

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNIVERSITY OF SOUTH FLORIDA
BOARD OF TRUSTEES,

Plaintiff,

Case No.

v.

GEOPHYSICAL SURVEY
SYSTEMS, INC. and GEOVIEW, INC.,

Defendants.

_____ /

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, University of South Florida Board of Trustees (“USF”), sues Defendants, Geophysical Survey Systems, Inc. (“GSSI”) and GeoView, Inc. (“GeoView”), for infringement of USF’s United States Patent Nos. 10,175,350 (the “350 Patent”) and 10,677,914 (the “914 Patent”) and alleges the following:

PARTIES

1. Plaintiff USF is the governing body for the University of South Florida, a public university of the State of Florida, having a principal place of business at 4202 E. Fowler Avenue, Tampa, Florida.

2. GSSI is a Massachusetts corporation with its principal place of business in Nashua, New Hampshire.

3. GeoView is a Florida corporation that is registered to do business in the State of Florida, and which has its principal office in St. Petersburg, Florida, which is within the territorial jurisdiction of this Court.

JURISDICTION AND VENUE

4. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a) because USF's claims arise under the patent laws of the United States, codified at 35 U.S.C. § 101 et seq.

5. This Court has personal jurisdiction over Defendant GSSI because GSSI committed acts of patent infringement in this judicial district by selling and offering to sell to GeoView in St. Petersburg, Florida GSSI's products that infringe USF's '350 Patent and '914 Patent.

6. This Court has personal jurisdiction over Defendant GeoView because GeoView committed acts of patent infringement in this judicial district by using GSSI's products that infringe USF's '350 Patent and '914 Patent.

7. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and 1400(b) because Defendants: (a) committed acts of patent infringement in this judicial district by selling, offering to sell, and using products that infringe USF's '350 Patent and '914 Patent within this judicial district; and (b) GeoView has its principal place of business in St. Petersburg, Florida, which is within this judicial district.

FACTUAL BACKGROUND

8. USF is the owner of the entire right, title, and interest in the '350 Patent, entitled "SYSTEMS AND METHODS FOR DETECTING BURIED OBJECTS". A true and accurate copy of USF's '350 Patent is attached to this Complaint as Exhibit A.

9. USF is also the owner of the entire right, title, and interest in the '914 Patent, entitled "SYSTEMS AND METHODS FOR DETECTING BURIED OBJECTS". A true and accurate copy of USF's '914 Patent is attached to this Complaint as Exhibit B.

10. USF's '350 Patent was duly and legally issued by the United States Patent and Trademark Office on January 8, 2019.

11. USF's '914 Patent was duly and legally issued by the United States Patent and Trademark Office on June 9, 2020, and is a continuation and enjoys the priority date of application No. 16/021,928, filed on June 28, 2018.

12. USF's '350 Patent and '914 Patent each relate to the field of ground penetrating radar ("GPR").

13. USF's '350 Patent and '914 Patent claim inventions covering systems and methods for automating the processing of GPR data to provide accurate and reliable estimates as to the location and depth of buried objects.

14. GSSI has manufactured, advertised for sale, and sold a product it calls “UtilityScan® with GS Software” (“GSSI UtilityScan®”).

15. GeoView’s website (www.geoviewinc.com) states that it uses GPR systems manufactured by GSSI provides services including geological characterization studies, utility designation, and rebar and post tensioning cable locating.

16. A video titled “GSSI On Location: Tampa, Florida with GeoView”, dated October 17, 2019, and posted on YouTube ([GSSI On Location: Tampa, Florida with GeoView - YouTube](#)) depicts GeoView’s President, Mike Wightman, describing and using the GSSI UtilityScan®. The description of the YouTube video states:

GeoView, located in St. Petersburg, Florida, shares their experience using GSSI ground penetrating radar. GeoView specializes in the provision of geophysical services to the engineering, geological, environmental and construction industries. Here, they use the GSSI UtilityScan Pro (SIR 3000 and 400 MHz) and test out the SIR 4000 and new 200 HS, part of the newly released GS Series.

17. All conditions precedent to the maintenance of this action have been performed or have been excused or waived.

COUNT I
(GSSI’s Infringement of USF’s ‘350 Patent)

18. USF incorporates the allegations in paragraphs 1 through 17 above as if fully set forth herein.

19. Within the past six years, GSSI has made, offered for sale, sold, and/or distributed products in the United States that practice the invention of USF's '350 Patent ("GSSI's Accused Products"), including the exemplary product known as the GSSI UtilityScan®.

20. Exemplary claim 1 of USF's '350 Patent is reproduced below:

1. A method for detecting buried objects, the method comprising:

receiving ground penetrating radar (GPR) signals captured at discrete locations along a surface of a medium in which an object may be buried;

computing a maximum power spectral density (PSD) value for each received GPR signal, the maximum PSD values being indicative of the proximity of a buried object;

plotting the computed maximum PSD values as a function of location along the surface of the medium; determining an apex of a hyperbola that results from the plotting of the computed maximum PSD values; and

designating a location along the surface of the medium at which the apex occurs as an estimated location of the buried object.

21. GSSI's Accused Products, including the exemplary product known as GSSI UtilityScan®, contains all the limitations of exemplary claim 1 of USF's '350 Patent, both literally and under the doctrine of equivalents as shown on Exhibit C to this Complaint.

22. GSSI's infringement of USF's '350 Patent has caused, and is causing, USF to suffer injury and economic damages, including depriving USF of its

statutory right to exclusively control the importing, manufacture, offering for sale, sale, and use of products practicing the invention claimed in the USF's '350 Patent and to enjoy the financial benefits of that right.

23. Upon information and belief, GSSI's infringement of USF's '350 Patent will continue unless enjoined by this Court.

24. GSSI's infringement of USF's '350 Patent is causing and will continue to cause USF irreparable harm unless such infringing activities are enjoined by this Court and USF lacks an adequate remedy at law to prevent injuries it is suffering from GSSI's infringement.

25. Given GSSI's clear and direct infringement of USF's patent rights, USF is substantially likely to prevail upon the merits of this action.

26. The balance of hardships and the public interest requires that GSSI immediately cease its infringing activities.

WHEREFORE, USF respectfully requests this Court to

(A) enter judgment in favor of USF and against GSSI;

(B) grant USF permanent injunctive relief barring the activities of GSSI

that infringe upon USF's rights in its '350 Patent;

(C) award USF its damages under 35 U.S.C. § 284;

(D) award USF pre- and post-judgment interest, costs, and expert fees;

and

(E) grant to USF all other relief this Court deems just and appropriate.

COUNT II
(GSSI's Infringement of USF's '914 Patent)

27. USF incorporates the allegations in paragraphs 1 through 17 above as if fully set forth herein.

28. Within the past six years, GSSI has made, offered for sale, sold, and/or distributed products in the United States that practice the invention of USF's '914 Patent ("GSSI's Accused Products"), including the exemplary product known as GSSI UtilityScan® System.

29. Exemplary claim 1 of USF's '914 Patent is reproduced below:

1. A method for detecting buried objects, the method comprising:

receiving ground penetrating radar (GPR) signals captured at discrete locations along a surface of a medium in which an object may be buried,

one GPR signal being captured for each discrete location;

computing for each captured GPR signal an energy value that are is indicative of the proximity of a buried object;

plotting the computed energy values as a function of location;

determining an apex of a hyperbola that results from the plotting of the computed energy values; and

designating a location along the surface of the medium at which the apex occurs as an estimated location of the buried object.

30. GSSI's Accused Products, including the exemplary product known as the GSSI UtilityScan® System contains all the limitations of exemplary claim 1 of USF's '914 Patent, both literally and under the doctrine of equivalents as shown on Exhibit D to this Complaint.

31. GSSI's infringement of USF's '914 Patent has caused, and is causing, USF to suffer injury and economic damages, including depriving USF of its statutory right to exclusively control the importing, manufacture, offering for sale, sale, and use of products practicing the invention claimed in the USF's '914 Patent and to enjoy the financial benefits of that right.

32. Upon information and belief, GSSI's infringement of USF's '914 Patent will continue unless enjoined by this Court.

33. GSSI's infringement of USF's '914 Patent is causing and will continue to cause USF irreparable harm unless such infringing activities are enjoined by this Court and USF lacks an adequate remedy at law to prevent injuries it is suffering from GSSI's infringement.

34. Given GSSI's clear and direct infringement of USF's patent rights, USF is substantially likely to prevail upon the merits of this action.

35. The balance of hardships and the public interest requires that GSSI immediately cease its infringing activities.

WHEREFORE, USF respectfully requests this Court to

(A) enter judgment in favor of USF and against GSSI;

(B) grant USF permanent injunctive relief barring the activities of GSSI

that infringe upon USF's rights in its '914 Patent;

(C) award USF its damages under 35 U.S.C. § 284;

(D) award USF pre- and post-judgment interest, costs, and expert fees;

and

(E) grant to USF all other relief this Court deems just and appropriate.

COUNT III
(GeoView's Infringement of USF's '350 Patent)

36. USF incorporates the allegations in paragraphs 1 through 17 and 20 above as if fully set forth herein.

37. Within the past six years, GeoView has used GSSI's Accused Products in the United States that practice the invention of USF's '350 Patent, including the exemplary product known as the GSSI UtilityScan®.

38. GeoView's use of GSSI's Accused Products, including the exemplary product known as GSSI UtilityScan®, which contain all the limitations of exemplary claim 1 of USF's '350 Patent, infringes USF's '350 Patent both literally and under the doctrine of equivalents as shown on Exhibit C to this Complaint.

39. GeoView's infringement of USF's '350 Patent has caused, and is causing, USF to suffer injury and economic damages, including depriving USF of its statutory right to exclusively control the importing, manufacture, offering for

sale, sale, and use of products practicing the invention claimed in the USF's '350 Patent and to enjoy the financial benefits of that right.

40. Upon information and belief, GeoView's infringement of USF's '350 Patent will continue unless enjoined by this Court.

41. GeoView's infringement of USF's '350 Patent is causing and will continue to cause USF irreparable harm unless such infringing activities are enjoined by this Court and USF lacks an adequate remedy at law to prevent injuries it is suffering from GeoView's infringement.

42. Given GeoView's clear and direct infringement of USF's patent rights, USF is substantially likely to prevail upon the merits of this action.

43. The balance of hardships and the public interest requires that GeoView immediately cease its infringing activities.

WHEREFORE, USF respectfully requests this Court to

- (A) enter judgment in favor of USF and against GeoView;
 - (B) grant USF permanent injunctive relief barring the activities of GeoView that infringe upon USF's rights in its '350 Patent;
 - (C) award USF its damages under 35 U.S.C. § 284;
 - (D) award USF pre- and post-judgment interest, costs, and expert fees;
- and
- (E) grant to USF all other relief this Court deems just and appropriate.

COUNT IV
(GeoView's Infringement of USF's '914 Patent)

44. USF incorporates the allegations in paragraphs 1 through 17 and 29 above as if fully set forth herein.

45. Within the past six years, GeoView has used GSSI's Accused Products in the United States that practice the invention of USF's '914 Patent, including the exemplary product known as the GSSI UtilityScan®.

46. GeoView's use of GSSI's Accused Products, including the exemplary product known as GSSI UtilityScan®, which contain all the limitations of exemplary claim 1 of USF's '914 Patent, infringes USF's '914 Patent both literally and under the doctrine of equivalents as shown on Exhibit D to this Complaint.

47. GeoView's infringement of USF's '914 Patent has caused, and is causing, USF to suffer injury and economic damages, including depriving USF of its statutory right to exclusively control the importing, manufacture, offering for sale, sale, and use of products practicing the invention claimed in the USF's '914 Patent and to enjoy the financial benefits of that right.

48. Upon information and belief, GeoView's infringement of USF's '914 Patent will continue unless enjoined by this Court.

49. GeoView's infringement of USF's '914 Patent is causing and will continue to cause USF irreparable harm unless such infringing activities are

enjoined by this Court and USF lacks an adequate remedy at law to prevent injuries it is suffering from GeoView's infringement.

50. Given GeoView's clear and direct infringement of USF's patent rights, USF is substantially likely to prevail upon the merits of this action.

51. The balance of hardships and the public interest requires that GeoView immediately cease its infringing activities.

WHEREFORE, USF respectfully requests this Court to

- (A) enter judgment in favor of USF and against GeoView;
 - (B) grant USF permanent injunctive relief barring the activities of GeoView that infringe upon USF's rights in its '914 Patent;
 - (C) award USF its damages under 35 U.S.C. § 284;
 - (D) award USF pre- and post-judgment interest, costs, and expert fees;
- and
- (E) grant to USF all other relief this Court deems just and appropriate.

DEMAND FOR JURY TRIAL

USF hereby demands a jury trial on all issues so triable.

Dated: September 8, 2023

Respectfully submitted,

s/Richard E. Fee

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