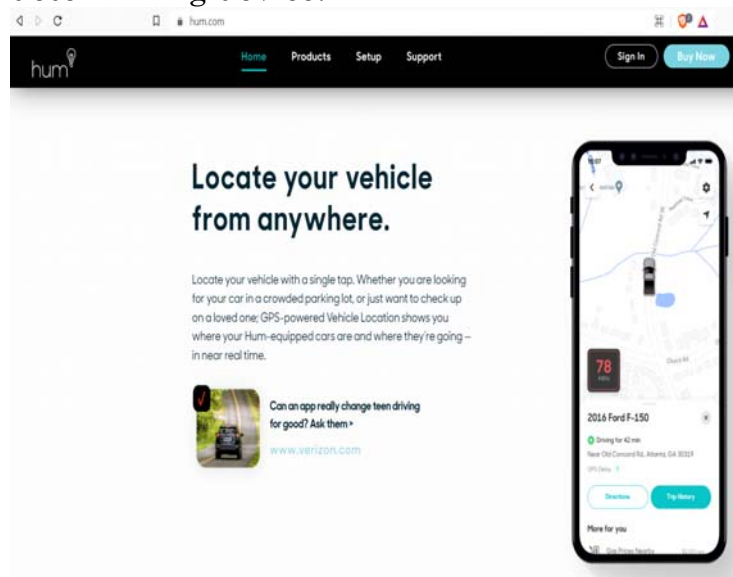
U.S. PATENT 8,032,278

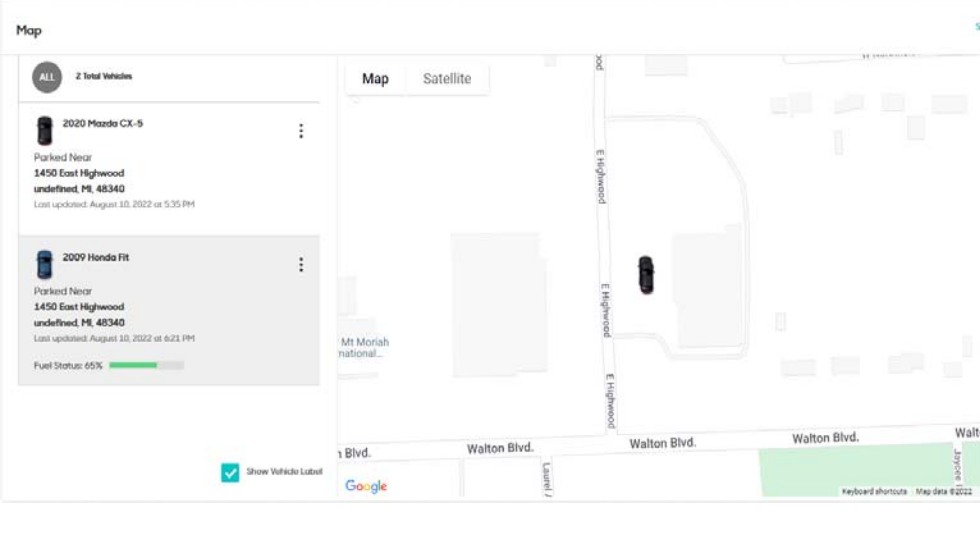
**OMEGA
PATENT CLAIM**

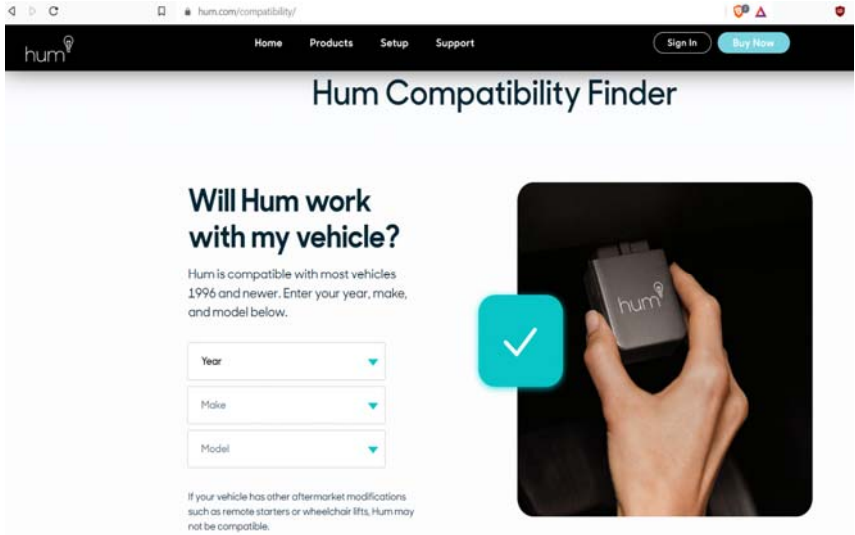
INFRINGEMENT HUM PRODUCTS



<https://www.hum.com/> demonstrates the ability to send vehicle position information via the wireless communications device based on the vehicle position determining device.



U.S. PATENT 8,032,278	
OMEGA PATENT CLAIM	INFRINGING HUM PRODUCTS
	
<p>said multi-vehicle compatible controller to be coupled to the vehicle data bus for communication thereover with at least one vehicle device using at least one corresponding vehicle device code from among a plurality thereof for different vehicles; and</p>	<p>The Hum+/HumX each includes a multi-vehicle compatible controller to be coupled to the vehicle data bus for communication thereover with at least one vehicle device using at least one corresponding vehicle device code from among a plurality thereof for different vehicles. The Hum+/HumX can communicate over the vehicle data bus via the OBD II port, as instructed at https://www.verizon.com/support/hum-by-verizon-support-video/:</p> <p>“First, locate your vehicle's OBD II port, which is normally located under the driver's side dash. With your vehicle turned off, plug the Hum OBD Reader into the OBD II port.”</p> <p>The at least one vehicle device with which the Hum+/HumX can communicate using at least one corresponding vehicle device code from among a plurality thereof for different vehicles is an ECM/BCM. The data that can be accessed via</p>

<u>U.S. PATENT 8,032,278</u>	
OMEGA PATENT CLAIM	INFRINGING HUM PRODUCTS
	the OBD II includes status information diagnostics trouble codes ³
a downloading interface for permitting downloading of enabling data related to the at least one corresponding vehicle device code for use by said multi-vehicle compatible controller.	<p>The Hum+/HumX use a downloading interface of the device for permitting downloading of enabling data related to the at least one corresponding vehicle device code for use by said multi-vehicle compatible controller.</p> <p>https://www.hum.com/compatibility/ shows all the different make model and year of the cars that are supported by the multi-vehicle compatible products.</p>  <p>For example, the Hum+/HumX includes both a physical USB connection and a wireless interface, both of which provide a downloading interface for permitting downloading of enabling data related to the at least one corresponding vehicle device code for use by said multi-vehicle compatible controller.</p>

³ <https://www.verizon.com/solutions-and-services/hum/>

15. Upon information and belief, Defendants are aware of the Patent-in-Suit. Defendants are also liable for the infringement of the Patent-in-Suit by their customers, as Defendants actively induce and contribute to acts of their customers they knew were infringing or were willfully blind to the infringing nature of the acts by virtue of enabling such acts through use of remote transmitters (e.g. cellular phones) owned by the customers.

COUNT I
Action for Direct Infringement of the Patent-in-Suit

16. Count I is an action by Omega against Defendants for monetary damages and injunctive relief for direct infringement of the Patent-in-Suit.

17. Omega herein restates and reincorporates into this Count the allegations of Paragraphs 1 through 15 herein.

18. Upon information and belief, Defendants manufacture, import, offer for sale and/or sell products in the United States and in this Judicial District that directly infringe one or more claims of the Patent-in-Suit as set forth in the claim charts above.

19. Omega is entitled to compensatory damages and injunctive relief for Defendants' infringing activities and any ongoing sales thereafter.

20. Upon information and belief, Defendants lack justifiable belief that there is no infringement or that the infringed claims are invalid and

have acted with deliberate and malicious intent in its infringing activity. To the extent Defendants were or are now aware of their infringement, it is willful and Omega is entitled to an award of exemplary damages, attorneys' fees, and costs in bringing this action.

COUNT II
Action for Indirect Infringement of the Patent-in-Suit

21. Count II is an action by Omega against Defendants for monetary damages and injunctive relief for indirect infringement of the Patent-in-Suit.

22. Omega herein restates and reincorporates into this Count the allegations of Paragraphs 1 through 15 herein.

23. Defendants' customers directly infringe the Patent-in-Suit by installing and using the systems identified above, as encouraged, promoted and instructed by Defendants. In particular, Defendants specifically instruct customers to install the Hum+/HumX device in their vehicle via the OBD II port, shown here: <https://www.verizon.com/support/hum-by-verizon-support-video/>.

24. Upon information and belief, Defendants took action during the time the Patent-in-Suit has been in force intending to encourage or assist actions by installers and customers.

25. Upon information and belief, Defendants were or are aware of the Patent-in-Suit and knew that the acts by installers and customers, if taken, would constitute infringement of one or more claims of the Patent-in-Suit or Defendants believed there was a high probability that the acts, if taken, would constitute infringement of one or more claims of the Patent-in-Suit but deliberately avoided confirming that belief.

26. Upon information and belief, Defendants are on notice of its infringement of one or more of the claims of the Patent-in-Suit, yet they have continued to sell products that infringe to customers.

27. With knowledge of, or a willful blindness to, the Patent-in-Suit, Defendants encouraged installers and customers to infringe the Patent-in-Suit through installation and use of the accused systems in vehicles.

28. Upon information and belief, Defendant offers to sell, sells and/or imports the Hum+/HumX device, which is especially made and especially adapted for use to infringe the '278 patent and for which there are not suitable uses that are substantially noninfringing.

29. Omega is entitled to compensatory damages and injunctive relief for Defendants' infringing activities and any ongoing sales thereafter.

30. Omega has suffered damages as a result of Defendants' induced infringement.

Wherefore, Plaintiff Omega prays this Honorable Court enter such preliminary and final orders and judgments as are necessary to provide Omega with the following requested relief:

A. A finding that Defendant is liable for infringement of the Patent-in-Suit;

B. A permanent injunction enjoining Defendant from infringing the Patent-in-Suit;

C. An award of damages against Defendant under 35 U.S.C. §284 in an amount adequate to compensate Omega for Defendants' infringement, but in no event less than a reasonable royalty for the use made by Defendants of the inventions set forth in the Patent-in-Suit;

D. An award against Defendant for enhanced damages under 35 U.S.C. §284, an award of costs and attorneys' fees under 35 U.S.C. § 285; and

E. Such other and further relief as this Court deems just and proper.

JURY TRIAL REQUEST

Omega requests a trial by jury as to all matters so triable.

Respectfully submitted this December 20, 2022.

/s/ Ryan T. Santurri

Brian R. Gilchrist

Florida Bar No. 774065

bgilchrist@allendyer.com

Ryan T. Santurri

Florida Bar No. 015698

rsanturri@allendyer.com

Allen, Dyer, Doppelt + Gilchrist, P.A.

255 South Orange Avenue, Suite 1401

Post Office Box 3791

Orlando, Florida 32802-3791

Telephone: 407-841-2330

Facsimile: 407-841-2343

Attorneys for Plaintiff

Omega Patents, LLC