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For Plaintiff FLEET CONNECT SOLUTIONS LLC

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

FLEET CONNECT SOLUTIONS LLC,

Plaintiff,

v.

MOTIVE TECHNOLOGIES, INC. f/k/a
KEEP TRUCKIN, INC.,

Defendant.

Case No. 3:23-cv-00757

**COMPLAINT FOR PATENT
INFRINGEMENT**

Jury Trial Demanded

1 Plaintiff Fleet Connect Solutions LLC (“FCS” or “Plaintiff”) files this Complaint against
 2 Motive Technologies, Inc. f/k/a Keep Truckin, Inc. (“Motive” or “Defendant”) alleging, based on its
 3 own knowledge as to itself and its own actions, and based on information and belief as to all other
 4 matters, as follows:

5 NATURE OF THE ACTION

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

	U.S. Patent No.	Title
10 A.	7,058,040 (the “’040 patent”)	Channel Interference Reduction
11 B.	7,656,845 (the “’845 patent”)	Channel Interference Reduction
12 C.	7,747,291 (the “’291 patent”)	Wireless Communication Method
13 D.	8,494,581 (the “’581 patent”)	System And Methods For Management Of Mobile Field Assets Via Wireless Handheld Devices
14 E.	6,961,586 (the “’586 patent”)	Field Assessments Using Handheld Data Management Devices

15
 16
 17 2. FCS seeks injunctive relief and monetary damages.

18 PARTIES

19 3. Plaintiff is a limited liability company formed under the laws of Texas with its registered
 20 office address located in Austin, Texas.

21 4. Motive is a limited liability company organized and existing under the laws of the State
 22 of Delaware.

23 5. Motive has its principal place of business at 55 Hawthorne Street, Suite 400, San
 24 Francisco, California 94105.

25 JURISDICTION AND VENUE

26 6. FCS repeats and re-alleges the allegations in the Paragraphs above as though fully set
 27 forth in their entirety.

28 7. This is an action for infringement of a United States patent arising under 35 U.S.C. §§

1 271, 281, and 284–285, among others. This Court has subject matter jurisdiction of the action under
2 28 U.S.C. § 1331 and § 1338(a).

3 8. Venue is proper against Defendant in this District pursuant to 28 U.S.C. § 1400(b)
4 because it has maintained established and regular places of business in this District and has committed
5 acts of patent infringement in the District.

6 9. Defendant is subject to this Court’s specific and general personal jurisdiction under due
7 process and/or the California Long Arm Statute due at least to Defendant’s substantial business in
8 this judicial district, including: (i) At least a portion of the infringements alleged herein; and (ii)
9 regularly doing or soliciting business, engaging in other persistent courses of conduct, or deriving
10 substantial revenue from goods and services provided to individuals in California and in this District.

11 10. Specifically, Defendant intends to do and does business in, has committed acts of
12 infringement in, and continues to commit acts of infringement in this District directly, and offers its
13 services, including those accused of infringement here, to customers and potential customers located
14 in California, including in this District.

15 11. Defendant maintains regular and established places of business in this District.

16 12. Defendant commits acts of infringement in this District, including, but not limited to, use
17 of the Accused Instrumentalities identified below.

18 **THE ACCUSED INSTRUMENTALITIES**

19 13. FCS repeats and re-alleges the allegations in the Paragraphs above as though fully set
20 forth in their entirety.

21 1001. Defendant offers at least the following products (hereinafter, the “Accused
22 Instrumentalities”) that infringe one or more claims of the Patents-in-Suit under the brand name
23 “Motive” and/or “Keep Truckin”:

- 24 • Motive/KeepTruckin Asset Tracking System;
- 25 • Motive/KeepTruckin Asset Gateway;
- 26 • Motive/KeepTruckin Asset Gateway Dashboard;
- 27 • Motive/KeepTruckin Vehicle Gateway;
- 28 • Motive/KeepTruckin C-ELD and ELD;

- 1 • Motive/KeepTruckin GPS Tracking Application;
- 2 • Motive/KeepTruckin app, and associated hardware and software; and
- 3 • Other substantially similar products and services offered by Motive in the past or the future.

4 *See* **Exhibit F, Exhibit G, Exhibit H, Exhibit I.**

5 14. Defendant uses the Accused Instrumentalities to perform wireless communications and
6 methods associated with performing and/or implementing wireless communications including, but
7 not limited to, wireless communications and methods pursuant to various communication standards,
8 protocols, and implementations, including, but not limited to, LTE 4G/5G, Bluetooth/IEEE 802.15,
9 and IEEE 802.11 protocols and various subsections thereof (*e.g.*, 802.11ac and 802.11n). *See* **Exhibit**
10 **J, Exhibit K.**

11 15. The wireless communications performed and/or implemented by Defendant using, *e.g.*,
12 the Accused Instrumentalities, among other things, generates and transmits packets for wireless
13 communications and communicate data via a plurality of wireless transceivers using a plurality of
14 wireless protocols, and encode data pursuant to one or more of those wireless protocols. *See id.*

15 16. The wireless communications perform and/or implemented by the Accused
16 Instrumentalities, among other things, transmit data over various media and in overlapping
17 frequencies, compute time slot channels, generate packets for network transmissions, perform or
18 cause to be performed error estimation in orthogonal frequency division multiplexed (“OFDM”)
19 receivers, and various methods of processing OFDM symbols. *See id.*

20 17. The Accused Instrumentalities track or cause to be tracked vehicle and cargo locations
21 and hours of service, among other information. *See id.*

22 18. Motive offers its users and customers information to assist in its operation of the Accused
23 Instrumentalities. *See* **Exhibit L**; *see also* Ex. J.

24 19. Motive offers apps for use with its products through Google Play and the Apple Store.
25 *See* **Exhibit M, Exhibit N.**

26 20. By way of a letter to Defendant dated August 27, 2020, FCS described its patent portfolio
27 and provided claim charts of a number of its patents comparing representative claims to Defendant’s
28 products. Claim charts for three of the Asserted Patents (’040 patent, ’845 patent, and ’291 patent)

1 were included in this letter (the “FCS Letter”).

2 **COUNT I: INFRINGEMENT OF U.S. PATENT NO. 7,058,040**

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

5 22. The USPTO duly issued the ’040 patent on June 6, 2006. A true and correct copy of the
6 ’040 patent is attached as **Ex. A**.

7 23. FCS owns all substantial rights, interest, and title in and to the ’040 patent, including the
8 sole and exclusive right to prosecute this action and enforce the ’040 patent against infringers and to
9 collect damages for all relevant times.

10 24. The claims of the ’040 patent are not directed to an abstract idea and are not limited to
11 well-understood, routine, or conventional activity. Rather, the claimed inventions include inventive
12 components that improve upon the function and operation of preexisting methods of transmitting data
13 over media having overlapping frequencies.

14 25. The written description of the ’040 patent describes in technical detail each limitation of
15 the claims, allowing a skilled artisan to understand the scope of the claims and how the non-
16 conventional and non-generic combination of claim limitations is patently distinct from and improved
17 upon what may have been considered conventional or generic in the art at the time of the invention.

18 26. Defendant has directly infringed the ’040 patent by using, providing, supplying, or
19 distributing the Accused Instrumentalities.

20 27. Defendant has directly infringed, either literally or under the doctrine of equivalents, at
21 least claim 1 of the ’040 patent.

22 28. For example, Defendant uses the Accused Instrumentalities to perform a method for data
23 transmission over first and second media that overlap in frequency. The method includes computing
24 one or more time division multiple access (TDMA) time-slot channels to be shared between the first
25 and second media for data transmission, allocating one or more time-slot channels to the first medium
26 for data transmission, allocating one or more of the remaining time-slot channels to the second
27 medium for data transmission; and dynamically adjusting a number of time-slot channels assigned to
28 one of the first and second media during the data transmission to remain within limits of a desired

1 level of service.

2 29. Since at least the time of receiving the FCS Letter in August of 2020, Defendant has also
3 indirectly infringed one or more claims of the '040 patent by inducing others to directly infringe said
4 claims. Defendant has induced end-users, including, but not limited to, its employees, partners, or
5 contractors, to directly infringe, either literally or under the doctrine of equivalents, the '040 patent
6 by providing or requiring use of the Accused Instrumentalities. Defendant took active steps, directly
7 or through contractual relationships with others, with the specific intent to cause them to use the
8 Accused Instrumentalities in a manner that infringes one or more claims of the '040 patent, including,
9 for example, Claim 1. Such steps by Defendant included, among other things, advising or directing
10 personnel, contractors, or end-users to use the Accused Instrumentalities in an infringing manner;
11 advertising and promoting the use of the Accused Instrumentalities in an infringing manner; or
12 distributing instructions that guide users to use the Accused Instrumentalities in an infringing manner.
13 Defendant performed these steps, which constitute induced infringement with the knowledge of the
14 '040 patent and with the knowledge that the induced acts constitute infringement. Defendant was
15 aware that the normal and customary use of the Accused Instrumentalities by others would infringe
16 the '040 patent. Motive's inducement is ongoing. *See* Ex. J, Ex. K, Ex. L.

17 30. Since at least the time of receiving the FCS Letter in August of 2020, Defendant has also
18 indirectly infringed by contributing to the infringement of the '040 patent. Defendant has contributed
19 to the direct infringement of the '040 patent by its personnel, contractors, and customers. The
20 Accused Instrumentalities have special features that are specially designed to be used in an infringing
21 way and that have no substantial uses other than ones that infringe one or more claims of the '040
22 patent, including, for example, Claim 1. The special features constitute a material part of the
23 invention of one or more of the claims of the '040 patent and are not staple articles of commerce
24 suitable for substantial non-infringing use. *See* Ex. M, Ex. N.

25 31. Defendant has had knowledge of the '040 Patent since at least the time it received the
26 FCS Letter in August of 2020, when it was provided with a chart comparing one of more of the
27 Accused Instrumentalities to a claim of the '040 patent.

28 32. Furthermore, on information and belief, Defendant has a policy or practice of not

1 reviewing the patents of others, including instructing its employees to not review the patents of others,
2 and thus have been willfully blind of FCS's patent rights.

3 33. Defendant's actions are at least objectively reckless as to the risk of infringing a valid
4 patent and this objective risk was either known or should have been known by Defendant.

5 34. Defendant's infringement of the '040 patent is, has been, and continues to be willful,
6 intentional, deliberate, or in conscious disregard of FCS's rights under the patent.

7 35. FCS has suffered irreparable harm, through its loss of market share and goodwill, for
8 which there is no adequate remedy at law. FCS has and will continue to suffer this harm by virtue of
9 Defendant's infringement of the '040 patent. Defendant's actions have interfered with and will
10 interfere with FCS's ability to license technology. The balance of hardships favors FCS's ability to
11 commercialize its own ideas and technology. The public interest in allowing FCS to enforce its right
12 to exclude outweighs other public interests, which supports injunctive relief in this case.

13 36. FCS has been damaged as a result of the infringing conduct by Defendant alleged above.
14 Defendant is liable to FCS in an amount that compensates it for such infringements, which by law
15 cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under
16 35 U.S.C. § 284.

17 37. FCS or its predecessors-in-interest have satisfied all statutory obligations required to
18 collect pre-filing damages for the full period allowed by law for infringement of the '040 patent.

19 **COUNT II: INFRINGEMENT OF U.S. PATENT NO. 7,656,845**

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

22 39. The USPTO duly issued the '845 patent on February 2, 2010. A true and correct copy of
23 the '845 patent is attached as **Ex. B**.

24 40. FCS owns all substantial rights, interest, and title in and to the '845 patent, including the
25 sole and exclusive right to prosecute this action and enforce the '845 patent against infringers and to
26 collect damages for all relevant times.

27 41. The claims of the '845 patent are not directed to an abstract idea and are not limited to
28 well-understood, routine, or conventional activity. Rather, the claimed inventions include inventive

1 components that improve upon the function and operation of preexisting data transmission methods
2 using dynamic adjustment of data channels.

3 42. The written description of the '845 patent describes in technical detail each limitation of
4 the claims, allowing a skilled artisan to understand the scope of the claims and how the non-
5 conventional and non-generic combination of claim limitations is patently distinct from and improved
6 upon what may have been considered conventional or generic in the art at the time of the invention.

7 43. Defendant has directly infringed the '845 patent by using, providing, supplying, or
8 distributing the Accused Instrumentalities.

9 44. Defendant has directly infringed, either literally or under the doctrine of equivalents, at
10 least claim 1 of the '845 patent.

11 45. For example, Defendant uses the Accused Instrumentalities to perform a method that
12 includes a base station allocating at least one of a plurality of data channels to a first medium for data
13 transmission via a wireless device, the base station allocating at least one remaining data channel of
14 the plurality of data channels to a second medium for data transmission via the wireless device, and
15 the base station dynamically adjusting, during data transmission, a number of the data channels
16 assigned to one of the first and second media to remain within limits of a desired level of service.

17 46. Since at least the time of receiving the FCS Letter in August of 2020, Defendant has also
18 indirectly infringed one or more claims of the '845 patent by inducing others to directly infringe said
19 claims. Defendant has induced end-users, including, but not limited to, its employees, partners, or
20 contractors, to directly infringe, either literally or under the doctrine of equivalents, the '845 patent
21 by providing or requiring use of the Accused Instrumentalities. Defendant took active steps, directly
22 or through contractual relationships with others, with the specific intent to cause them to use the
23 Accused Instrumentalities in a manner that infringes one or more claims of the '845 patent, including,
24 for example, Claim 1. Such steps by Defendant included, among other things, advising or directing
25 personnel, contractors, or end-users to use the Accused Instrumentalities in an infringing manner;
26 advertising and promoting the use of the Accused Instrumentalities in an infringing manner; or
27 distributing instructions that guide users to use the Accused Instrumentalities in an infringing manner.
28 Defendant performed these steps, which constitute induced infringement with the knowledge of the

1 '845 patent and with the knowledge that the induced acts constitute infringement. Defendant was
2 aware that the normal and customary use of the Accused Instrumentalities by others would infringe
3 the '845 patent. Defendant's inducement is ongoing. *See* Ex. J, Ex. K, Ex. L.

4 47. Since at least the time of receiving the FCS Letter in August of 2020, Defendant has also
5 indirectly infringed by contributing to the infringement of the '845 patent. Defendant has contributed
6 to the direct infringement of the '845 patent by its personnel, contractors, and customers. The
7 Accused Instrumentalities have special features that are specially designed to be used in an infringing
8 way and that have no substantial uses other than ones that infringe one or more claims of the '845
9 patent, including, for example, Claim 1. The special features constitute a material part of the
10 invention of one or more of the claims of the '845 patent and are not staple articles of commerce
11 suitable for substantial non-infringing use. *See* Ex. M, Ex. N.

12 48. Defendant has had knowledge of the '845 Patent since at least the time it received the
13 FCS Letter in August of 2020, when it was provided with a chart comparing one of more of the
14 Accused Instrumentalities to a claim of the '845 patent.

15 49. Furthermore, on information and belief, Defendant has a policy or practice of not
16 reviewing the patents of others, including instructing its employees to not review the patents of others,
17 and thus have been willfully blind of FCS's patent rights.

18 50. Defendant's actions are at least objectively reckless as to the risk of infringing a valid
19 patent and this objective risk was either known or should have been known by Defendant.

20 51. Defendant's infringement of the '845 patent is, has been, and continues to be willful,
21 intentional, deliberate, or in conscious disregard of FCS's rights under the patent.

22 52. FCS has suffered irreparable harm, through its loss of market share and goodwill, for
23 which there is no adequate remedy at law. FCS has and will continue to suffer this harm by virtue of
24 Defendant's infringement of the '845 patent. Defendant's actions have interfered with and will
25 interfere with FCS's ability to license technology. The balance of hardships favors FCS's ability to
26 commercialize its own ideas and technology. The public interest in allowing FCS to enforce its right
27 to exclude outweighs other public interests, which supports injunctive relief in this case.

28 53. FCS has been damaged as a result of the infringing conduct by Defendant alleged above.

1 Defendant is liable to FCS in an amount that compensates it for such infringements, which by law
2 cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under
3 35 U.S.C. § 284.

4 54. FCS or its predecessors-in-interest have satisfied all statutory obligations required to
5 collect pre-filing damages for the full period allowed by law for infringement of the '845 patent.

6 **COUNT III: INFRINGEMENT OF U.S. PATENT NO. 7,747,291**

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

9 56. The USPTO duly issued the '291 patent on June 29, 2010. A true and correct copy of the
10 '291 patent is attached as **Ex. C**.

11 57. FCS owns all substantial rights, interest, and title in and to the '291 patent, including the
12 sole and exclusive right to prosecute this action and enforce the '291 patent against infringers and to
13 collect damages for all relevant times.

14 58. The claims of the '291 patent are not directed to an abstract idea and are not limited to
15 well-understood, routine, or conventional activity. Rather, the claimed inventions include inventive
16 components that improve upon the function and operation of preexisting methods and systems for
17 mobile vehicle-based communications systems utilizing short-range communication links.

18 59. The written description of the '291 patent describes in technical detail each limitation of
19 the claims, allowing a skilled artisan to understand the scope of the claims and how the non-
20 conventional and non-generic combination of claim limitations is patently distinct from and improved
21 upon what may have been considered conventional or generic in the art at the time of the invention.

22 60. Defendant has directly infringed the '291 patent by using, providing, supplying, or
23 distributing the Accused Instrumentalities.

24 61. Defendant has directly infringed, either literally or under the doctrine of equivalents, at
25 least claim 1 of the '291 patent.

26 62. For example, Defendant uses the Accused Instrumentalities to perform a method of
27 wirelessly interconnecting a vehicle with a mobile unit and a website. The method includes
28 broadcasting a short range communication link from the vehicle comprising a transceiver to the

1 mobile unit wherein the short range communication link is a first communication link; determining
2 by the vehicle if the first communication link with the mobile unit is authorized; establishing a second
3 communication link between the vehicle and the website; receiving a communication from the mobile
4 unit, by the vehicle, the communication comprising information to be stored at the website; uploading
5 the communication from the vehicle to the website; receiving by the vehicle a confirmation that the
6 communication was received by the website; and sending the confirmation from the vehicle to the
7 mobile unit.

8 63. Since at least the time of receiving the FCS Letter in August of 2020, Defendant has also
9 indirectly infringed one or more claims of the '291 patent by inducing others to directly infringe said
10 claims. Defendant has induced end-users, including, but not limited to, its employees, partners, or
11 contractors, to directly infringe, either literally or under the doctrine of equivalents, the '291 patent
12 by providing or requiring use of the Accused Instrumentalities. Defendant took active steps, directly
13 or through contractual relationships with others, with the specific intent to cause them to use the
14 Accused Instrumentalities in a manner that infringes one or more claims of the '291 patent, including,
15 for example, Claim 1. Such steps by Defendant included, among other things, advising or directing
16 personnel, contractors, or end-users to use the Accused Instrumentalities in an infringing manner;
17 advertising and promoting the use of the Accused Instrumentalities in an infringing manner; or
18 distributing instructions that guide users to use the Accused Instrumentalities in an infringing manner.
19 Defendant performed these steps, which constitute induced infringement with the knowledge of the
20 '291 patent and with the knowledge that the induced acts constitute infringement. Defendant was
21 aware that the normal and customary use of the Accused Instrumentalities by others would infringe
22 the '291 patent. Defendant's inducement is ongoing. *See* Ex. J, Ex. K, Ex. L.

23 64. Since at least the time of receiving the FCS Letter in August of 2020, Defendant has also
24 indirectly infringed by contributing to the infringement of the '291 patent. Defendant has contributed
25 to the direct infringement of the '291 patent by its personnel, contractors, and customers. The
26 Accused Instrumentalities have special features that are specially designed to be used in an infringing
27 way and that have no substantial uses other than ones that infringe one or more claims of the '291
28 patent, including, for example, Claim 1. The special features constitute a material part of the

1 invention of one or more of the claims of the '291 patent and are not staple articles of commerce
2 suitable for substantial non-infringing use. *See* Ex. M, Ex. N.

3 65. Defendant has had knowledge of the '291 Patent since at least the time it received the
4 FCS Letter in August of 2020, when it was provided with a chart comparing one of more of the
5 Accused Instrumentalities to a claim of the '291 patent.

6 66. Furthermore, on information and belief, Defendant had a policy or practice of not
7 reviewing the patents of others, including instructing its employees to not review the patents of others,
8 and thus was willfully blind of FCS's patent rights.

9 67. Defendant's actions were at least objectively reckless as to the risk of infringing a valid
10 patent and this objective risk was either known or should have been known by Defendant.

11 68. Defendant's infringement of the '291 patent has been willful, intentional, deliberate, or
12 in conscious disregard of FCS's rights under the patent.

13 69. FCS has suffered irreparable harm, through its loss of market share and goodwill, for
14 which there is no adequate remedy at law. FCS has and will continue to suffer this harm by virtue of
15 Defendant's infringement of the '291 patent. Defendant's actions have interfered with FCS's ability
16 to license technology. The balance of hardships favors FCS's ability to commercialize its own ideas
17 and technology. The public interest in allowing FCS to enforce its right to exclude outweighs other
18 public interests, which supports injunctive relief in this case.

19 70. FCS has been damaged as a result of the infringing conduct by Defendant alleged above.
20 Defendant is liable to FCS in an amount that compensates it for such infringements, which by law
21 cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under
22 35 U.S.C. § 284.

23 71. FCS or its predecessors-in-interest have satisfied all statutory obligations required to
24 collect pre-filing damages for the full period allowed by law for infringement of the '291 patent.

25 **COUNT IV: INFRINGEMENT OF U.S. PATENT NO. 8,494,581**

26 72. FCS repeats and re-alleges the allegations in the Paragraphs above as though fully set
27 forth in their entirety.

28 73. The USPTO duly issued the '581 patent on July 23, 2013. A true and correct copy of the

1 '581 patent is attached as **Ex. D**.

2 74. FCS owns all substantial rights, interest, and title in and to the '581 patent, including the
3 sole and exclusive right to prosecute this action and enforce the '581 patent against infringers and to
4 collect damages for all relevant times.

5 75. The claims of the '581 patent are not directed to an abstract idea and are not limited to
6 well-understood, routine, or conventional activity. Rather, the claimed inventions include inventive
7 components that improve upon the function and operation of preexisting methods and systems of
8 collecting and communicating field data based on geographical location.

9 76. The written description of the '581 patent describes in technical detail each limitation of
10 the claims, allowing a skilled artisan to understand the scope of the claims and how the non-
11 conventional and non-generic combination of claim limitations is patently distinct from and improved
12 upon what may have been considered conventional or generic in the art at the time of the invention.

13 77. Defendant has directly infringed the '581 patent by using, providing, supplying, or
14 distributing the Accused Instrumentalities.

15 78. Defendant has directly infringed, either literally or under the doctrine of equivalents, at
16 least claim 1 of the '581 patent.

17 79. For example, Defendant uses the Accused Instrumentalities to perform a method that
18 using a handheld device to access an assessment program stored in a memory of a computing device
19 located geographically remote from the handheld device, the assessment program being configured
20 to enable a field assessment in a specific industry; collecting field data associated with the field
21 assessment using the handheld device in response to the assessment program; using the handheld
22 device to determine a geographical location of the handheld device; and communicating the field data
23 collected using the handheld device and the geographical location of the handheld device to the
24 computing device.

25 80. FCS has suffered irreparable harm, through its loss of market share and goodwill, for
26 which there is no adequate remedy at law. FCS has suffered this harm by virtue of Defendant's
27 infringement of the '581 patent. Defendant's actions have interfered with and will interfere with
28 FCS's ability to license technology. The balance of hardships favors FCS's ability to commercialize

1 its own ideas and technology. The public interest in allowing FCS to enforce its right to exclude
2 outweighs other public interests, which supports injunctive relief in this case.

3 81. FCS has been damaged as a result of the infringing conduct by Defendant alleged above.
4 Defendant is liable to FCS in an amount that compensates it for such infringements, which by law
5 cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under
6 35 U.S.C. § 284.

7 82. FCS or its predecessors-in-interest have satisfied all statutory obligations required to
8 collect pre-filing damages for the full period allowed by law for infringement of the '581 patent.

9 **COUNT V: INFRINGEMENT OF U.S. PATENT NO. 6,961,586**

10 83. FCS repeats and re-alleges the allegations in the Paragraphs above as though fully set
11 forth in their entirety.

12 84. The USPTO duly issued the '586 patent on November 1, 2005. A true and correct copy
13 of the '586 patent is attached as **Ex. E**.

14 85. FCS owns all substantial rights, interest, and title in and to the '586 patent, including the
15 sole and exclusive right to prosecute this action and enforce the '586 patent against infringers and to
16 collect damages for all relevant times.

17 86. The claims of the '586 patent are not directed to an abstract idea and are not limited to
18 well-understood, routine, or conventional activity. Rather, the claimed inventions include inventive
19 components that improve upon the function and operation of preexisting methods and systems for
20 assessing remotely performed functions using positioning and navigation functionalities.

21 87. The written description of the '586 patent describes in technical detail each limitation of
22 the claims, allowing a skilled artisan to understand the scope of the claims and how the non-
23 conventional and non-generic combination of claim limitations is patently distinct from and improved
24 upon what may have been considered conventional or generic in the art at the time of the invention.

25 88. Defendant has directly infringed the '586 patent by using, providing, supplying, or
26 distributing the Accused Instrumentalities.

27 89. Defendant has directly infringed, either literally or under the doctrine of equivalents, at
28 least claim 28 of the '586 patent.

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- 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 '040 and '845 patents or, in the alternative, an award of a reasonable ongoing royalty for future infringement of the '040 and '845 patents by such entities;
- c. Judgment that Defendant accounts for and pay to FCS all damages to and costs incurred by FCS because of Defendant's infringing activities and other conduct complained of herein;
- d. Judgment that Defendant's infringements be found willful as to the '040, '845, and '291 patents, 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 FCS 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.

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DATED: February 20, 2023

Respectfully submitted,

/s/ Travis E. Lynch

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1 **Exhibits**

- 2 A. U.S. Patent No. 7,058,040
3 B. U.S. Patent No. 7,656,845
4 C. U.S. Patent No. 7,747,291
5 D. U.S. Patent No. 8,494,581
6 E. U.S. Patent No. 6,961,586
7 F. Webpage: <https://gomotive.com>
8 G. Webpage: <https://gomotive.com/products/fleet-compliance/>
9 H. Webpage: <https://gomotive.com/products/tracking-telematics/>
10 I. Webpage: <https://gomotive.com/products/tracking-telematics/gps-vehicle-tracking/>
11 J. Webpage: Motive Help Center - How to connect mobile device to the Vehicle
12 Gateway/ELD
13 K. Webpage: <https://gomotive.com/products/wifi-hotspot/>
14 L. Webpage: <https://gomotive.com/guides/>
15 M. App offered through Google Play
16 N. App offered through the Apple Store
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