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22 Corporation, and SmartDrive Systems, Inc.*

23 **IN THE UNITED STATES DISTRICT COURT**
24 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

25 OMNITRACS, LLC, XRS CORPORATION,
26 AND SMARTDRIVE SYSTEMS, INC.,)

27 Plaintiffs,)

28 v.)

MOTIVE TECHNOLOGIES, INC. (F/K/A)
KEEPTRUCKIN, INC.),)

Defendant.)

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Case No. 23-cv-05261

COMPLAINT

DEMAND FOR JURY TRIAL

COMPLAINT FOR PATENT INFRINGEMENT

1
2 1. Plaintiffs Omnitracs, LLC (“Omnitracs”), XRS Corporation (“XRS”), and SmartDrive
3 Systems, Inc. (“SmartDrive”) (collectively, “Plaintiffs” or “Omnitracs”) are leading providers of fleet
4 management solutions to transportation and logistics companies. For over three decades, Plaintiffs have
5 invested hundreds of millions of dollars in cutting-edge safety and fleet technologies that have transformed
6 the fleet management and telematics industries. That investment has resulted in a variety of innovative
7 hardware and software solutions, including artificial intelligence, driver safety, and vehicle dispatch
8 technologies. Plaintiffs’ novel technologies are foundational to the transportation and logistics industries
9 and are increasingly relied upon by fleets around the world to manage fleet activity, improve driver safety,
10 and reduce the costs of running transportation fleets.

11 2. In 2013, almost thirty years after Omnitracs’ first satellite mobile communications system
12 revolutionized the fleet management and telematics industry, Motive Technologies, Inc. (f/k/a
13 KeepTruckin, Inc., collectively referred to as “Motive”) entered the fleet management industry with an
14 electronic logbook app for drivers to record their hours of service. Over the years, Motive expanded its
15 platform to include products for vehicle and equipment tracking, driver safety, compliance, maintenance,
16 and spend management, among others.

17 3. In December 2015, Motive (then known as KeepTruckin) hired Dan Fuglewicz, a senior
18 engineering director, from XRS. Mr. Fuglewicz is listed as an inventor on several patents at issue in this
19 case (“Patents-in-Suit” or “Asserted Patents”). Upon hiring Mr. Fuglewicz, Motive immediately began
20 using XRS’s technology to develop new and improved products to gain a larger share of the fleet
21 management market—products Motive continues to market and sell to this day, including, *e.g.*, Motive’s
22 Fleet Dashboard, AI Dashcam, Smart Dashcam, AI Omnicam, Vehicle Gateway, Asset Gateway,
23 Environmental Sensor, and Motive Driver App, and the hardware and/or software associated thereto
24 (collectively, the “Accused Products”). Motive’s employment of Mr. Fuglewicz enabled Motive’s rapid
25 development and marketing of the Accused Products, despite its much later arrival in the fleet management
26 industry.

27 4. In July 2018, Omnitracs notified Motive at an in-person meeting and via letter
28 correspondence its concerns about Mr. Fuglewicz’s employment by Motive and how rapidly Motive’s

1 products came to market after Mr. Fuglewicz joined Motive. Omnitracs also expressed that Motive's
2 products look/looked strikingly similar to Omnitracs' products. Omnitracs further noted that it appeared
3 that Motive's products use the same parts as Plaintiffs' products, and that Motive used the same product
4 development contractor that Plaintiffs used. In August 2018 Motive responded to Omnitracs' concerns
5 and informed Omnitracs that "Dan is no longer with our company, having decided to pursue another
6 opportunity," and that KeepTruckin had conducted an investigation into the circumstances of Mr.
7 Fuglewicz's time with KeepTruckin and discovered no issues. KeepTruckin "decline[d] to share any
8 further details ... regarding [their] evaluation of Mr. Fuglewicz's employment," citing privacy concerns.

9 5. Relying on Motive's representations that it was not using Omnitracs' technology,
10 Omnitracs declined to file suit against Motive at the time. Years later, however, it has become clear that
11 Motive not only started its business using technology that Omnitracs developed, but it has also continued
12 to use that technology to expand its business and compete unfairly in the market.

13 6. Today, Motive offers fleet management, safety, and compliance software applications and
14 in-vehicle telematics hardware. Rather than design and develop its own services and technologies to
15 provide legitimate competition to Plaintiffs, Motive has taken shortcuts and used the innovative
16 technologies designed, developed, and patented by Plaintiffs. Motive copied Plaintiffs' products and
17 patented technology by leveraging the knowledge of former Omnitracs employees. It did so despite full
18 knowledge of Plaintiffs' broad suite of patented technologies, and with full knowledge of the patents
19 asserted by Plaintiffs in this Complaint. As a result of Motive's continuing and willful conduct, Plaintiffs
20 now find themselves competing for the same customers against the very technologies they invented and
21 patented.

22 7. Plaintiffs bring this lawsuit to protect their intellectual property investments and to hold
23 Motive accountable for its willful infringement. Motive's actions have caused harm to Plaintiffs, as
24 alleged below, by incorporating Plaintiffs' patented technologies into Motive's products. Motive's actions
25 also significantly harm innovation and undermine the intent of the U.S. patent laws. If Motive's improper
26 copying and use of Plaintiffs' technologies allows it to avoid what is needed to develop new products,
27 other companies will be encouraged to simply copy others' proprietary technologies rather than hire their
28 own engineers, invest in innovation, and develop new technologies independently and organically.

1 Plaintiffs therefore need injunctive relief to stop Motive’s improper infringement of Plaintiffs’ lawful
2 patent rights.

3 **NATURE OF THE ACTION**

4 8. Plaintiffs bring claims under the patent laws of the United States, 35 U.S.C. § 1, *et seq.*, for
5 the willful infringement of the following seven United States patents: U.S. Patent Nos. 9,402,060 (the
6 “’060 patent”); 9,761,067 (the “’067 patent”); 10,957,130 (the “’130 patent”); 9,262,873 (the “’873
7 patent”); 9,014,943 (the “’943 patent”); 9,014,906 (the “’906 patent”); and 9,020,733 (the “’733 patent”)
8 (collectively, the “Patents-in-Suit” or “Asserted Patents”).

9 **PARTIES**

10 9. Omnitracs is a Delaware limited liability company with its principal place of business at
11 1500 Solana Blvd, Suite 6300, Bldg. 6, Westlake, Texas 76262.

12 10. XRS is a Minnesota corporation and a wholly owned subsidiary of Omnitracs, and
13 maintains its principal place of business at 1500 Solana Blvd, Suite 6300, Bldg. 6, Westlake, Texas 76262.

14 11. SmartDrive is a Delaware corporation and a wholly owned subsidiary of Omnitracs, and
15 maintains its principal place of business at 1500 Solana Blvd, Suite 6300, Bldg. 6, Westlake, Texas 76262.

16 12. Defendant Motive Technologies, Inc. (f/k/a KeepTruckin, Inc.) is a Delaware corporation
17 with its principal place of business at 55 Hawthorne Street, 4th Floor, San Francisco, California 94105.

18 **JURISDICTION AND VENUE**

19 13. The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331
20 and 1338.

21 14. The Court has personal jurisdiction over Motive at least because Motive maintains a regular
22 and established place of business in this District at 55 Hawthorne Street, 4th Floor, San Francisco,
23 California 94105, and from that location conducts and/or directs the acts accused of infringement in this
24 action. *See* <https://gomotive.com/company/contact-us/>. Moreover, Motive conducts business in this
25 District by making, shipping, distributing, offering for sale, selling, and advertising (including the
26 provision of an interactive company website) its products and services in both the State of California and
27 in this District. Motive has, either directly or through intermediaries, purposefully and voluntarily placed
28 one or more of its infringing products and/or services into the stream of commerce with the intention and

1 expectation that they will be purchased and used by customers in this District. Furthermore, on its
2 company website Motive advertises that it has sold infringing products to customers in this District,
3 including, for example, Biagi Bros., located in Napa, California, and Rosendin Electric Inc., located in
4 San Jose, California. See <https://gomotive.com/customers/biagi-bros-fleet-management>;
5 <https://gomotive.com/customers/rosendin-electric/>.

6 15. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1400(b) because Motive
7 directs and regularly conducts business within this District, has a regular and established place of business
8 in this District, and has committed acts of infringement within this District. Motive maintains a regular
9 and established place of business in this District at 55 Hawthorne Street, 4th Floor, San Francisco,
10 California 94105.

11 **BACKGROUND**

12 **Omnitracs, XRS and SmartDrive**

13 16. For more than 30 years, Omnitracs has been a global pioneer of fleet management solutions
14 for transportation and logistics companies. Omnitracs provides innovative fleet management solutions,
15 including integrated systems, software-as-a-service (SaaS) applications, and analytics platforms designed
16 for commercial trucking fleets. Omnitracs applies its expertise in artificial intelligence and machine
17 learning to provide end-to-end fleet intelligence.

18 17. XRS is a wholly-owned subsidiary of Omnitracs and is also a leader in fleet management
19 solutions for transportation and logistics companies. XRS provides smartphone- and tablet-based
20 solutions that enable trucking companies to manage their fleets, comply with regulations, and reduce
21 operating costs. Omnitracs completed its acquisition of XRS on November 2, 2014.

22 18. SmartDrive is a wholly-owned subsidiary of Omnitracs and is also a leader in fleet
23 management software for transportation and logistics companies. SmartDrive provides a transportation
24 intelligence platform with AI-based driver monitoring to provide improved performance insights and
25 analysis, and a video-based safety program that helps fleets improve driving skills, lower operating costs,
26 and deliver significant return on investment. Omnitracs completed its acquisition of SmartDrive on
27 September 9, 2020.

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- Dispatch**
Manage your delivery fleet, optimize routes for on-time deliveries, and keep your customers informed every step of the way.
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- Maintenance**
Simplify inspections, manage maintenance schedules, and get fault code alerts before costly breakdowns.
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- Sustainability**
Reduce your environmental and economic impact. Save on fuel with AI-driven insights benchmarked across Motive's network.
[Learn more](#)
- Smart Load Board**
Find and book freight from top providers — for free. Backed by the power of AI for smart load matching so you can earn more.
[Learn more](#)
- Spend Management**
Connect fleet and spend management data to uncover new ways to save. Reduce fleet expenses, cut fraud losses, lower fuel costs, and get more done.
[Learn more](#)

Motive Technologies, Inc., *Software*, Products, <https://gomotive.com/products/>.



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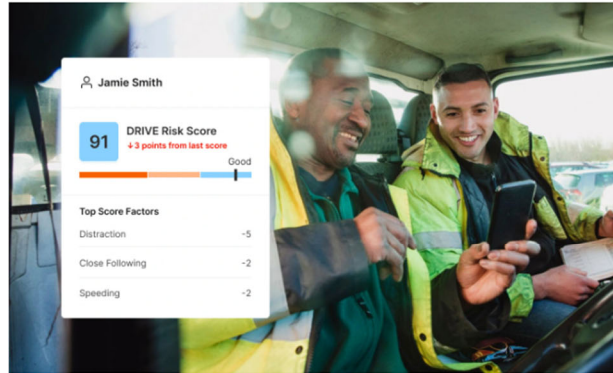
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delivered immediately after a safety event, drivers are more likely to remember the context and correct the behavior. Admins can disable dash cam video access in the Driver App if they prefer to coach in the office. Download for [Android](#) and [iOS](#).

Deliver documented results

[DRIVE Score](#) Safety Hub

Show improvement in safety and differentiate your business with Motive's advanced risk scoring and reporting. Earn more business and improve profitability with more accurate accident prediction, actionable coaching reports, and safe driver recognition.



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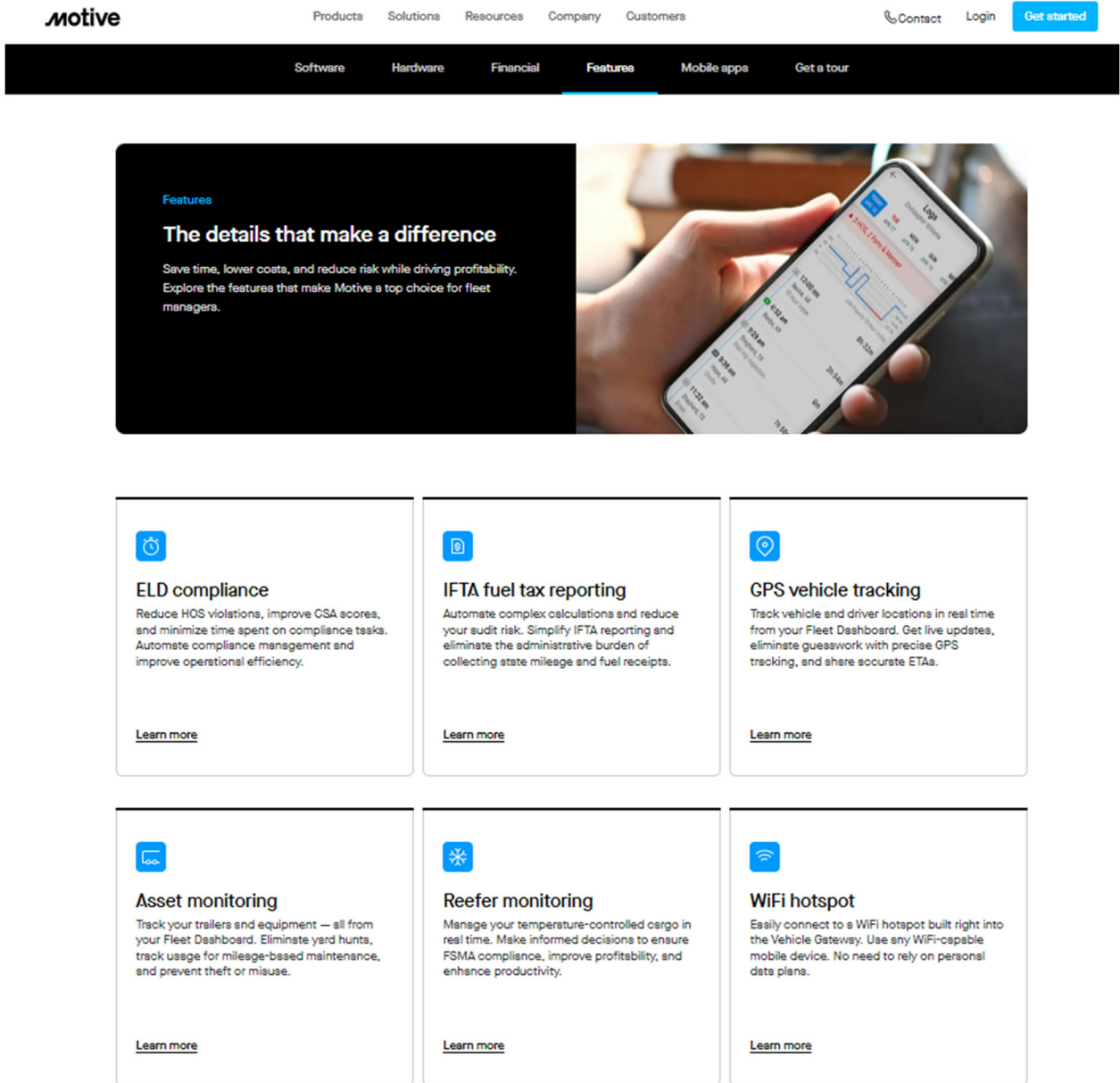
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The DRIVE risk score evaluates driver safety performance over time to provide an accurate measure of driver risk. DRIVE is 5x more accurate at predicting accidents than the industry's leading safety score. Easily pinpoint who you should be coaching or rewarding and what behaviors to focus on. [Learn more](#)

Motive Technologies, Inc., *Driver Safety*, Products, <https://gomotive.com/products/driver-safety/>.

21. Motive's website further highlights some of the features of its platform including ELD (electronic logging device) compliance, IFTA (International Fuel Tax Agreement) fuel tax reporting, GPS (global positioning system) vehicle tracking, asset monitoring, reefer monitoring¹, and WiFi hotspot.

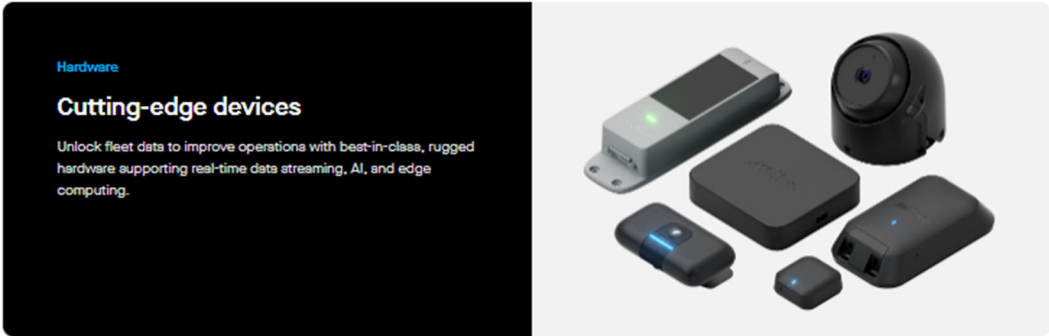
¹ "Reefer" is an industry term for a type of diesel fuel that powers the refrigeration units of temperature-controlled trailers, often called "reefers."









Motive Technologies, Inc., *Features*, Products, <https://gomotive.com/products/>.

22. Motive also offers hardware products including dash cams, tracking devices (which it calls “gateways”) and sensors. For example, the Motive AI Dashcam detects and tracks unsafe behaviors like cell phone use, which will alert the driver to keep their eyes on the road and send push notifications to the fleet operator. The dash cams also detect collisions and can record up to 235 hours of footage, even when a vehicle engine is off.

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 <p>AI Dashcam Detect unsafe driving with unrivaled accuracy and speed. Our AI Dashcam provides real-time alerts, automates driver coaching, and helps you exonerate drivers.</p> <p>Learn more</p>	 <p>Smart Dashcam Automate coaching, prevent accidents, exonerate drivers, and lower insurance costs. Our Smart Dashcam is accurate, responsive, and your best eyewitness.</p> <p>Learn more</p>	 New <p>AI Omnicam Regain time, control, and reduce accident costs with a 360° view of your operations. Our AI Omnicam provides comprehensive side, rear, passenger, and cargo monitoring.</p> <p>Learn more</p>
 <p>Vehicle Gateway Increase productivity, reduce costs, and manage compliance. Our Vehicle Gateway tracks location, utilization, and health data in real time, and comes with ELD capabilities.</p> <p>Learn more</p>	 <p>Asset Gateway Track trailers and equipment in real time and increase productivity. Our Asset Gateway routes data such as location, utilization, and health to your Fleet Dashboard.</p> <p>Learn more</p>	 <p>Environmental Sensor Improve the compliance, profitability, and productivity of your reefer fleet. Our Environmental Sensor wirelessly monitors temperatures and humidity during transport.</p> <p>Learn more</p>

Motive Technologies, Inc., *Hardware*, Products, <https://gomotive.com/products/>.



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Proactively manage safety

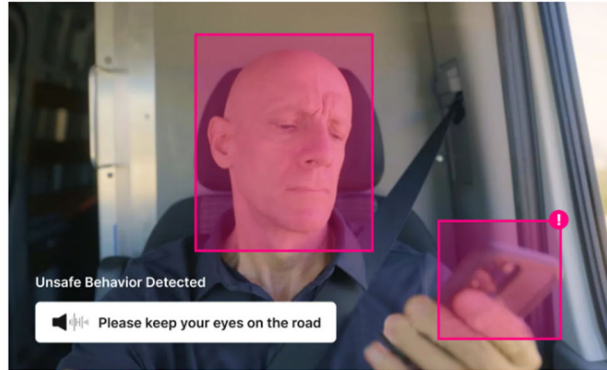
Get time back

Deliver documented results

Proactively manage safety

Maximize fleet safety and minimize risk with Motive's AI-powered platform. Protect your business with accurate, real-time driver coaching and accident detection, on-the-spot exoneration evidence, and privacy protection.

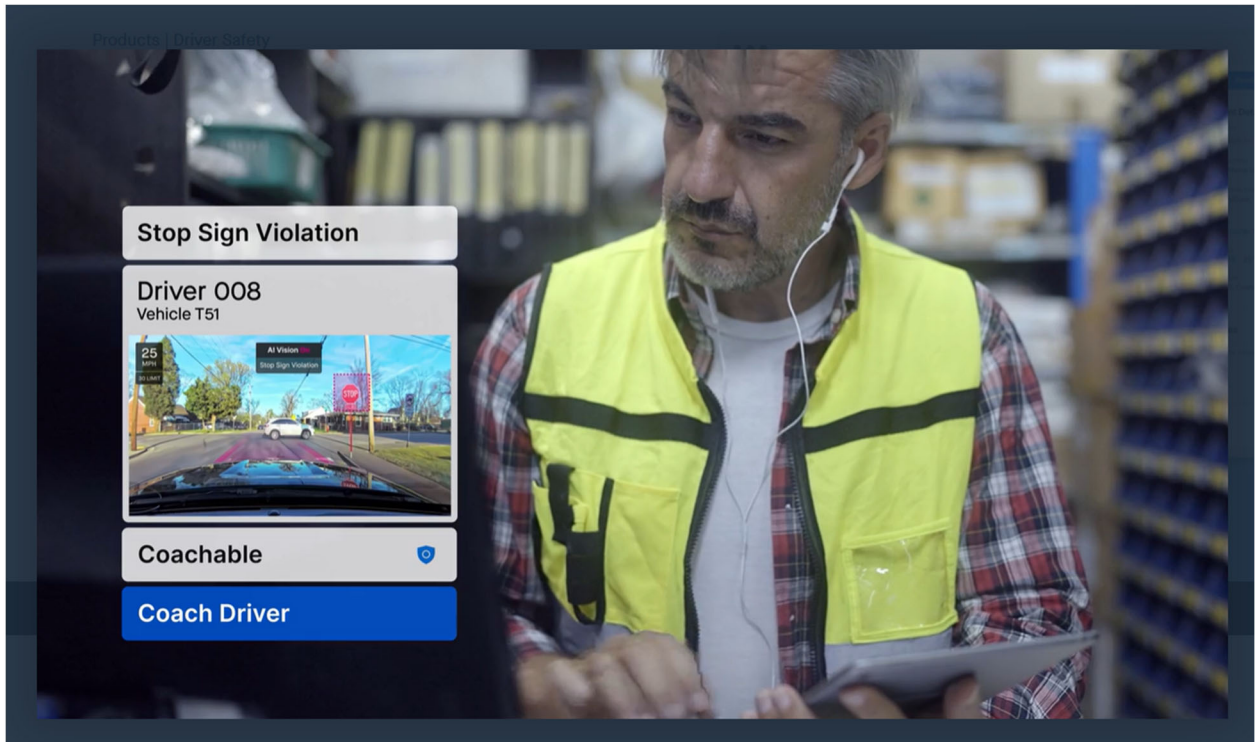
[Reliable AI](#) Collision detection Video Recall AI Omnicam Privacy Mode



The Motive [AI Dashcam](#) is the most accurate, fastest AI dash cam in the industry. Motive's AI detects unsafe behaviors like cell phone use and close following with fewer false positives than competitors, alerting drivers in real time. That means fewer accidents and happier drivers.

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Motive Technologies, Inc., *Driver Safety*, Products, <https://gomotive.com/products/driver-safety/>.

23. Plaintiffs have been harmed by Motive's actions and attempts to utilize Plaintiffs' technologies and divert Plaintiffs' customers.

1 24. Motive has had knowledge of and/or was willfully blind to the Asserted Patents and
2 patented technologies long before this suit was filed. In December 2015, Motive (then known as
3 KeepTruckin) hired Dan Fuglewicz from XRS, a senior engineering director. Mr. Fuglewicz is listed as
4 an inventor on the '943, '906, and '733 patents. Mr. Fuglewicz thus knew of at least the patented
5 technologies when he worked at Motive developing Motive's ELD products. Moreover, in addition to
6 Mr. Fuglewicz, Motive has hired several other Omnitracs employees to work in all aspects of its business,
7 from engineering to strategic operations and sales and marketing.

8 25. Moreover, prior to filing this lawsuit, Plaintiffs attempted to resolve these issues directly
9 with Motive through communications and correspondence with Motive executives and counsel. Plaintiffs
10 sent Motive a letter raising its concerns that Motive was using its technology without permission,
11 specifically identifying the '873 patent, and discussed the issues with Motive in person. Thus, Motive has
12 been on notice of these infringement allegations since at least July 2018, if not sooner. Despite knowing
13 of Plaintiffs' infringement allegations, Motive did nothing and continued to infringe Plaintiffs' patents
14 and technologies.

15 **THE PATENTS-IN-SUIT**

16 **The '060 Patent**

17 26. On July 26, 2016, the United States Patent and Trademark Office ("USPTO") duly and
18 legally issued the '060 patent, entitled, "Vehicle Event Recorders with Integrated Web Server."
19 SmartDrive owns all rights, title and interest in and to the '060 patent and possesses all rights of recovery
20 under the '060 patent. A true and accurate copy of the '060 patent is attached hereto as Ex. A.

21 27. The '060 patent is valid and enforceable.

22 **The '067 Patent**

23 28. On September 12, 2017, the USPTO duly and legally issued the '067 patent, entitled,
24 "Vehicle Operator Performance History Recording, Scoring and Reporting Systems." SmartDrive owns
25 all rights, title and interest in and to the '067 patent and possesses all rights of recovery under the '067
26 patent. A true and accurate copy of the '067 patent is attached hereto as Ex. B.

27 29. The '067 patent is valid and enforceable.
28

1 '733 patent and possesses all rights of recovery under the '733 patent. A true and accurate copy of the
2 '733 patent is attached hereto as Ex. G.

3 39. The '733 patent is valid and enforceable.

4 **ACCUSED PRODUCTS**

5 40. The accused products in this case include, but are not limited to, Motive's Fleet Dashboard,
6 AI Dashcam, Smart Dashcam, AI Omnicam, Vehicle Gateway, Asset Gateway, Environmental Sensor,
7 and Motive Driver App, and the hardware and/or software associated thereto (collectively, the "Accused
8 Products").

9 **COUNT I**

10 **Infringement of U.S. Patent No. 9,402,060**

11 41. Plaintiffs repeat and reallege the allegations in paragraphs 1–40 as though fully set forth
12 herein.

13 42. The '060 patent, titled "Vehicle event recorders with integrated web server," discloses
14 novel video safety devices that record visual information about events that occur in vehicles and provide
15 an advanced interface system that improves users' ease of use by allowing for specific types of remote
16 configuration. Exhibit A ('060 patent), 5:39-6:14. The '060 patent explains that prior-art video systems
17 were cumbersome and difficult to use, and provided significantly limited functionality in what video data
18 could be recorded or how it could be retrieved. *Id.*, 1:12-5:15. The '060 patent solves these problems
19 through its inventions that include a specific structural device comprising a video camera, memory, and
20 "event trigger," which detects events "responsive to an event parameter breaching an event trigger
21 threshold level," along with a microprocessor for flexibly receiving settings information from a remote
22 device. *Id.*, cl. 1. The microprocessor "facilitate[s] wireless communication of information between the
23 vehicle event recorder and a remotely located computing device using HTTP" and "receive[s] settings
24 information from the remotely located computing device . . . operable to adjust vehicle event recorder
25 settings pertaining to operation of one or both of the video camera and the event trigger." *Id.*

26 43. Motive's products and/or services that infringe the '060 patent include, but are not limited
27 to, the Accused Products and use thereof.

1 44. Motive makes, uses, sells, offers for sale, and/or imports the Accused Products and
2 components thereof in the United States.

3 45. Motive directly infringes—literally and/or under the doctrine of equivalents—at least claim
4 1 of the '060 patent by making, using, selling, offering for sale, and/or importing into the United States
5 its Accused Products and components thereof.

6 46. For example, claim 1 of the '060 patent recites:

7 1. A vehicle event recorder comprising:

8 a video camera configured to acquire visual information representing a
9 vehicle environment, the vehicle environment including spaces in and
around an interior and an exterior of a vehicle;

10 a memory configured to electronically store information;

11 an event trigger configured to detect a vehicle event responsive to an event
12 parameter breaching an event trigger threshold level; and

13 a microprocessor configured to:

14 responsive to detection of the vehicle event, effectuate storage of
visual information associated with the vehicle event in the memory;

15 facilitate wireless communication of information between the
16 vehicle event recorder and a remotely located computing device
using HTTP;

17 receive settings information from the remotely located computing
18 device, wherein the settings information is operable to adjust vehicle
event recorder settings pertaining to operation of one or both of the
19 video camera and the event trigger, and

20 adjust the vehicle event recorder settings based on the received
settings information.

21 47. The Accused Products practice each limitation of at least claim 1 of the '060 patent.

22 48. Motive, at least by using the Accused Products, performs each step of claim 1 of the '060
23 patent. *See* Exhibit H.

24 49. To the extent the preamble is construed to be limiting, Motive, at least by using the Accused
25 Products, performs the requirements of the preamble. For example, Motive Vehicle Gateway (ELD) with
26 Smart Dashcam, AI Dashcam, and AI Omnicam provide “a vehicle event recorder.”

27 50. Motive, at least when using the Smart Dashcam, AI Dashcam and/or AI Omnicam includes
28 “a video camera configured to acquire visual information representing a vehicle environment, the vehicle

1 environment including spaces in and around an interior and an exterior of a vehicle,” as required by claim
2 1 of the '060 patent.

3 51. Motive, at least when using the Smart Dashcam, AI Dashcam, and/or AI Omnicam,
4 includes a video camera with “a memory configured to electronically store information,” as required by
5 claim 1 of the '060 patent.

6 52. Motive, at least when using the Smart Dashcam, AI Dashcam and/or AI Omnicam includes
7 “an event trigger configured to detect a vehicle event responsive to an event parameter breaching an event
8 trigger threshold level,” as required by claim 1 of the '060 patent.

9 53. Motive, at least when using the Smart Dashcam, AI Dashcam and/or AI Omnicam includes
10 “a microprocessor configured to: responsive to detection of the vehicle event, effectuate storage of visual
11 information associated with the vehicle event in the memory,” as required by claim 1 of the '060 patent.

12 54. Motive, at least when using the Motive Vehicle Gateway includes a system with a
13 processor which “facilitate[s] wireless communication of information between the vehicle event recorder
14 and a remotely located computing device using HTTP,” as required by claim 1 of the '060 patent.

15 55. Motive, at least when using the Motive Vehicle Gateway, includes a system with a
16 processor which “receive[s] settings information from the remotely located computing device, wherein
17 the settings information is operable to adjust vehicle event recorder settings pertaining to operation of one
18 or both of the video camera and the event trigger,” as required by claim 1 of the '060 patent.

19 56. Motive, at least when using the Motive Vehicle Gateway with Motive’s Smart Dashcam
20 AI Dashcam, and/or AI Omnicam, includes a system with a processor which “receive[s] settings
21 information from the remotely located computing device, wherein the settings information is operable to
22 adjust vehicle event recorder settings pertaining to operation of one or both of the video camera and the
23 event trigger.” The Motive Vehicle Gateway (ELD), Motive’s Smart Dashcam AI Dashcam, and AI
24 Omnicam system receive settings information from the remotely located computing device via the Motive
25 Fleet Dashboard. The settings information is operable to adjust the vehicle event recorder settings
26 pertaining to operation of one or both of the video camera and event trigger.

27 57. Motive, at least when using the Motive Vehicle Gateway with Motive’s Smart Dashcam,
28 AI Dashcam, and/or AI Omnicam, includes a system with a processor which “adjust[s] the vehicle event

1 recorder settings based on the received settings information.” The Motive Vehicle Gateway (ELD) with
2 Motive’s Smart Dashcam, AI Dashcam, or AI Omnicam system adjusts through its processor the vehicle
3 event recorder settings based on the changes made in the Motive Fleet Dashboard.

4 58. Each claim of the ’060 patent recites an independent invention. Neither claim 1, described
5 above, nor any other individual claim is representative of all claims in the ’060 patent.

6 59. Motive was aware of and/or willfully blind to the ’060 patent since approximately the date
7 of its issuance on July 26, 2016. Numerous former employees of Plaintiffs who had knowledge of
8 Plaintiffs’ patented technology and patents, including the ’060 patent, worked and/or now work at Motive
9 in a wide variety of roles across the company. *See supra*, paragraphs 24–25. These employees were aware
10 of and/or were willfully blind to Plaintiffs’ patented technology and patents, including the ’060 patent,
11 when Motive was developing the Accused Products.

12 60. Motive has further been aware of the ’060 patent since at least the filing date of this
13 Complaint.

14 61. At least since the filing date of this Complaint, Motive has actively induced and is actively
15 inducing infringement of at least claim 1 of the ’060 patent, in violation of 35 U.S.C. § 271(b).

16 62. Motive’s customers and end-users of the Accused Products directly infringe at least claim
17 1 of the ’060 patent, at least by making and using the Accused Products as described in detail in paragraphs
18 45–57.

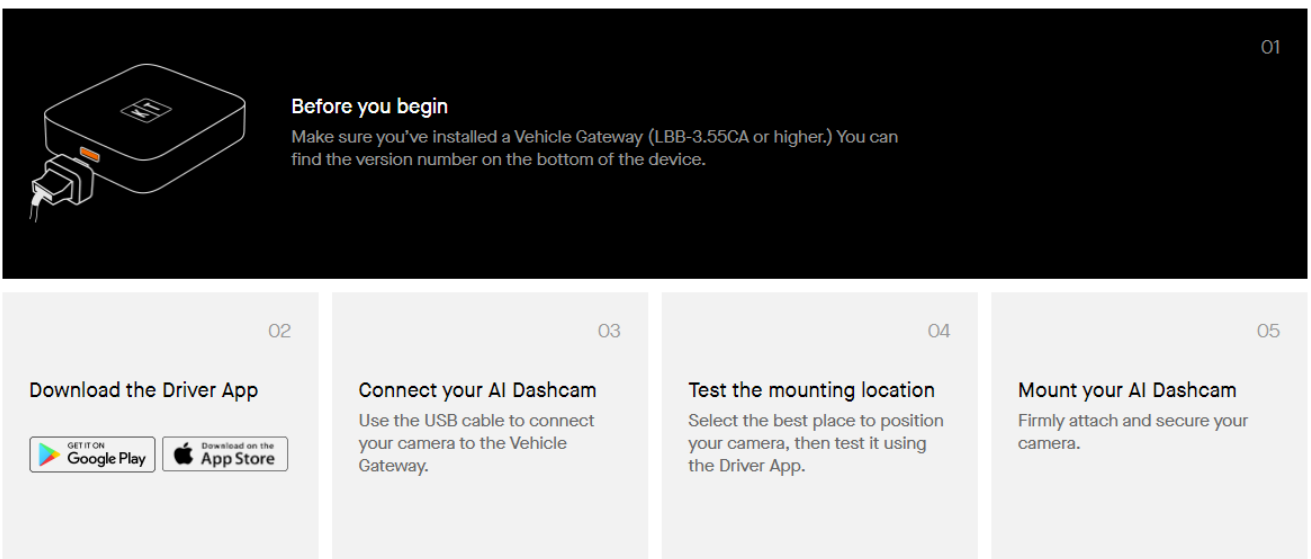
19 63. Motive knowingly induces infringement of at least claim 1 of the ’060 patent by customers
20 and end-users of the Accused Products with specific intent to induce infringement, and/or with willful
21 blindness to the possibility that its acts induce infringement, through activities relating to selling,
22 marketing, advertising, promotion, support, and distribution of the Accused Products in the United States.

23 64. Motive instructs customers and end users, at least through its marketing, promotional, and
24 instructional materials, to use the infringing Accused Products, and in particular, “facilitate[s] wireless
25 communication of information between the vehicle event recorder and a remotely located computing
26 device using HTTP.” *See* [https://helpcenter.gomotive.com/hc/en-us/articles/6162442580893--New-
27 Fleet-Managers-Start-Here-Getting-Started-with-Motive-for-Fleet-Managers](https://helpcenter.gomotive.com/hc/en-us/articles/6162442580893--New-Fleet-Managers-Start-Here-Getting-Started-with-Motive-for-Fleet-Managers);

1 [https://helpcenter.gomotive.com/hc/en-us/articles/11066719903901-Why-Dashcam-videos-are-pending-](https://helpcenter.gomotive.com/hc/en-us/articles/11066719903901-Why-Dashcam-videos-are-pending-not-uploading-)
2 [not-uploading-](https://helpcenter.gomotive.com/hc/en-us/articles/11066719903901-Why-Dashcam-videos-are-pending-not-uploading-).

3 65. For example, Motive publicly shares an installation and support guide for its AI Dashcam
4 products, including a “[s]tep-by-step guide” explaining how to install the AI Dashcam and integrate it
5 with the Motive Vehicle Gateway:

6 Step-by-step guide



18 <https://gomotive.com/dashcam-guide/>; see also [https://helpcenter.gomotive.com/hc/en-](https://helpcenter.gomotive.com/hc/en-us/categories/5364621713565-Installers)
19 [us/categories/5364621713565-Installers](https://helpcenter.gomotive.com/hc/en-us/categories/5364621713565-Installers) (listing installation guides).

20 66. Motive further explains publicly to its customers how the Accused Products operate,
21 including the infringing functionality. See <https://gomotive.com/products/dashcam/>.

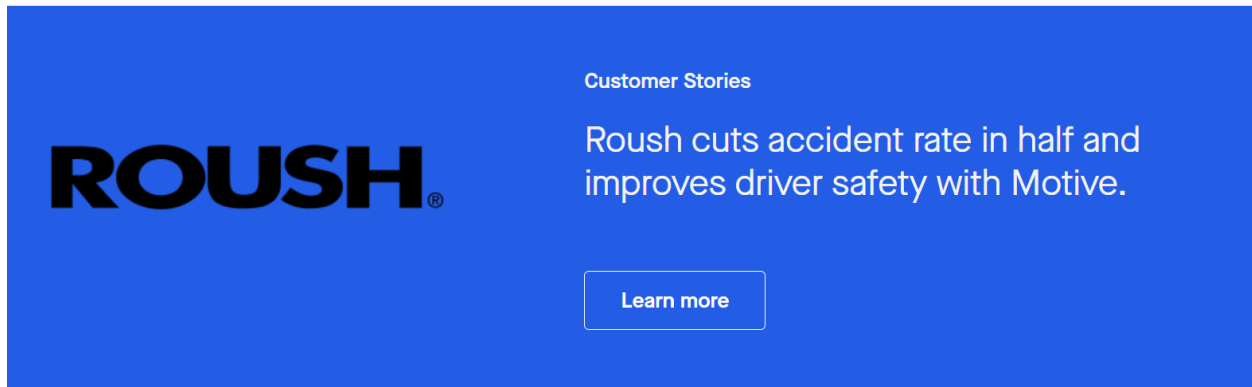
22 67. Additionally, the Motive Help Center provides detailed resources and instructions to
23 “Drivers” and “Fleet Managers/Admins” and “other users of the Motive Fleet Dashboard and Motive
24 Driver App.” <https://helpcenter.gomotive.com/hc/en-us>. The Motive Help Center also includes
25 “Installers/Installation Guides” “[r]esources on how to install all Motive hardware products, such as
26 Vehicle Gateways and Cameras.” *Id.* And as discussed above, these Motive hardware products, such as
27 the AI Dashcam Smart Dashcam, and AI Omnicam, include “a video camera configured to acquire visual
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1 information representing a vehicle environment, the vehicle environment including spaces in and around
2 an interior and an exterior of a vehicle” as claimed in the ’060 patent.

3 68. Motive has sales and technical support staff that assist Motive’s customers and end users
4 and provide instructions for the use of the Accused Products in an infringing manner in the United States.
5 See <https://helpcenter.gomotive.com/hc/en-us/requests/new>.

6 69. Motive provides its customers and end users with additional instructions that direct the
7 customers and end users to use the Accused Products in an infringing manner. Such instructions include,
8 for example, data sheets, technical specifications, customer support services, product sheets, and technical
9 support services. See <https://gomotive.com/dashcam-guide/>; see also *AI-Dashcam-Installation-Manual*
10 <https://gomotive.com/wp-content/uploads/2022/09/AI-Dashcam-Installation-Manual.pdf>. Further,
11 Motive explains to fleet managers how to use Motive software to access and use Motive’s Dashboard to
12 analyze driver events, and to “adjust the vehicle event recorder settings based on the received settings
13 information” as claimed in the ’060 patent.

14 70. Motive markets the Accused Products to users and third-party customers and installs said
15 Accused Products for users and customers with the specific intent to induce infringement. For example,
16 Motive highlights “Customer Stories” on its website, thereby advertising infringing uses of the Accused
17 Products by third-party customers, and encouraging additional infringing uses by those customers and
18 other potential customers, as depicted in the images below:



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<p>Trucking and logistics</p> <p>Biagi Bros</p> <p>Learn how Biagi Bros quickly onboarded their entire fleet and saw a 50% increase in time savings.</p>	<p>Oil & Gas</p> <p>Smart Chemical Solutions</p> <p>How one company enhanced efficiency, streamlined operations and increased savings.</p>	<p>Trucking and logistics</p> <p>QFS Transportation</p> <p>How one large fleet decreased HOS violations and more than doubled driver count.</p>	<p>Trucking and logistics</p> <p>JMS Transportation</p> <p>How one fleet improved safety, lowered repair costs, and increased profitability.</p>
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<p>Trucking and logistics</p> <p>Roush Industries</p> <p>Through technology, the company's transportation division is becoming safer and more compliant.</p>	<p>Trucking and logistics</p> <p>Sabel Steel</p> <p>How one fleet transformed its safety, tracking, and compliance program after switching to Motive</p>	<p>Trucking and logistics</p> <p>Cargo Network Solutions</p> <p>After more than a decade in business, the truckload service is reaching new heights in safety, compliance, and profitability.</p>	<p>Construction</p> <p>Southland Steel Fabricators</p> <p>How the materials and fabrication developer scaled its logistics team while saving tens of thousands of dollars with digital dispatch and automation.</p>
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[https://gomotive.com/customers/.](https://gomotive.com/customers/)



Location
Livonia, MI

Type
Trucking and logistics

Fleet Size
80

- Products Used
- Driver Safety**
 - Tracking**
 - Compliance**

Overview

Best known for its Mustang cars, Roush Industries is synonymous with excellence. As a trusted provider of global engineering solutions, Roush uses its trucking division to transport products around the country.

Over-the-road drivers are an important part of Roush's transportation business. When the connectivity on Roush's electronic logging devices (ELDs) faltered, drivers couldn't be matched to the right trip. Unable to track hours of service (HOS) due to malfunctioning ELDs, the company was charged with several HOS violations. After 18 months of disruption, it was time for a change.

After deploying Motive ELDs, Roush got HOS violations under control quickly. Looking to defend against false claims and improve driver safety, Roush also invested in Motive's road-facing AI Dashcams. Roush also began using Motive's Tracking & Telematics product to get real-time location visibility into their fleet.

50%	100%	40%
reduction in accidents	driver exoneration rate	improvement in CSA scores

[https://gomotive.com/customers/roush-industries/.](https://gomotive.com/customers/roush-industries/)

1 systems. Exhibit B ('067 patent), 1:8-11, 5:61-6:30. The '067 patent explains that prior-art video systems
 2 were cumbersome and difficult to use, and could only provide limited video information that was not
 3 usable by dispatchers. *Id.*, 1:13-5:57. The '067 patent accordingly claims a specific system that improves
 4 the technological functionality of prior video devices comprising an “an operator identity system,” an
 5 “associator,” and an “analyzer.” *Id.*, cl. 1. The operator identity system includes novel machine learning
 6 technology for identifying an operator of a vehicle, and the claimed “associator” takes the inputs from the
 7 “operator identity system” to associate event records with vehicle operators. *Id.* The “analyzer” then
 8 evaluates an operator using this operator-specific information and generates metrics using consistent
 9 algorithms that allow drivers to be evaluated consistently across a fleet. *Id.*

10 81. Motive’s products and/or services that infringe the '067 patent include, but are not limited
 11 to, the Accused Products and use thereof.

12 82. Motive makes, uses, sells, offers for sale, and/or imports the Accused Products and
 13 components thereof in the United States.

14 83. Motive directly infringes—literally and/or under the doctrine of equivalents—at least claim
 15 1 of the '067 patent by making, using, selling, offering for sale, and/or importing into the United States
 16 its Accused Products and components thereof.

17 84. For example, claim 1 of the '067 patent recites:

18 1. A system configured to determine vehicle operator performance measures for a group
 19 of vehicle operators associated with a group of vehicles, wherein the group of vehicle
 20 operators includes a first vehicle operator and a second vehicle operator, wherein the
 group of vehicles includes a first vehicle and a second vehicle, the system comprising:

21 an operator identity system configured to receive operator identity information
 22 that identifies periods of time a vehicle operator operates a vehicle, the operator
 23 identity information including a vehicle operator identifier, a vehicle identifier,
 and time ranges that correspond to the periods of time the vehicle operator
 operates the vehicle, wherein the vehicle operator is included in the group of
 vehicle operators, and wherein the vehicle is included in the group of vehicles;

24 an associator configured to:

25 obtain the operator identity information for the first vehicle operator and
 26 the second vehicle operator;

27 receive first event records that include information related to vehicle
 28 operation during vehicle events from a first vehicle event recorder
 associated with the first vehicle;

1 receive second event records that include information related to vehicle
2 operation during vehicle events from a second vehicle event recorder
associated with the second vehicle;

3 associate the first event records for vehicle events that occur while the first
4 vehicle operator operates the first vehicle with the operator identity
information for the first vehicle operator;

5 associate the second event records for vehicle events that occur while the
6 second vehicle operator operates the second vehicle with the operator
identity information for the second vehicle operator;

7 form datasets comprising the operator identity information and the
8 associated first and second event records; and

9 transmit the datasets to a data store; and

10 an analyzer configured to determine, based on the datasets, a first vehicle operator
11 performance measure for the first vehicle operator and a second vehicle operator
performance measure for the second vehicle operator, wherein the determination
uses a mathematical algorithm.

12 85. The Accused Products practice each limitation of at least claim 1 of the '067 patent.

13 86. Motive, at least by using the Accused Products, performs each step of claim 1 of the '067
14 patent. *See* Exhibit I.

15 87. To the extent the preamble is construed to be limiting, Motive, at least by using the Accused
16 Products, performs the requirements of the preamble. For example, Motive Vehicle Gateway (ELD) with
17 Smart Dashcam, AI Dashcam, and/or AI Omnicam with DRIVE includes a “[s]ystem configured to
18 determine vehicle operator performance measures for a group of vehicle operators associated with a group
19 of vehicles, wherein the group of vehicle operators includes a first vehicle operator and a second vehicle
20 operator, wherein the group of vehicles includes a first vehicle and a second vehicle.”

21 88. Motive’s DRIVE score system includes “an operator identity system configured to receive
22 operator identity information that identifies periods of time a vehicle operator operates a vehicle, the
23 operator identity information including a vehicle operator identifier, a vehicle identifier, and time ranges
24 that correspond to the periods of time the vehicle operator operates the vehicle, wherein the vehicle
25 operator is included in the group of vehicle operators, and wherein the vehicle is included in the group of
26 vehicles,” as required by claim 1 of the '067 patent. For example, Motive’s DRIVE score system is
27
28

1 configured to receive one or more operator identities to identify when a driver is operating a vehicle for a
2 certain period of time, and including vehicle identifier(s).

3 89. Motive's DRIVE score system includes "an associator configured to: obtain the operator
4 identity information for the first vehicle operator and the second vehicle operator," as required by claim 1
5 of the '067 patent. For example, Motive's DRIVE score system includes an associator configured to obtain
6 operator identity information for the first vehicle operator and the second vehicle operator.

7 90. Motive's DRIVE score system includes an associator configured to "receive first event
8 records that include information related to vehicle operation during vehicle events from a first vehicle
9 event recorder associated with the first vehicle" and "receive second event records that include information
10 related to vehicle operation during vehicle events from a second vehicle event recorder associated with
11 the second vehicle," as required by claim 1 of the '067 patent. For example, Motive's DRIVE system
12 receives records relating to events from at least a first and second vehicle (recorder, respectively).

13 91. Motive's DRIVE score system includes an associator configured to "associate the first
14 event records for vehicle events that occur while the first vehicle operator operates the first vehicle with
15 the operator identity information for the first vehicle operator" and "associate the second event records
16 for vehicle events that occur while the second vehicle operator operates the second vehicle with the
17 operator identity information for the second vehicle operator," as required by claim 1 of the '067 patent.
18 For example, in Motive's DRIVE system, events are associated with the appropriate vehicle operators
19 (first, second, etc.).

20 92. Motive's DRIVE score system includes an associator configured to "form datasets
21 comprising the operator identity information and the associated first and second event records; and
22 transmit the datasets to a data store," as required by claim 1 of the '067 patent. For example, data sets are
23 formed (e.g., operator identity, event information) and Motive's Vehicle Gateway (ELD) transmits the
24 data, including video data, to a data store which is analyzed and viewable in the Safety Hub.

25 93. Motive's DRIVE score system further includes "an analyzer configured to determine,
26 based on the datasets, a first vehicle operator performance measure for the first vehicle operator and a
27 second vehicle operator performance measure for the second vehicle operator, wherein the determination
28 uses a mathematical algorithm," as required by claim 1 of the '067 patent. For example, Motive's DRIVE

1 score system comprises an analyzer to determine based on the datasets first operator performance and
2 second operator performance by assigning each numerical scores.

3 94. Each claim of the '067 patent recites an independent invention. Neither claim 1, described
4 above, nor any other individual claim is representative of all claims in the '067 patent.

5 95. Motive was aware of and/or willfully blind to the '067 patent since approximately the date
6 of its issuance on September 12, 2017. Numerous former employees of Plaintiffs who had knowledge of
7 their patented technology and patents, including the '067 patent, have worked and/or now work at Motive
8 in a wide variety of roles across the company. *See supra*, paragraphs 24–25. These employees were aware
9 of and/or willfully blind to Plaintiffs' patented technology and patents, including the '067 patent, when
10 Motive was developing the Accused Products.

11 96. Motive has further been aware of the '067 patent since at least the filing date of this
12 Complaint.

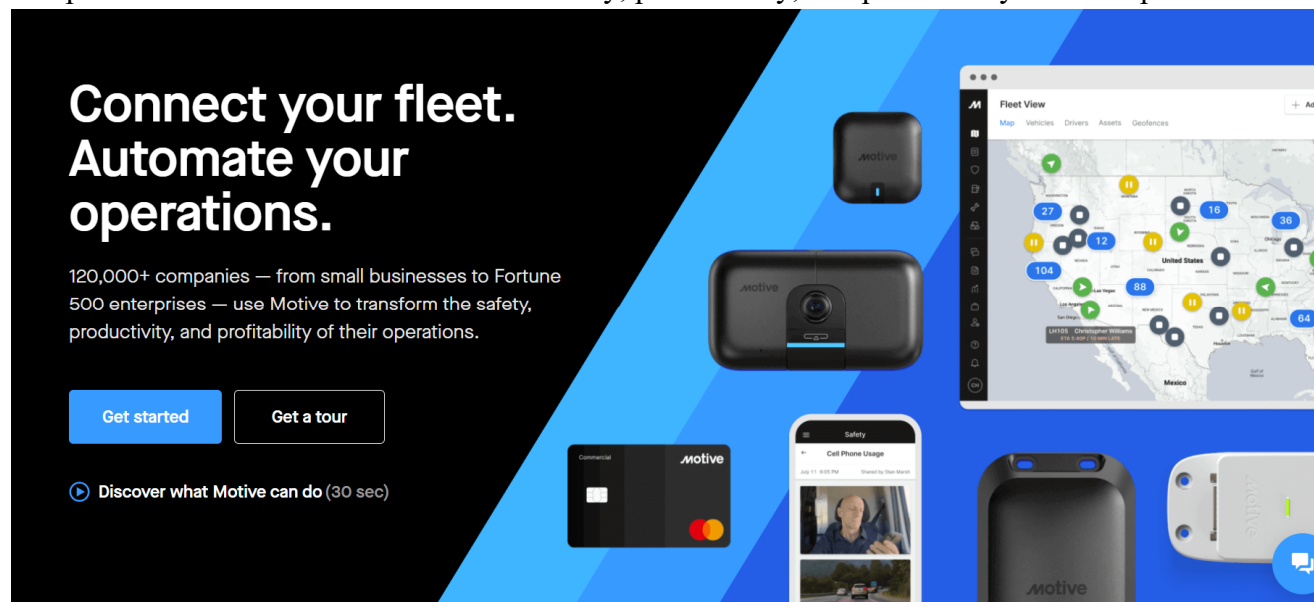
13 97. At least since the filing date of this Complaint, Motive actively induced and is actively
14 inducing infringement of at least claim 1 of the '067 patent, in violation of 35 U.S.C. § 271(b).

15 98. Motive's customers and end-users of the Accused Products directly infringe at least claim
16 1 of the '067 patent, at least by using the Accused Products, as described in detail in paragraphs 83–93.

17 99. Motive knowingly induces infringement of at least claim 1 of the '067 patent by customers
18 and end-users of the Accused Products with specific intent to induce infringement, and/or with willful
19 blindness to the possibility that its acts induce infringement, through activities relating to selling,
20 marketing, advertising, promotion, support, and distribution of the Accused Products in the United States.

21 100. Motive instructs customers and end users, at least through its marketing, promotional, and
22 instructional materials, to use the infringing Accused Products, and in particular a “system configured to
23 determine vehicle operator performance measures for a group of vehicle operators associated with a group
24 of vehicles, wherein the group of vehicle operators includes a first vehicle operator and a second vehicle
25 operator,” as claimed in the '067 patent. *See* [https://helpcenter.gomotive.com/hc/en-
26 us/articles/6162442580893--New-Fleet-Managers-Start-Here-Getting-Started-with-Motive-for-Fleet-
27 Managers](https://helpcenter.gomotive.com/hc/en-us/articles/6162442580893--New-Fleet-Managers-Start-Here-Getting-Started-with-Motive-for-Fleet-Managers); [https://helpcenter.gomotive.com/hc/en-us/articles/6162164321693-What-is-DRIVE-Risk-
28 Score](https://helpcenter.gomotive.com/hc/en-us/articles/6162164321693-What-is-DRIVE-Risk-Score).

101. For example, Motive invites customers to “[g]et started” and “[c]onnect your fleet” and “[a]utomate your operations,” and touts that “120,000+ companies – from small businesses to Fortune 500 companies – use Motive to transform the safety, productivity, and profitability of their operations.”



<https://gomotive.com/>.

102. Furthermore, Motive’s branded YouTube channel (<https://www.youtube.com/@GoMotive>) includes over forty-eight (48) Motive-endorsed videos (<https://www.youtube.com/@GoMotive/videos>) and nine (9) Motive-created playlists (<https://www.youtube.com/@GoMotive/playlists>) describing and relating to the Accused Products and Asserted Patent features. Motive provides, for example, video installation guides for the Accused Products that collectively have been viewed over 56.3K (56,300) times (<https://www.youtube.com/playlist?list=PLku95dwqjWZu0cK14sK49I2rcVgTwziRY>). The installation guides are also provided in French (https://www.youtube.com/playlist?list=PLku95dwqjWZvgar5DcCNt9T6_Cr6COIu2) and Spanish (<https://www.youtube.com/playlist?list=PLku95dwqjWZtk29IVs-KhnyGQW8FxiXwF>), to reach multi-lingual audiences and users of Accused Products, e.g., Vehicle Gateway, AI Dashcam. Motive also provides “getting started” and “onboarding” or “training” videos for the Accused Products to facilitate user adoption and use (e.g., for the Motive Driver App a twelve (12) video playlist with over 272K (272,000) views,

1 https://www.youtube.com/playlist?list=PLku95dwqjWZtwN_U62Zd56M63dEMwWeDL), and other
 2 marketing videos designed to attract, induce, and encourage use of Motive products. Further, Motive
 3 explains to fleet managers how to use Motive software to access and use Motive’s Dashboard to analyze
 4 driver behavior and assessment scores, which include “an analyzer configured to determine, based on the
 5 datasets, a first vehicle operator performance measure for the first vehicle operator and a second vehicle
 6 operator performance measure for the second vehicle operator, wherein the determination uses a
 7 mathematical algorithm” as claimed in the ’067 patent:

8 **How is the DRIVE score calculated?**

- 9
- 10 • Aggregate all of the safety events generated (using the DRIVE behavior threshold definitions) over the 4
 week period.
 - 11 • Calculate the normalized safety event rate per 1,000 miles driven for each unsafe behavior included in
 12 the score.

$$13 \text{ Event Rate} = (\text{count of events/miles driven}) * 1,000$$

- 14 • Determine the behavior impact on the score. The ‘DRIVE Points Table’ Report in the Fleet Dashboard
 15 indicates how points are allocated across behaviors.

$$16 \text{ Behavior impact} = \text{Total points available} - \text{Total points received}$$

- 17 • Calculate the final score by subtracting the sum of impact across all behaviors from the maximum score
 18 of 100. The more safety events generated, the more points are deducted from the score.

$$19 \text{ DRIVE Score} = 100 - (\text{sum of impact of all behaviors})$$

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21 <https://helpcenter.gomotive.com/hc/en-us/articles/6162164321693-What-is-DRIVE-Risk-Score>.

22 103. Motive also has sales and technical support staff that assist Motive’s customers and end
 23 users and provide instructions for the use of the Accused Products in an infringing manner in the United
 24 States. See <https://helpcenter.gomotive.com/hc/en-us/requests/new>.

25 104. Motive further advertises and instructs third parties how Motive’s driver risk score is
 26 calculated and instructs drivers how to use the driver risk score obtained via network devices running or
 27 interacting with Motive’s Accused Products. For example, Motive markets its driver risk score by
 28 allowing customers to “[t]ake a proactive approach to driver safety and prevent accidents with [Motive’s]

1 new Safety Hub and DRIVE risk score.” [https://www.facebook.com/keeptruckin/videos/you-cant-fix-](https://www.facebook.com/keeptruckin/videos/you-cant-fix-what-you-cant-see-take-a-proactive-approach-to-driver-safety-and-pr/3036811383084807/)
2 [what-you-cant-see-take-a-proactive-approach-to-driver-safety-and-pr/3036811383084807/](https://www.facebook.com/keeptruckin/videos/you-cant-fix-what-you-cant-see-take-a-proactive-approach-to-driver-safety-and-pr/3036811383084807/). Motive
3 thereby contributes to and induces infringement by third parties of the ’067 patent, by including *e.g.*, an
4 associator to “obtain the operator identity information for the first vehicle operator and the second vehicle
5 operator,” “receive first event records that include information related to vehicle operation during vehicle
6 events from a first vehicle event recorder associated with the first vehicle,” “receive second event records
7 that include information related to vehicle operation during vehicle events from a second vehicle event
8 recorder associated with the second vehicle,” “associate the first event records for vehicle events that
9 occur while the first vehicle operator operates the first vehicle with the operator identity information for
10 the first vehicle operator,” “associate the second event records for vehicle events that occur while the
11 second vehicle operator operates the second vehicle with the operator identity information for the second
12 vehicle operator,” “form datasets comprising the operator identity information and the associated first and
13 second event records,” and “transmit the datasets to a data store.” The associator then uses “an analyzer
14 configured to determine, based on the datasets, a first vehicle operator performance measure for the first
15 vehicle operator and a second vehicle operator performance measure for the second vehicle operator,
16 wherein the determination uses a mathematical algorithm.” Motive advertises their DRIVE risk score as
17 “more accurate at risk identification than other scores” and that “[s]ome of North America’s most
18 successful safety departments are using Motive’s technology and DRIVE to pinpoint ... to make their
19 fleets safer, more productive, and more profitable.” Motive Guide: DRIVE risk score 101
20 (https://gomotive.com/wp-content/uploads/2022/08/Guide_DRIVE-risk-score-101.pdf) at 3.
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1 **Introduction**

2 In today's world of astronomical settlements, sometimes called nuclear
3 verdicts, every business' worst fear is that they're just one catastrophe
4 away from a multi-million dollar payout. This is a legitimate concern. In
5 the last 10 years, cases with payouts of over \$1M have increased by 5x.

6 For those looking for ways to avoid a business-ending settlement, now
7 is the time to focus on proactive approaches to driver safety. Safety
8 departments that identify high-risk behaviors early, then modify those
9 bad habits before a crash occurs, can make all the difference in keeping
10 both liability and insurance costs low, and profit margins high.

11 Identifying high risk drivers isn't easy. Many safety departments have
12 outsourced their driver assessment chores to vendors who do little by
13 way of preventing crashes, much less coaching high-risk drivers.

14 Enter Motive.

15 Motive's proprietary DRIVE risk score helps safety departments pinpoint
16 which drivers need coaching and what behaviors they should focus on.
17 DRIVE evaluates benchmarked behaviors across Motive's network of
18 hundreds of thousands of connected vehicles to generate an accurate
19 risk profile of a driver relative to their peers.

20 Some of North America's most successful safety departments are
21 using Motive's technology and DRIVE to pinpoint who, what, when, and
22 where they should be focusing their time and attention to make their
23 fleets safer, more productive, and more profitable.

24 In this 101 Guide, you'll learn how your team can use the DRIVE risk
25 score to make your existing safety team more effective.

26 105. Motive provides its customers and end users with additional instructions that direct the
27 customers and end users to use the Accused Products in an infringing manner. The examples discussed
28 herein are but a sampling of the instructions from Motive directing use of the Accused Products in an
infringing manner. Motive markets the Accused Products to users and third-party customers and installs
said Accused Products for users and customers with the specific intent to induce infringement. For
example, Motive highlights "Customer Stories" on its website, thereby advertising infringing uses of the
Accused Products by third-party customers, and encouraging additional infringing uses by those
customers and other potential customers, as depicted in the images below:

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ROUSH[®]

Customer Stories

Roush cuts accident rate in half and improves driver safety with Motive.

[Learn more](#)

<p>Trucking and logistics</p> <p>Biagi Bros</p> <p>Learn how Biagi Bros quickly onboarded their entire fleet and saw a 50% increase in time savings.</p>	<p>Oil & Gas</p> <p>Smart Chemical Solutions</p> <p>How one company enhanced efficiency, streamlined operations and increased savings.</p>	<p>Trucking and logistics</p> <p>QFS Transportation</p> <p>How one large fleet decreased HOS violations and more than doubled driver count.</p>	<p>Trucking and logistics</p> <p>JMS Transportation</p> <p>How one fleet improved safety, lowered repair costs, and increased profitability.</p>
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<p>Trucking and logistics</p> <p>Roush Industries</p> <p>Through technology, the company's transportation division is becoming safer and more compliant.</p>	<p>Trucking and logistics</p> <p>Sabel Steel</p> <p>How one fleet transformed its safety, tracking, and compliance program after switching to Motive</p>	<p>Trucking and logistics</p> <p>Cargo Network Solutions</p> <p>After more than a decade in business, the truckload service is reaching new heights in safety, compliance, and profitability.</p>	<p>Construction</p> <p>Southland Steel Fabricators</p> <p>How the materials and fabrication developer scaled its logistics team while saving tens of thousands of dollars with digital dispatch and automation.</p>
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<https://gomotive.com/customers/>.

ROUSH®

Location

Livonia, MI

Type

Trucking and logistics

Fleet Size

80

Products Used

Driver Safety

Tracking

Compliance

Overview

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After deploying Motive ELDs, Roush got HOS violations under control quickly. Looking to defend against false claims and improve driver safety, Roush also invested in Motive's road-facing AI Dashcams. Roush also began using Motive's Tracking & Telematics product to get real-time location visibility into their fleet.

50%

reduction in accidents

100%

driver exoneration rate

40%

improvement in CSA scores

<https://gomotive.com/customers/roush-industries/>.

106. At least since the filing date of this Complaint, Motive contributed to and is contributing to infringement of at least claim 1 of the '067 patent, in violation of 35 U.S.C. § 271(c).

107. Motive's customers and end-users of the Accused Products directly infringe at least claim 1 of the '067 patent, at least by using the Accused Products, as described in detail in paragraphs 83–93.

108. Motive contributes to infringement of the '067 patent by offering to sell, selling, and importing into the United States the Accused Products and components thereof, including, for example, the AI Dashcam, Smart Dashcam, AI Omnicam, Vehicle Gateway, and associated software applications and firmware. Such components are substantial, material parts of the claimed inventions of the '067 patent and have no substantial non-infringing use.

109. The AI Dashcam, Smart Dashcam, AI Omnicam, Vehicle Gateway, and associated software applications and firmware are especially made and especially adapted for use in infringing the '067 patent and are not staple articles or commodities of commerce suitable for substantial non-infringing use.

110. Motive's infringement of the '067 patent is without license or other authorization.

1 111. Motive’s continued infringement of the ’067 patent has damaged and will continue to
2 damage Plaintiffs.

3 112. Unless and until enjoined by this Court, Motive will continue to directly infringe as well
4 as induce and contribute to infringement of the ’067 patent. Motive’s infringing acts are causing and will
5 continue to cause at least Plaintiffs irreparable harm, for which there is no adequate remedy at law. Under
6 35 U.S.C. § 283, Plaintiffs are entitled to a permanent injunction against further infringement.

7 113. This case is exceptional, entitling Plaintiffs to an award of attorneys’ fees and costs
8 incurred in prosecuting this action under 35 U.S.C. § 285.

9 **COUNT III**

10 **Infringement of U.S. Patent No. 10,957,130**

11 114. Plaintiffs repeat and reallege the allegations in paragraphs 1–113 as though fully set forth
12 herein.

13 115. The ’130 patent, titled “Driving event assessment system,” discloses novel systems and
14 methods that improve the evaluation and assessment of driver performance using a concrete technique
15 that fuses data from multiple sources to generate an accurate and robust assessment. Exhibit C (’130
16 patent), 1:43-2:46. The ’130 patent explains that prior-art systems were unable to generate reliable
17 assessments due to limitations resulting from their inability to make use of anything other than raw vehicle
18 data. *Id.*, 1:19-39. The ’130 patent accordingly claims specific systems and methods that improve the
19 technological functionality of prior video devices by capturing data from an “electronic logging device,”
20 “image data,” along with “external environmental conditions” to evaluate driver performance. *Id.*, cl. 1.
21 The system uses this information to accurately record incidents related to a driver’s performance and
22 determines likely causes of those events based on that information in a manner that prior art systems were
23 unable to do. *Id.*

24 116. Motive’s products and/or services that infringe the ’130 patent include, but are not limited
25 to, the Accused Products and use thereof.

26 117. Motive makes, uses, sells, offers for sale, and/or imports the Accused Products and
27 components thereof in the United States.

1 118. Motive directly infringes—literally and/or under the doctrine of equivalents—at least claim
2 1 of the '130 patent by making, using, selling, offering for sale, and/or importing into the United States
3 its Accused Products and components thereof.

4 119. For example, claim 1 of the '130 patent recites:

5 1. An apparatus for generating a driver performance assessment, comprising:
6 a processor; and

7 a memory coupled with the processor, wherein the memory includes instructions
8 executable by the processor to:

9 receive, at a network entity, a vehicle performance parameter from an
10 electronic logging device (ELD) associated with a vehicle, wherein the
11 vehicle performance parameter identifies a driving event detected by the
12 ELD;

13 receive, at the network entity, image data captured by an image processing
14 device on the vehicle that corresponds to the driving event;

15 determine, at the network entity, whether the driving event was triggered
16 in response to external environmental conditions based on the image data
17 captured by the image processing device on the vehicle; and

18 generate the driver performance assessment based on whether the driving
19 event was triggered in response to the external environmental conditions,

20 wherein the instructions to generate the driver performance assessment
21 further include instructions executable by the processor to deduct a value
22 from a driver performance assessment score when it is determined that an
23 action by at least one secondary vehicle did not trigger the driving event.

24 120. The Accused Products practice each limitation of at least claim 1 of the '130 patent.

25 121. Motive, at least by using the Accused Products, performs each step of claim 1 of the '130
26 patent. *See* Exhibit J.

27 122. To the extent the preamble is construed to be limiting, Motive, at least by using the Accused
28 Products, performs the requirements of the preamble. For example, Motive when using its Dashboard, and
also its customers and end users when using the Dashboard, includes an “apparatus for generating a driver
performance assessment.” Specifically, Motive’s fleet management system prepares a Drive Risk Score
that meets the limitations of the claims, as discussed above and below.

123. Motive, at least when using the Accused Products, includes a system which contains “a
processor,” as required by claim 1 of the '130 patent.

1 124. Motive, at least when using the Accused Products, includes a system which contains “a
2 memory coupled with the processor, wherein the memory includes instructions executable by the
3 processor,” as required by claim 1 of the ’130 patent. Specifically, Motive’s Smart Dashcam, AI
4 Dashcam, and AI Omnicam all include memory to store video.

5 125. Motive, at least when using the Accused Products, includes a memory coupled with a
6 processor to “receive, at the network entity, a vehicle performance parameter from an electronic logging
7 device (ELD) associated with a vehicle, wherein the vehicle performance parameter identifies a driving
8 event detected by the ELD,” as required by claim 1 of the ’130 patent. For example, on information and
9 belief performance parameters are sent from a Motive ELD associated with a vehicle to a network device
10 so that the performance parameter data can be aggregated to determine the DRIVE risk score.

11 126. Motive, at least when using the Accused Products, includes a memory coupled with a
12 processor to “receive, at the network entity, image data captured by an image processing device on the
13 vehicle that corresponds to the driving event,” as required by claim 1 of the ’130 patent. The Motive Fleet
14 system receives, at the network entity, image data captured by an image processing device on the vehicle
15 that corresponds to the driving event. For example, several of the behaviors that relate to the DRIVE score
16 are based on events that are captured by a camera, *e.g.*, driver distraction where the driver is looking down
17 for at least 5 seconds. The Accused Products further monitor and process behaviors through the Smart
18 Dashcam, AI Dashcam, and AI Omnicam in combination with the Vehicle Gateway.

19 127. Motive, at least when using the Accused Products, includes a memory coupled with a
20 processor to “determine, at the network entity, whether the driving event was triggered in response to
21 external environmental conditions based on the image data captured by the image processing device on
22 the vehicle,” as required by claim 1 of the ’130 patent. In assessing the drivers’ behavior, the Dashboard
23 uses both the video data from the Smart Dashcam, AI Dashcam, and/or AI Omnicam and also the event
24 data from the ELD. For example, if the AI dashcam detects unsafe driving behavior it “adds events for the
25 Fleet Managers to view” so that a fleet manager can, at the network entity, determine whether the event
26 was triggered in response to external conditions based on the image data captured by the AI Dashcam.
27 The Dashboard uses both video data from the Smart Dashcam and event data from the ELD.
28

1 128. Motive, at least when using the Accused Products, includes a memory coupled with a
2 processor to “generate the driver performance assessment based on whether the driving event was
3 triggered in response to the external environmental conditions, wherein the instructions to generate the
4 driver performance assessment further include instructions executable by the processor to deduct a value
5 from a driver performance assessment score when it is determined that an action by at least one secondary
6 vehicle did not trigger the driving event,” as required by claim 1 of the ’130 patent. Fleet managers using
7 Fleet Dashboard can generate DRIVE score reports that assess driver performance based on whether the
8 driving event was triggered in response to the external environmental conditions, wherein generating the
9 driver performance assessment comprises deducting a value from a driver performance assessment score
10 when it is determined that an action by at least one secondary vehicle did not trigger the driving event.
11 Specifically, Motive’s fleet management method prepares a Drive Risk Score that meets the limitations
12 of the claims. Drive Scores are prepared on, *e.g.*, a per-driver basis for a four-week period.

13 129. Each claim of the ’130 patent recites an independent invention. Neither claim 1, described
14 above, nor any other individual claim is representative of all claims in the ’130 patent.

15 130. Motive was aware of and/or willfully blind to the ’130 patent since approximately the date
16 of its issuance on March 23, 2021. Numerous former employees of Plaintiffs who had knowledge of their
17 patented technology and patents, including the ’130 patent, have worked and/or now work at Motive in a
18 wide variety of roles across the company. *See supra*, paragraphs 24–25. These employees were aware of
19 and/or willfully blind to Plaintiffs’ patented technology and patents, including the ’130 patent, when
20 Motive was developing the Accused Products.

21 131. Motive has further been aware of the ’130 patent since at least the filing date of this
22 Complaint.

23 132. At least since the filing date of this Complaint, Motive actively induced and is actively
24 inducing infringement of at least claim 1 of the ’130 patent, in violation of 35 U.S.C. § 271(b).

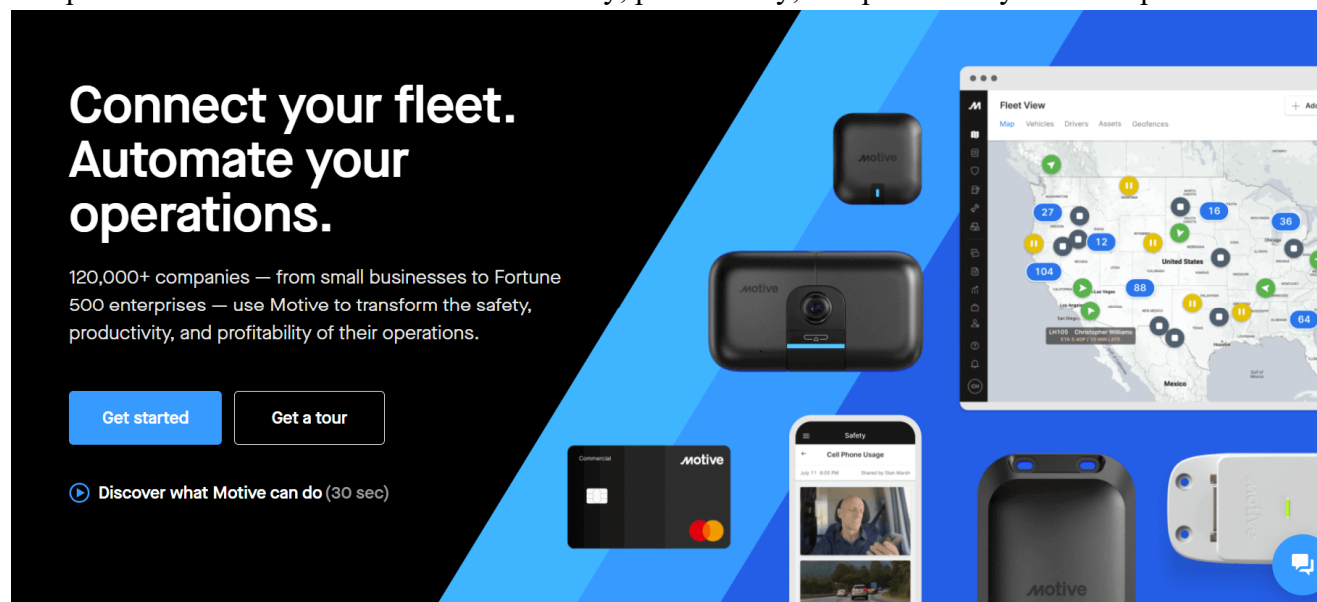
25 133. Motive’s customers and end-users of the Accused Products directly infringe at least claim
26 1 of the ’130 patent, at least by using the Accused Products, as described in detail in paragraphs 118–128.

27 134. Motive knowingly induces infringement of at least claim 1 of the ’130 patent by customers
28 and end-users of the Accused Products with specific intent to induce infringement, and/or with willful

1 blindness to the possibility that its acts induce infringement, through activities relating to selling,
2 marketing, advertising, promotion, support, and distribution of the Accused Products in the United States.

3 135. Motive instructs customers and end users, at least through its marketing, promotional, and
4 instructional materials, to use the infringing Accused Products, and in particular Motive’s “apparatus for
5 generating a driver performance assessment.” as claimed in the ’130 patent. See
6 [https://helpcenter.gomotive.com/hc/en-us/articles/6162442580893--New-Fleet-Managers-Start-Here-
7 Getting-Started-with-Motive-for-Fleet-Managers;](https://helpcenter.gomotive.com/hc/en-us/articles/6162442580893--New-Fleet-Managers-Start-Here-Getting-Started-with-Motive-for-Fleet-Managers) [https://helpcenter.gomotive.com/hc/en-
8 us/articles/6162164321693-What-is-DRIVE-Risk-Score.](https://helpcenter.gomotive.com/hc/en-us/articles/6162164321693-What-is-DRIVE-Risk-Score)

9 136. For example, Motive invites customers to “[g]et started” and “[c]onnect your fleet” and
10 “[a]utomate your operations,” and touts that “120,000+ companies – from small businesses to Fortune 500
11 companies – use Motive to transform the safety, productivity, and profitability of their operations.”



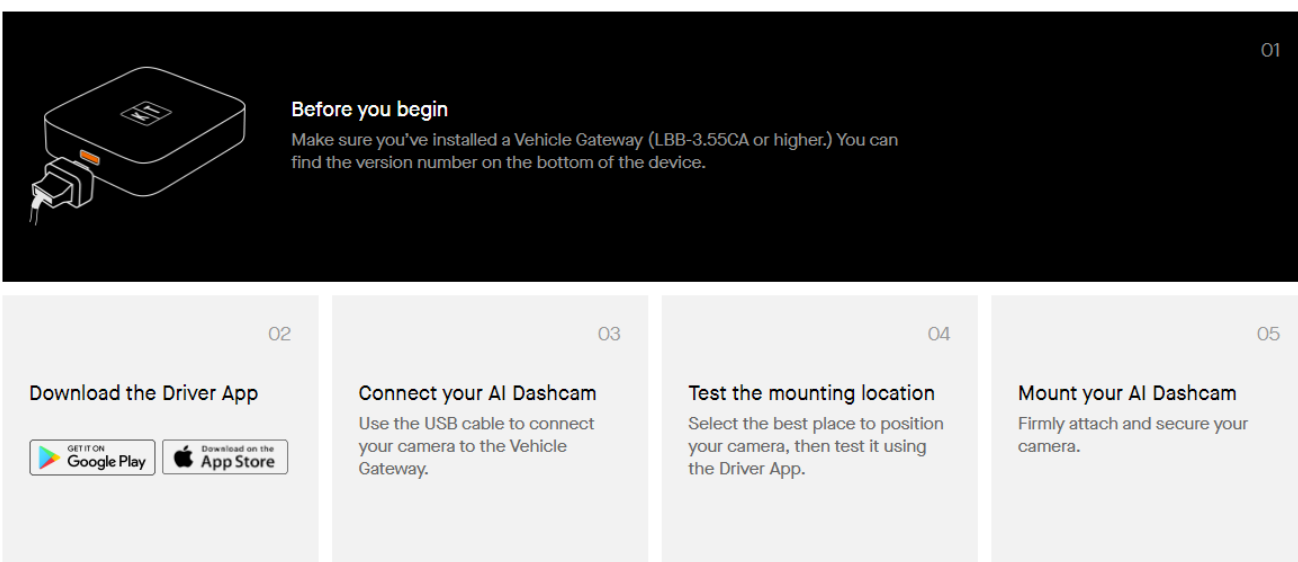
21 [https://gomotive.com/.](https://gomotive.com/)

22 137. Additionally, the Motive Help Center provides detailed resources and instructions to
23 “Drivers” and “Fleet Managers/Admins” and “other users of the Motive Fleet Dashboard and Motive
24 Driver App.” <https://helpcenter.gomotive.com/hc/en-us>. The Motive Help Center also includes
25 “Installers/Installation Guides” “[r]esources on how to install all Motive hardware products, such as
26 Vehicle Gateways and Cameras.” *Id.* And as discussed above, these Motive hardware products are used
27 to generate a performance parameter that is “receive[d], at a network entity, [] from an electronic logging
28

1 device (ELD) associated with a vehicle, wherein the vehicle performance parameter identifies a driving
 2 event detected by the ELD” as claimed in the ’130 patent.

3 138. For example, Motive publicly shares an installation and support guide for its AI Dashcam
 4 products, including a “[s]tep-by-step guide” explaining how to install the AI Dashcam and integrate it
 5 with the Motive Vehicle Gateway:

6 Step-by-step guide



18 <https://gomotive.com/dashcam-guide/>; *see also* [https://helpcenter.gomotive.com/hc/en-](https://helpcenter.gomotive.com/hc/en-us/categories/5364621713565-Installers)
 19 [us/categories/5364621713565-Installers](https://helpcenter.gomotive.com/hc/en-us/categories/5364621713565-Installers) (listing installation guides). Motive further explains publicly to
 20 its customers how the Accused Products operate, including the infringing functionality. *See*
 21 <https://gomotive.com/products/dashcam/>. And as discussed above, these Motive hardware products
 22 comprise “[a]n apparatus for generating a driver performance assessment, comprising: a processor; and a
 23 memory coupled with the processor, wherein the memory includes instructions executable by the
 24 processor to: receive, at a network entity, a vehicle performance parameter from an electronic logging
 25 device (ELD) associated with a vehicle, wherein the vehicle performance parameter identifies a driving
 26 event detected by the ELD; receive, at the network entity, image data captured by an image processing
 27 device on the vehicle that corresponds to the driving event; determine, at the network entity, whether the
 28 driving event was triggered in response to external environmental conditions based on the image data

1 captured by the image processing device on the vehicle; and generate the driver performance assessment
 2 based on whether the driving event was triggered in response to the external environmental conditions,
 3 wherein the instructions to generate the driver performance assessment further include instructions
 4 executable by the processor to deduct a value from a driver performance assessment score when it is
 5 determined that an action by at least one secondary vehicle did not trigger the driving event” as claimed
 6 in the ’130 patent.

7 139. Further still, Motive prepared and publicly provides “over 2000 articles” on its website to
 8 “help” Drivers, Fleet Managers, Admins, Installers, and other users find answers about how to use Motive
 9 products, and encourage installation, adoption, and further use of Motive products. *Id.* Motive publicly
 10 shares detailed resources and instructions to customers and users of the Accused Products, *e.g.*, Vehicle
 11 Gateway, AI Dashcam. <https://gomotive.com/vg-driver/>. Motive further provides user guides for ELD
 12 Users and DOT Cab Cards. *Id.* These guides are also provided in French and Spanish to reach additional,
 13 multi-lingual audiences and users beyond those the Motive English language resources and guides may
 14 reach:

15 **Helpful documents**

16

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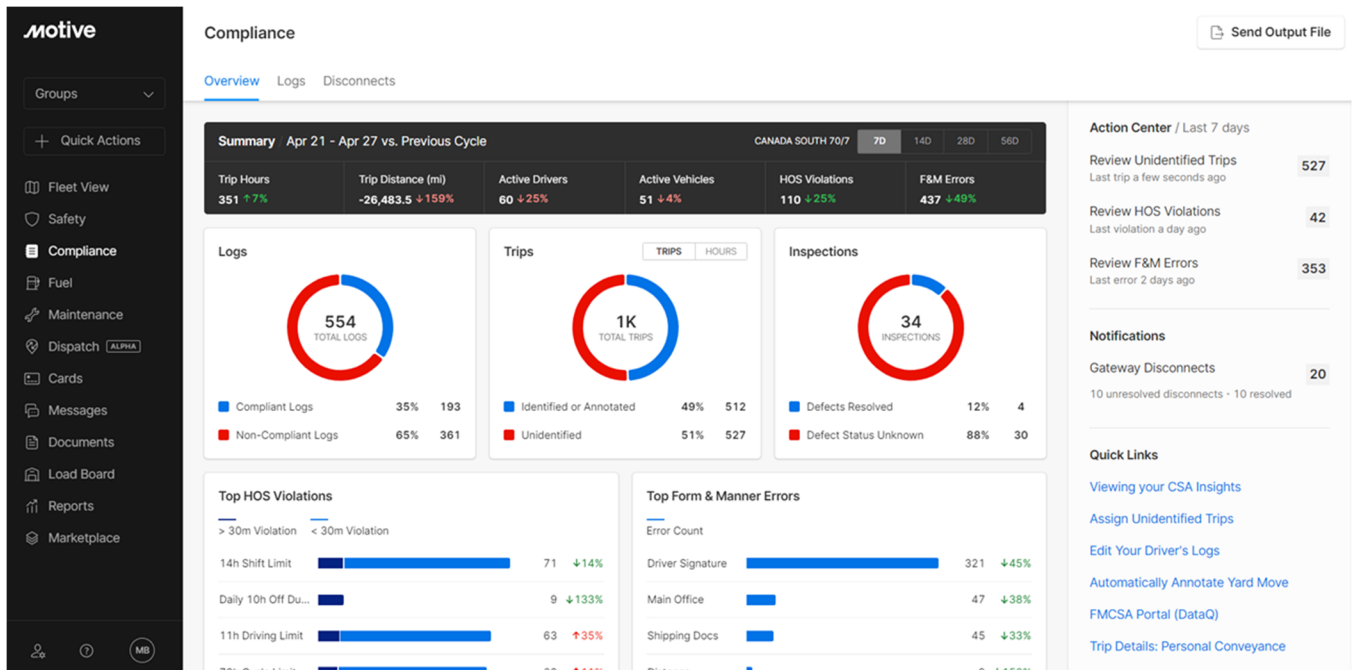
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20

21 <https://gomotive.com/vg-driver/>.

22 140. Furthermore, Motive’s branded YouTube channel
 23 (<https://www.youtube.com/@GoMotive>) includes over forty-eight (48) Motive-endorsed videos
 24 (<https://www.youtube.com/@GoMotive/videos>) and nine (9) Motive-created playlists
 25 (<https://www.youtube.com/@GoMotive/playlists>) describing and relating to the Accused Products and
 26 Asserted Patent features, including to “receive, at a network entity, a vehicle performance parameter from
 27 an electronic logging device (ELD) associated with a vehicle, wherein the vehicle performance parameter
 28

1 identifies a driving event detected by the ELD,” “receive, at the network entity, image data captured by
2 an image processing device on the vehicle that corresponds to the driving event,” “determine, at the
3 network entity, whether the driving event was triggered in response to external environmental conditions
4 based on the image data captured by the image processing device on the vehicle,” and “generate the driver
5 performance assessment based on whether the driving event was triggered in response to the external
6 environmental conditions, wherein the instructions to generate the driver performance assessment further
7 include instructions executable by the processor to deduct a value from a driver performance assessment
8 score when it is determined that an action by at least one secondary vehicle did not trigger the driving
9 event” as claimed in the ’130 patent. Motive provides, for example, video installation guides for the
10 Accused Products that collectively have been viewed over 56.3K (56,300) times
11 (<https://www.youtube.com/playlist?list=PLku95dwqjWZu0cK14sK49l2reVgTwziRY>). The installation
12 guides are also provided in French
13 (https://www.youtube.com/playlist?list=PLku95dwqjWZvgar5DcCNt9T6_Cr6COIu2) and Spanish
14 (<https://www.youtube.com/playlist?list=PLku95dwqjWZtk29lVs-KhnyGQW8FxiXwF>), to reach multi-
15 lingual audiences and users of Accused Products, e.g., Vehicle Gateway, AI Dashcam. Motive also
16 provides “getting started” and “onboarding” or “training” videos for the Accused Products to facilitate
17 user adoption and use (e.g., for the Motive Driver App a twelve (12) video playlist with over 272K
18 (272,000) views,
19 https://www.youtube.com/playlist?list=PLku95dwqjWZtwN_U62Zd56M63dEMwWeDL), and other
20 marketing videos designed to attract, induce, and encourage use of Motive products. Further, Motive
21 explains to fleet managers how to use Motive software to access and use Motive’s Dashboard to analyze
22 “a driver performance assessment” as claimed in the ’130 patent:



<https://helpcenter.gomotive.com/hc/en-us/articles/6162446181533-What-is-Compliance-Hub->

141. For example, Motive explains how the driver risk score is calculated and instructs drivers how to use the driver risk score:

How is the DRIVE score calculated?

- Aggregate all of the safety events generated (using the DRIVE behavior threshold definitions) over the 4 week period.
- Calculate the normalized safety event rate per 1,000 miles driven for each unsafe behavior included in the score.

$$\text{Event Rate} = (\text{count of events/miles driven}) * 1,000$$

- Determine the behavior impact on the score. The 'DRIVE Points Table' Report in the Fleet Dashboard indicates how points are allocated across behaviors.

$$\text{Behavior impact} = \text{Total points available} - \text{Total points received}$$

- Calculate the final score by subtracting the sum of impact across all behaviors from the maximum score of 100. The more safety events generated, the more points are deducted from the score.

$$\text{DRIVE Score} = 100 - (\text{sum of impact of all behaviors})$$

<https://helpcenter.gomotive.com/hc/en-us/articles/6162164321693-What-is-DRIVE-Risk-Score->

1 142. Motive also has sales and technical support staff that assist Motive’s customers and end
2 users and provide instructions for the use of the Accused Products in an infringing manner in the United
3 States. See <https://helpcenter.gomotive.com/hc/en-us/requests/new>.

4 143. Motive provides its customers and end users with additional instructions that direct the
5 customers and end users to use the Accused Products in an infringing manner. Such instructions include,
6 for example, data sheets, technical specifications, customer support services, product sheets, and technical
7 support services. The examples discussed herein are but a sampling of the instructions from Motive
8 directing use of the Accused Products in an infringing manner.

9 144. Motive further advertises and instructs third parties how Motive’s driver risk score is
10 calculated and instructs drivers how to use the driver risk score obtained via network devices running or
11 interacting with Motive’s Accused Products. For example, Motive markets its driver risk score by
12 allowing customers to “[t]ake a proactive approach to driver safety and prevent accidents with [Motive’s]
13 new Safety Hub and DRIVE risk score.” [https://www.facebook.com/keeptruckin/videos/you-cant-fix-
14 what-you-cant-see-take-a-proactive-approach-to-driver-safety-and-pr/3036811383084807/](https://www.facebook.com/keeptruckin/videos/you-cant-fix-what-you-cant-see-take-a-proactive-approach-to-driver-safety-and-pr/3036811383084807/). Motive
15 thereby contributes to and induces infringement by third parties of the ’130 patent, including *e.g.*, an
16 apparatus with “instructions executable by the processor” to “generate the driver performance assessment”
17 and further includes instructions executable by the processor to “deduct a value from a driver performance
18 assessment score when it is determined that an action by at least one secondary vehicle did not trigger the
19 driving event.” Motive advertises their DRIVE risk score as “more accurate at risk identification than
20 other scores” and that “[s]ome of North America’s most successful safety departments are using Motive’s
21 technology and DRIVE to pinpoint ... to make their fleets safer, more productive, and more profitable.”
22 Motive Guide: DRIVE risk score 101 ([https://gomotive.com/wp-
23 content/uploads/2022/08/Guide_DRIVE-risk-score-101.pdf](https://gomotive.com/wp-content/uploads/2022/08/Guide_DRIVE-risk-score-101.pdf)) at 3.

1 **Introduction**

2 In today's world of astronomical settlements, sometimes called nuclear
3 verdicts, every business' worst fear is that they're just one catastrophe
4 away from a multi-million dollar payout. This is a legitimate concern. In
5 the last 10 years, cases with payouts of over \$1M have increased by 5x.

6 For those looking for ways to avoid a business-ending settlement, now
7 is the time to focus on proactive approaches to driver safety. Safety
8 departments that identify high-risk behaviors early, then modify those
9 bad habits before a crash occurs, can make all the difference in keeping
10 both liability and insurance costs low, and profit margins high.

11 Identifying high risk drivers isn't easy. Many safety departments have
12 outsourced their driver assessment chores to vendors who do little by
13 way of preventing crashes, much less coaching high-risk drivers.

14 Enter Motive.

15 Motive's proprietary DRIVE risk score helps safety departments pinpoint
16 which drivers need coaching and what behaviors they should focus on.
17 DRIVE evaluates benchmarked behaviors across Motive's network of
18 hundreds of thousands of connected vehicles to generate an accurate
19 risk profile of a driver relative to their peers.

20 Some of North America's most successful safety departments are
21 using Motive's technology and DRIVE to pinpoint who, what, when, and
22 where they should be focusing their time and attention to make their
23 fleets safer, more productive, and more profitable.

24 In this 101 Guide, you'll learn how your team can use the DRIVE risk
25 score to make your existing safety team more effective.

26
27 145. Motive markets the Accused Products to users and third-party customers and installs said
28 Accused Products for users and customers with the specific intent to induce infringement. For example,
Motive highlights "Customer Stories" on its website, thereby advertising infringing uses of the Accused
Products by third-party customers, and encouraging additional infringing uses by those customers and
other potential customers, as depicted in the images below:

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ROUSH[®]

Customer Stories

Roush cuts accident rate in half and improves driver safety with Motive.

[Learn more](#)

Trucking and logistics

Biagi Bros

Learn how Biagi Bros quickly onboarded their entire fleet and saw a 50% increase in time savings.

Oil & Gas

Smart Chemical Solutions

How one company enhanced efficiency, streamlined operations and increased savings.

Trucking and logistics

QFS Transportation

How one large fleet decreased HOS violations and more than doubled driver count.

Trucking and logistics

JMS Transportation

How one fleet improved safety, lowered repair costs, and increased profitability.

Trucking and logistics

Roush Industries

Through technology, the company's transportation division is becoming safer and more compliant.

Trucking and logistics

Sabel Steel

How one fleet transformed its safety, tracking, and compliance program after switching to Motive

Trucking and logistics

Cargo Network Solutions

After more than a decade in business, the truckload service is reaching new heights in safety, compliance, and profitability.

Construction

Southland Steel Fabricators

How the materials and fabrication developer scaled its logistics team while saving tens of thousands of dollars with digital dispatch and automation.

<https://gomotive.com/customers/>.

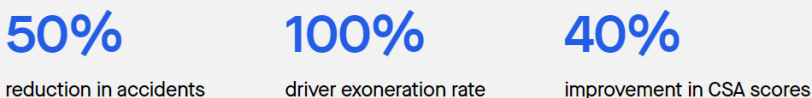


Overview

Best known for its Mustang cars, Roush Industries is synonymous with excellence. As a trusted provider of global engineering solutions, Roush uses its trucking division to transport products around the country.

Over-the-road drivers are an important part of Roush's transportation business. When the connectivity on Roush's electronic logging devices (ELDs) faltered, drivers couldn't be matched to the right trip. Unable to track hours of service (HOS) due to malfunctioning ELDs, the company was charged with several HOS violations. After 18 months of disruption, it was time for a change.

After deploying Motive ELDs, Roush got HOS violations under control quickly. Looking to defend against false claims and improve driver safety, Roush also invested in Motive's road-facing AI Dashcams. Roush also began using Motive's Tracking & Telematics product to get real-time location visibility into their fleet.



Location
Livonia, MI

Type
Trucking and logistics

Fleet Size
80

- Products Used
- Driver Safety**
 - Tracking**
 - Compliance**

<https://gomotive.com/customers/roush-industries/>.

146. At least since the filing date of this Complaint, Motive contributed and is contributing to infringement of at least claim 1 of the '130 patent, in violation of 35 U.S.C. § 271(c).

147. Motive's customers and end-users of the Accused Products directly infringe at least claim 1 of the '130 patent, at least by using the Accused Products, as described in detail above in paragraphs 118–128.

148. Motive contributes to infringement of the '130 patent by offering to sell, selling, and importing into the United States the Accused Products and components thereof, including, for example, the AI Dashcam, Smart Dashcam, AI Omnicam, Vehicle Gateway, and associated software applications and firmware. Such components are substantial, material parts of the claimed inventions of the '130 patent and have no substantial non-infringing use.

149. The AI Dashcam, Smart Dashcam, AI Omnicam, Vehicle Gateway, and associated software applications and firmware, are especially made and especially adapted for use in infringing the '130 patent and are not staple articles or commodities of commerce suitable for substantial non-infringing use.

150. Motive's infringement of the '130 patent is without license or other authorization.

1 157. Motive makes, uses, sells, offers for sale, and/or imports the Accused Products and
2 components thereof in the United States.

3 158. Motive directly infringes—literally and/or under the doctrine of equivalents—at least claim
4 1 of the '873 patent by making, using, selling, offering for sale, and/or importing into the United States
5 its Accused Products and components thereof.

6 159. For example, claim 1 of the '873 patent recites:

7 1. A method of processing data associated with a vehicle, comprising:

8 receiving a set of metrics related to a performance of the vehicle and a plurality of
9 operators of the vehicle over a set time period from an application operating on
10 the vehicle to collect data associated with operation of the vehicle, wherein the set
of metrics include compliance information of the plurality of operators of the
vehicle;

11 identifying a plurality of events associating the plurality of operators of the
12 vehicle with the vehicle along with associated timestamps of the plurality of
events;

13 generating a mapping table mapping the plurality of events to times during which
14 the plurality of operators operate the vehicle based at least in part on the
associated timestamps of the plurality of events;

15 correlating over the set time period, by a processor, the set of metrics with the
16 plurality of operators based at least in part on the times during which the plurality
of operators operate the vehicle as specified in the mapping table to generate a
17 correlated set of data viewable from an operator context of one of the plurality of
operators, wherein the correlated set of data viewable from the operator context
18 include the compliance information of the operator;

19 providing the correlated set of data to a client;

20 receiving an updated set of metrics, an additional event, or both;

21 updating the correlated set of data according to the updated set of metrics, the
additional event, or both; and

22 providing the updated correlated set of data to the client.

23 160. The Accused Products practice each limitation of at least claim 1 of the '873 patent.

24 161. Motive, at least by using the Accused Products, performs each step of claim 1 of the '873
25 patent. *See* Exhibit K.

26 162. To the extent the preamble is construed to be limiting, Motive, at least by using the Accused
27 Products, performs the requirements of the preamble. For example, the Accused Products include “[a]
28

1 method of processing data associated with a vehicle.” For example, a Fleet Manager Dashboard operates
2 on a remote server for processing data associated with one or more vehicles.

3 163. Motive, at least when using the Accused Products, “receiv[es] a set of metrics related to a
4 performance of the vehicle and a plurality of operators of the vehicle over a set time period from an
5 application operating on the vehicle to collect data associated with operation of the vehicle, wherein the
6 set of metrics include compliance information of the plurality of operators of the vehicle,” as required by
7 claim 1 of the ’873 patent. The Accused Products receive a set of metrics related to a performance of the
8 vehicle and operators of the vehicle over a set time period from an application operating on the vehicle to
9 collect data associated with the operation of the vehicle, wherein the set of metrics include compliance
10 information of the operators of the vehicle. For example, the Fleet Manager Dashboard receives driver log
11 information to monitor log compliance information. In addition to the driver log information, the remote
12 server receives other telematics vehicle data at the server from the mobile device. The vehicle data may
13 include vehicle utilization information.

14 164. Motive, at least when using the Accused Products, “identif[ies] a plurality of events
15 associating the plurality of operators of the vehicle with the vehicle along with associated timestamps of
16 the plurality of events,” as required by claim 1 of the ’873 patent. The Accused Products identify a plurality
17 of events associating the plurality of operators of the vehicle with the vehicle along with associated
18 timestamps of the plurality of events. For example, the Fleet Manager Dashboard identifies the plurality
19 of events associated with the plurality of drivers of the vehicle associated with the timestamps (*e.g.*, start
20 time of the event and duration) as well as the location of the event.

21 165. Motive, at least when using the Accused Products, “generat[es] a mapping table mapping
22 the plurality of events to times during which the plurality of operators operate the vehicle based at least in
23 part on the associated timestamps of the plurality of events,” as required by claim 1 of the ’873 patent. On
24 information and belief, the Accused Products include a server configured to generate a mapping table
25 mapping the plurality of events to times during which the plurality of operators operate the vehicle based
26 at least in part on the associated timestamps of the plurality of events.

27 166. Motive, at least when using the Accused Products, “correlate[es] over the set time period,
28 by a processor, the set of metrics with the plurality of operators based at least in part on the times during

1 which the plurality of operators operate the vehicle as specified in the mapping table to generate a
2 correlated set of data viewable from an operator context of one of the plurality of operators, wherein the
3 correlated set of data viewable from the operator context include the compliance information of the
4 operator,” as required by claim 1 of the ’873 patent. For example, the Fleet Manager Dashboard is
5 configured to correlate, over the set time period, the set of metrics with the plurality of operators based at
6 least in part on the times during which the plurality of operators operate the vehicle as specified in the
7 mapping table to generate a correlated set of data viewable from an operator context of one of the plurality
8 of operators, wherein the correlated set of data viewable from the operator context includes the compliance
9 information of the operator.

10 167. Motive, at least when using the Accused Products, provid[es] the correlated set of data to
11 a client,” as required by claim 1 of the ’873 patent. The Accused Products include a server configured to
12 provide the correlated set of data to a client. For example, the dashboard provides correlated set(s) of data,
13 including driver and vehicle data associated with vehicle utilization, HOS (hours of service) violations,
14 and driver score(s).

15 168. Motive, at least when using the Accused Products, “receiv[es] an updated set of metrics,
16 an additional event, or both,” as required by claim 1 of the ’873 patent. The Accused Products include a
17 server configured to receive an updated set of metrics, an additional event, or both. For example, the
18 Motive server receives updated sets of metrics, in real time, from the one or more vehicles and drivers
19 such that the vehicle and operator data is updated at the Fleet Manager Dashboard continuously.

20 169. Motive, at least when using the Accused Products, “update[es] the correlated set of data
21 according to the updated set of metrics, the additional event, or both,” as required by claim 1 of the ’873
22 patent. The Accused Products update the correlated set of data according to the updated set of metrics, the
23 additional event, or both, and provide the updated correlated set of data to the client. For example, the
24 dashboard provides continuously updated correlated set of data to the fleet manager.

25 170. Motive, at least when using the Accused Products, “provid[es] the updated correlated set
26 of data to the client,” as required by claim 1 of the ’873 patent. The Accused Products provide the
27 correlated set of data. For example, the dashboard provides continuously updated correlated set of data to
28 the fleet manager.

1 171. Each claim of the '873 patent recites an independent invention. Neither claim 1, described
2 above, nor any other individual claim is representative of all claims in the '873 patent.

3 172. Motive was aware of and/or was willfully blind to the '873 patent since approximately the
4 date of its issuance on February 16, 2016. Numerous former employees of Plaintiffs who had knowledge
5 of their patented technology and patents, including the '873 patent, have worked and/or now work at
6 Motive in a wide variety of roles across the company. *See supra*, paragraphs 24–25. These employees
7 were aware of and/or willfully blind to Plaintiffs' patented technology and patents, including the '873
8 patent, when Motive was developing the Accused Products.

9 173. Motive has further been aware of the '873 patent since at least July 16, 2018, when
10 Plaintiffs sent Motive a letter regarding the '873 patent and notified Motive that it Motive infringed the
11 '873 patent.

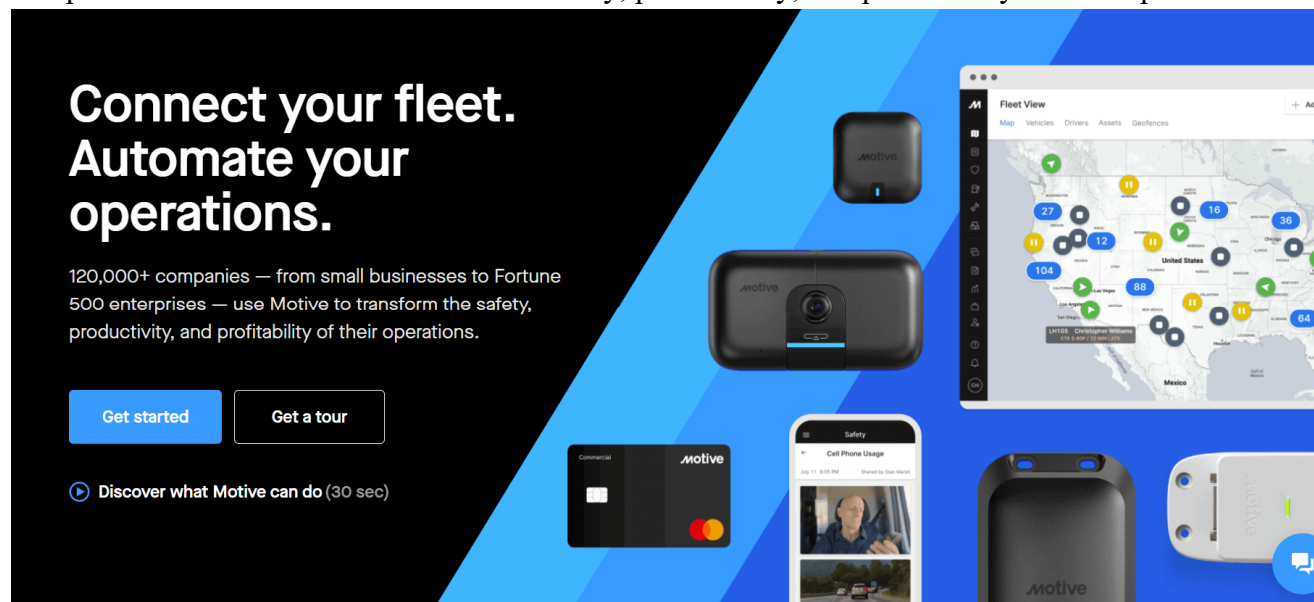
12 174. Motive actively induced and is actively inducing infringement of at least claim 1 of the
13 '873 patent, in violation of 35 U.S.C. § 271(b).

14 175. Motive's customers and end-users of the Accused Products directly infringe at least claim
15 1 of the '873 patent, at least by using the Accused Products, as described in detail in paragraphs 158–170.

16 176. Motive knowingly induces infringement of at least claim 1 of the '873 patent by customers
17 and end-users of the Accused Products with specific intent to induce infringement, and/or with willful
18 blindness to the possibility that its acts induce infringement, through activities relating to selling,
19 marketing, advertising, promotion, support, and distribution of the Accused Products in the United States.

20 177. Motive instructs customers and end users, at least through its marketing, promotional, and
21 instructional materials, to use the infringing Accused Products, and in particular a system and method that
22 “receiv[es] a set of metrics related to a performance of the vehicle and a plurality of operators of the
23 vehicle over a set time period from an application operating on the vehicle to collect data associated with
24 operation of the vehicle, wherein the set of metrics include compliance information of the plurality of
25 operators of the vehicle” as claimed in the '873 patent. *See* [https://helpcenter.gomotive.com/hc/en-
26 us/articles/6162442580893--New-Fleet-Managers-Start-Here-Getting-Started-with-Motive-for-Fleet-
27 Managers](https://helpcenter.gomotive.com/hc/en-us/articles/6162442580893--New-Fleet-Managers-Start-Here-Getting-Started-with-Motive-for-Fleet-Managers); [https://helpcenter.gomotive.com/hc/en-us/articles/6162164321693-What-is-DRIVE-Risk-
28 Score](https://helpcenter.gomotive.com/hc/en-us/articles/6162164321693-What-is-DRIVE-Risk-Score).

1 178. For example, Motive invites customers to “[g]et started” and “[c]onnect your fleet” and
 2 “[a]utomate your operations,” and touts that “120,000+ companies – from small businesses to Fortune 500
 3 companies – use Motive to transform the safety, productivity, and profitability of their operations.”



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13 <https://gomotive.com/>.

14 179. Further still, Motive prepared and publicly provides “over 2000 articles” on its website to
 15 “help” Drivers, Fleet Managers, Admins, Installers, and other users find answers about how to use Motive
 16 products, and encourage installation, adoption, and further use of Motive products. *Id.* Motive publicly
 17 shares detailed resources and instructions to customers and users of the Accused Products, *e.g.*, Vehicle
 18 Gateway, AI Dashcam. <https://gomotive.com/vg-driver/>. Motive further provides user guides for ELD
 19 Users and DOT Cab Cards. *Id.* These guides are also provided in French and Spanish to reach additional,
 20 multi-lingual audiences and users beyond those the Motive English language resources and guides may
 21 reach:

22
23 **Helpful documents**

VG Installation Manual	AI Dashcam Installation Manual	ELD User Manual
DOT Cab Cards	Certificate of Compliance	AOBRD Certificate of Compliance
ELD Malfunctions and Data Diagnostics		

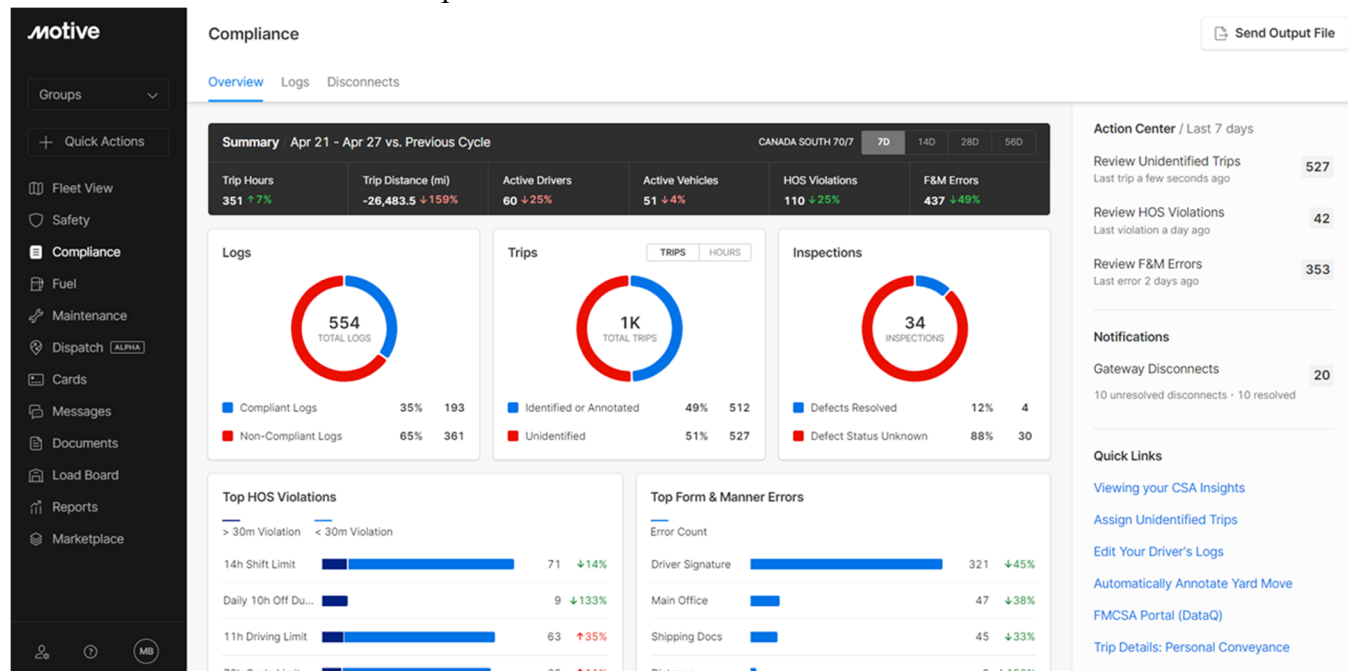
English ⌵

 English
 French
 Español

1 <https://gomotive.com/vg-driver/>.

2 180. Furthermore, Motive’s branded YouTube channel
3 (<https://www.youtube.com/@GoMotive>) includes over forty-eight (48) Motive-endorsed videos
4 (<https://www.youtube.com/@GoMotive/videos>) and nine (9) Motive-created playlists
5 (<https://www.youtube.com/@GoMotive/playlists>) describing and relating to the Accused Products and
6 Asserted Patent features, including “identifying a plurality of events associating the plurality of operators
7 of the vehicle with the vehicle along with associated timestamps of the plurality of events,” “generating a
8 mapping table mapping the plurality of events to times during which the plurality of operators operate the
9 vehicle based at least in part on the associated timestamps of the plurality of events,” and “correlating
10 over the set time period, by a processor, the set of metrics with the plurality of operators based at least in
11 part on the times during which the plurality of operators operate the vehicle as specified in the mapping
12 table to generate a correlated set of data viewable from an operator context of one of the plurality of
13 operators, wherein the correlated set of data viewable from the operator context include the compliance
14 information of the operator” as claimed in the ’873 patent. Motive provides, for example, video
15 installation guides for the Accused Products that collectively have been viewed over 56.3K (56,300) times
16 (<https://www.youtube.com/playlist?list=PLku95dwqjWZu0cK14sK49l2rcVgTwziRY>). The installation
17 guides are also provided in French
18 (https://www.youtube.com/playlist?list=PLku95dwqjWZvgar5DcCNt9T6_Cr6COIu2) and Spanish
19 (<https://www.youtube.com/playlist?list=PLku95dwqjWZtk29lVs-KhnyGQW8FxiXwF>), to reach multi-
20 lingual audiences and users of Accused Products, *e.g.*, Vehicle Gateway, AI Dashcam. Motive also
21 provides “getting started” and “onboarding” or “training” videos for the Accused Products to facilitate
22 user adoption and use (*e.g.*, for the Motive Driver App a twelve (12) video playlist with over 272K
23 (272,000) views,
24 https://www.youtube.com/playlist?list=PLku95dwqjWZtwN_U62Zd56M63dEMwWeDL), and other
25 marketing videos designed to attract, induce, and encourage use of Motive products. Further, Motive
26 explains to fleet managers how to use Motive software to access and use Motive’s Dashboard to analyze
27 driver compliance and behavior, including “providing the correlated set of data to a client,” “receiving an
28 updated set of metrics, an additional event, or both,” “updating the correlated set of data according to the

1 updated set of metrics, the additional event, or both,” and “providing the updated correlated set of data to
 2 the client” as claimed in the '873 patent:



3 <https://helpcenter.gomotive.com/hc/en-us/articles/6162446181533-What-is-Compliance-Hub->

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 15 181. For example, Motive explains how the driver risk score is calculated and instructs drivers
 16 how to use the driver risk (DRIVE) score:

How is the DRIVE score calculated?

- Aggregate all of the safety events generated (using the DRIVE behavior threshold definitions) over the 4 week period.
- Calculate the normalized safety event rate per 1,000 miles driven for each unsafe behavior included in the score.

$$\text{Event Rate} = (\text{count of events/miles driven}) * 1,000$$

- Determine the behavior impact on the score. The 'DRIVE Points Table' Report in the Fleet Dashboard indicates how points are allocated across behaviors.

$$\text{Behavior impact} = \text{Total points available} - \text{Total points received}$$

- Calculate the final score by subtracting the sum of impact across all behaviors from the maximum score of 100. The more safety events generated, the more points are deducted from the score.

$$\text{DRIVE Score} = 100 - (\text{sum of impact of all behaviors})$$

<https://helpcenter.gomotive.com/hc/en-us/articles/6162164321693-What-is-DRIVE-Risk-Score>.

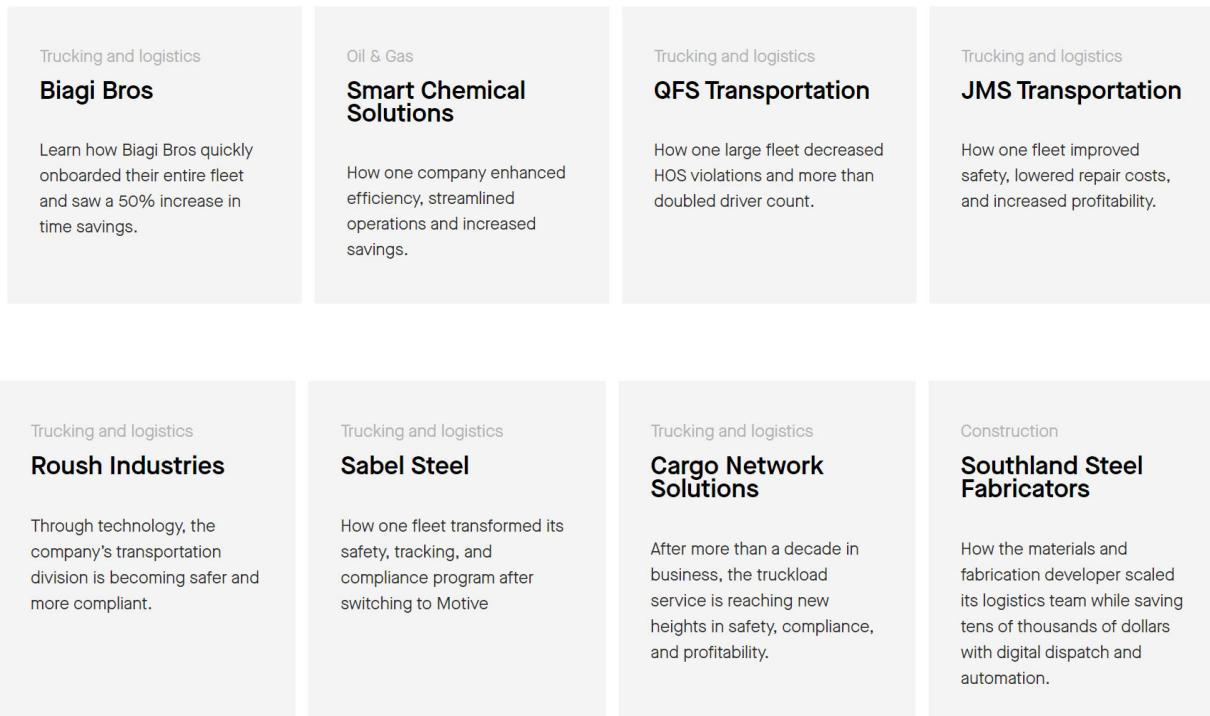
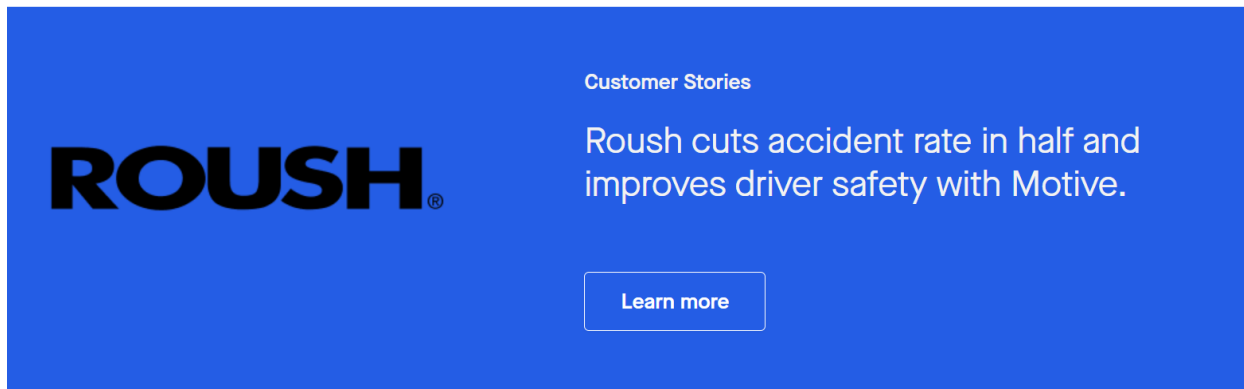
182. Motive also has sales and technical support staff that assist Motive's customers and end users and provide instructions for the use of the Accused Products in an infringing manner in the United States. See <https://helpcenter.gomotive.com/hc/en-us/requests/new>.

183. Motive provides its customers and end users with additional instructions that direct the customers and end users to use the Accused Products in an infringing manner. Such instructions include, for example, data sheets, technical specifications, customer support services, product sheets, and technical support services. The examples discussed herein are but a sampling of the instructions from Motive directing use of the Accused Products in an infringing manner.

184. Motive further advertises and instructs third parties how Motive's driver risk score is calculated and instructs drivers how to use the driver risk score obtained via network devices running or interacting with Motive's Accused Products. For example, Motive markets its driver risk score by allowing customers to "[t]ake a proactive approach to driver safety and prevent accidents with [Motive's]

new Safety Hub and DRIVE risk score.” <https://www.facebook.com/keeptruckin/videos/you-cant-fix-what-you-cant-see-take-a-proactive-approach-to-driver-safety-and-pr/3036811383084807/>.

185. Motive markets the Accused Products to users and third-party customers and installs said Accused Products for users and customers with the specific intent to induce infringement. For example, Motive highlights “Customer Stories” on its website, thereby advertising infringing uses of the Accused Products by third-party customers, and encouraging additional infringing uses by those customers and other potential customers, as depicted in the images below:



<https://gomotive.com/customers/>.

ROUSH®

Location

Livonia, MI

Type

Trucking and logistics

Fleet Size

80

Products Used

Driver Safety

Tracking

Compliance

Overview

Best known for its Mustang cars, Roush Industries is synonymous with excellence. As a trusted provider of global engineering solutions, Roush uses its trucking division to transport products around the country.

Over-the-road drivers are an important part of Roush's transportation business. When the connectivity on Roush's electronic logging devices (ELDs) faltered, drivers couldn't be matched to the right trip. Unable to track hours of service (HOS) due to malfunctioning ELDs, the company was charged with several HOS violations. After 18 months of disruption, it was time for a change.

After deploying Motive ELDs, Roush got HOS violations under control quickly. Looking to defend against false claims and improve driver safety, Roush also invested in Motive's road-facing AI Dashcams. Roush also began using Motive's Tracking & Telematics product to get real-time location visibility into their fleet.

50%

reduction in accidents

100%

driver exoneration rate

40%

improvement in CSA scores

<https://gomotive.com/customers/roush-industries/>.

186. Motive contributed and is contributing to infringement of at least claim 1 of the '873 patent, in violation of 35 U.S.C. § 271(c).

187. Motive's customers and end-users of the Accused Products directly infringe at least claim 1 of the '873 patent, at least by using the Accused Products, as described in detail above in paragraphs 158–170.

188. Motive contributes to infringement of the '873 patent by offering to sell, selling, and importing into the United States the Accused Products and components thereof, including, for example, the Motive Dashboard and its associated software applications and firmware. Such components are substantial, material parts of the claimed inventions of the '873 patent and have no substantial non-infringing use.

189. The Motive Dashboard, and its associated software applications and firmware, are especially made and especially adapted for use in infringing the '873 patent and are not staple articles or commodities of commerce suitable for substantial non-infringing use.

190. Motive's infringement of the '873 patent is without license or other authorization.

1 191. Because Motive had knowledge of and/or was willfully blind to the '873 patent and
2 proceeded to knowingly directly and indirectly infringe, Motive's infringement has been and continues to
3 be willful.

4 192. Motive's continued infringement of the '873 patent has damaged and will continue to
5 damage Plaintiffs.

6 193. Unless and until enjoined by this Court, Motive will continue to directly infringe as well
7 as induce and contribute to infringement of the '873 patent. Motive's infringing acts are causing and will
8 continue to cause at least Plaintiffs irreparable harm, for which there is no adequate remedy at law. Under
9 35 U.S.C. § 283, Plaintiffs are entitled to a permanent injunction against further infringement.

10 194. This case is exceptional, entitling Plaintiffs to an award of attorneys' fees and costs
11 incurred in prosecuting this action under 35 U.S.C. § 285.

12 **COUNT V**

13 **Infringement of U.S. Patent No. 9,014,943**

14 195. Plaintiffs repeat and reallege the allegations in paragraphs 1–194 as though fully set forth
15 herein.

16 196. The '943 patent, titled "Transportation management techniques," discloses concrete fleet
17 management systems that use a data acquisition device and a portable wireless device in a specific
18 innovative way to record information from vehicles and monitor driver performance. Exhibit E ('943
19 patent), 1:41-60. The '943 patent improves on prior-art systems, which were unable to accurately track
20 vehicle and driver information and inconvenient to share with third parties. *Id.*, 1:31-37. Accordingly,
21 the '943 patent describes inventions that use a specific structure containing a data acquisition device and
22 a separate portable wireless display device for monitoring vehicle and driver information. *Id.*, cl. 1. This
23 structure can take information from the vehicle and send it to a remote network device, *i.e.*, a device used
24 by a fleet dispatcher, for the dispatcher to produce a driver performance assessment based on the recorded
25 information. *Id.* In so doing, the claims provide a novel way to record and track driver information and
26 to allow dispatchers to evaluate driver performance and ensure safety and compliance with vehicle
27 regulations in a manner not previously performed.

1 197. Motive’s products and/or services that infringe the ’943 patent include, but are not limited
2 to, the Accused Products and use thereof.

3 198. Motive makes, uses, sells, offers for sale, and/or imports the Accused Products and
4 components thereof in the United States.

5 199. Motive directly infringes—literally and/or under the doctrine of equivalents—at least claim
6 1 of the ’943 patent by making, using, selling, offering for sale, and/or importing into the United States
7 its Accused Products and components thereof.

8 200. For example, claim 1 of the ’943 patent recites:

9 1. A system for managing a vehicle fleet of a plurality of vehicles comprising:

10 a data acquisition device configured to mount inside a vehicle and provide a wired
11 connection to the vehicle for gathering vehicle data from the vehicle during
12 operation of the vehicle, the data acquisition device being free of a user interface
display,

13 wherein the data acquisition device is further configured to output, upon demand
14 by an enforcement official, a driver summary electronic report including hours of
service records for a driver of the vehicle, to a device accessed by the
enforcement official;

15 a portable wireless data transfer and display device; and

16 a remote network device for managing the vehicle fleet of the plurality of
17 vehicles,

18 wherein the data acquisition device includes a first short-range wireless
19 communication module configured to wirelessly transmit, in real-time or at
intervals that approximate real-time, the vehicle data to the portable wireless data
transfer and display device,

20 wherein the portable wireless data transfer and display device includes a second
21 short-range wireless communication module configured to wirelessly receive the
22 vehicle data from the data acquisition device, in the real-time or at the intervals
that approximate real-time, when the data acquisition device is mounted in the
23 vehicle and the portable wireless data transfer and display device is in close
proximity to the vehicle, a communication module configured to provide a
24 communication link with the remote network device via a long-range wireless
network, a user interface configured to receive driver information from a first user
25 and to present at least one of: the vehicle data, the driver information,
communication information, and the driver summary electronic report to the first
user via a first display,

26 wherein the remote network device is configured to receive the vehicle data, the
27 driver information, the communication information, and the driver summary
28 electronic report at predetermined times from the portable wireless data transfer
and display device, and present an electronic driver scorecard to a second user via
a second display,

1 wherein the electronic driver scorecard includes a composite driver score based
2 on a plurality of a group consisting of:

- 3 fuel efficiency;
- 4 occurrences of stop idle;
- 5 occurrences of speeding;
- 6 occurrences of hard braking;
- 7 occurrences of high speed braking; and
- 8 occurrences of safety violations.

9 201. The Accused Products practice each limitation of at least claim 1 of the '943 patent.

10 202. Motive, at least by using the Accused Products, performs each step of claim 1 of the '943
11 patent. *See* Exhibit L.

12 203. To the extent the preamble is construed to be limiting, Motive, at least by using the Accused
13 Products, performs the requirements of the preamble. For example, Motive's Fleet Dashboard, Fleet App,
14 Driver Workflow App, Vehicle Gateway, and Smart DashCam provide a "system for managing a vehicle
15 fleet of a plurality of vehicles." For example, Motive's Fleet Dashboard "provides a score and summary
16 for every aspect of your fleet's operation." *See The new and improved Motive Dashboard for fleets,*
17 <https://gomotive.com/blog/new-motive-dashboard-fleets/>.

18 204. Motive, at least when using the Accused Products, includes "a data acquisition device
19 configured to mount inside a vehicle and provide a wired connection to the vehicle for gathering vehicle
20 data from the vehicle during operation of the vehicle, the data acquisition device being free of a user
21 interface display," as required by claim 1 of the '943 patent. For example, Motive's Vehicle Gateway is
22 mounted inside a vehicle and collects data directly from the vehicle's engine control unit (ECU) via the
23 vehicle diagnostic port.

24 205. Motive, at least when using the Accused Products, includes a "data acquisition device []
25 further configured to output, upon demand by an enforcement official, a driver summary electronic report
26 including hours of service records for a driver of the vehicle, to a device accessed by the enforcement
27 official," as required by claim 1 of the '943 patent. For example, Motive's Driver App allows a driver to
28 send an output file containing hours of service information to a Department of Transportation (DOT)

1 officer. Such enforcement officers are from federal and state DOT agencies, which are responsible for
2 maintaining and developing transport systems in the United States.

3 206. Motive, at least when using the Accused Products, includes “a portable wireless data
4 transfer and display device,” as required by claim 1 of the ’943 patent. For example, Motive’s Driver App
5 can be installed on a driver’s mobile device and connects to Motive’s Vehicle Gateway.

6 207. Motive, at least when using its Accused Products, includes “a remote network device for
7 managing the vehicle fleet of the plurality of vehicles,” as required by claim 1 of the ’943 patent. For
8 example, Motive’s Fleet Dashboard allows fleet managers insight into their drivers’ daily activities.

9 208. Motive, at least when using its Accused Products, includes a remote network device
10 “wherein the data acquisition device includes a first short-range wireless communication module
11 configured to wirelessly transmit, in real-time or at intervals that approximate real-time, the vehicle data
12 to the portable wireless data transfer and display device,” as required by claim 1 of the ’943 patent. For
13 example, Motive’s Vehicle Gateway sends vehicle data to a driver’s mobile device using Bluetooth, a
14 short-range wireless communication method (necessarily utilizing a Bluetooth module) configured to
15 wirelessly transmit, in real-time or at approximately real-time intervals, the vehicle data to the mobile
16 device.

17 209. Motive, at least when using the Accused Products, includes a remote network device
18 “wherein the portable wireless data transfer and display device includes a second short-range wireless
19 communication module configured to wirelessly receive the vehicle data from the data acquisition device,
20 in the real-time or at the intervals that approximate real-time, when the data acquisition device is mounted
21 in the vehicle and the portable wireless data transfer and display device is in close proximity to the vehicle,
22 a communication module configured to provide a communication link with the remote network device via
23 a long-range wireless network, a user interface configured to receive driver information from a first user
24 and to present at least one of: the vehicle data, the driver information, communication information, and
25 the driver summary electronic report to the first user via a first display,” as required by claim 1 of the ’943
26 patent. For example, a driver’s mobile device receives information from Motive’s Vehicle Gateway via
27 Bluetooth, and through the Motive Fleet Dashboard, a user receives live GPS data for a vehicle, driver
28 information (including name) and driver communications from the driver’s device.

1 210. Motive, at least when using the Accused Products, includes a remote network device
2 “wherein the remote network device is configured to receive the vehicle data, the driver information, the
3 communication information, and the driver summary electronic report at predetermined times from the
4 portable wireless data transfer and display device, and present an electronic driver scorecard to a second
5 user via a second display,” as required by claim 1 of the ’943 patent. For example, Motive’s Fleet
6 Dashboard allows fleet managers to analyze their drivers’ logs, vehicle inspection reports, and DRIVE
7 risk scores (which evaluate drivers’ safety performance to provide a measure of driver risk).

8 211. Motive, at least when using the Accused Products, includes a remote network device
9 “wherein the electronic driver scorecard includes a composite driver score based on a plurality of a group
10 consisting of: fuel efficiency; occurrences of stop idle; occurrences of speeding; occurrences of hard
11 braking; occurrences of high speed braking; and occurrences of safety violations,” as required by claim 1
12 of the ’943 patent. For example, hard brakes, hard accelerations, hard cornering, speeding, and HOS (hours
13 of service) violations are factored in by Motive when calculating Motive’s DRIVE risk score.

14 212. Each claim of the ’943 patent recites an independent invention. Neither claim 1, described
15 above, nor any other individual claim is representative of all claims in the ’943 patent.

16 213. Motive was aware of and/or willfully blind to the ’943 patent since approximately the date
17 of its issuance on April 21, 2015. Numerous former employees of Plaintiffs who had knowledge of their
18 patented technology and patents, including the ’943 patent and its inventor Dan Fuglewicz, have worked
19 and/or now work at Motive in a wide variety of roles across the company. *See supra*, paragraphs 24–25.
20 These employees were aware of and/or willfully blind to Plaintiffs’ patented technology and patents,
21 including the ’943 patent, when Motive was developing the Accused Products.

22 214. Motive has further been aware of the ’943 patent since at least the filing date of this
23 Complaint.

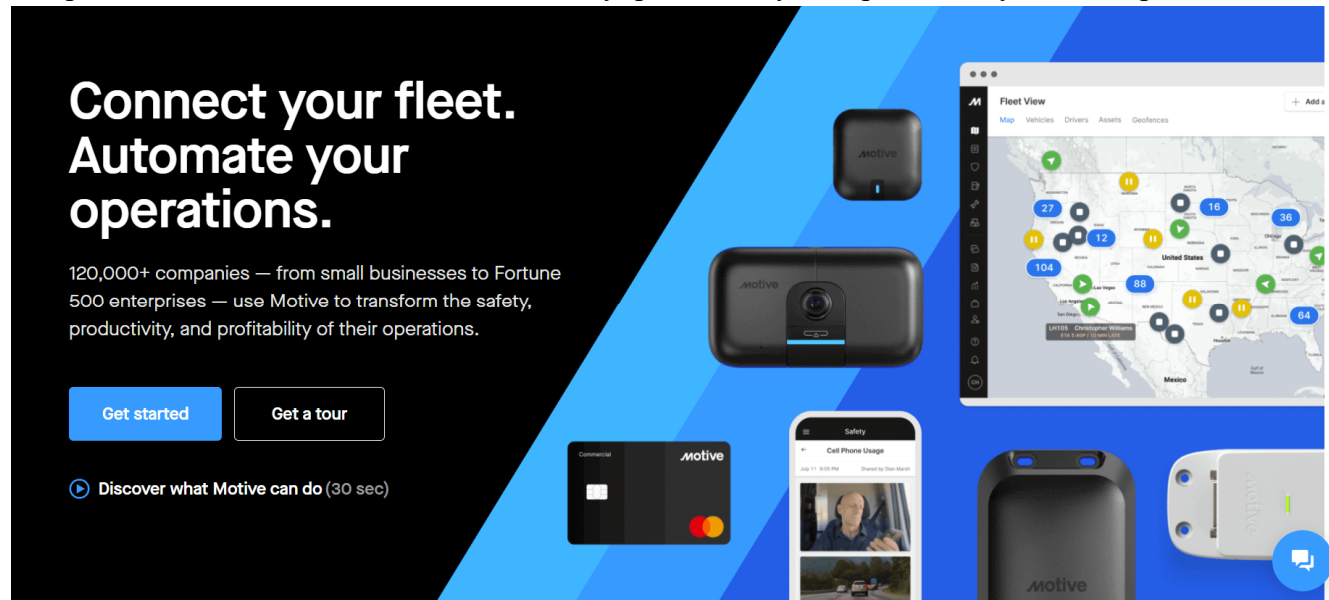
24 215. Motive actively induced and is actively inducing infringement of at least claim 1 of the
25 ’943 patent, in violation of 35 U.S.C. § 271(b).

26 216. Motive’s customers and end-users of the Accused Products directly infringe at least claim
27 1 of the ’943 patent, at least by using the Accused Products, as described in detail in paragraphs 199–211.
28

1 217. Motive knowingly induces infringement of at least claim 1 of the '943 patent by customers
 2 and end-users of the Accused Products with specific intent to induce infringement, and/or with willful
 3 blindness to the possibility that its acts induce infringement, through activities relating to selling,
 4 marketing, advertising, promotion, support, and distribution of the Accused Products in the United States.

5 218. Motive instructs customers and end users, at least through its marketing, promotional, and
 6 instructional materials, to use the infringing Accused Products, and in particular “system[s] for managing
 7 a vehicle fleet of a plurality of vehicles” and “network device[s] for managing a vehicle fleet of a plurality
 8 of vehicles” as claimed in the '943 patent. See [https://helpcenter.gomotive.com/hc/en-
 9 us/articles/6162442580893--New-Fleet-Managers-Start-Here-Getting-Started-with-Motive-for-Fleet-
 10 Managers](https://helpcenter.gomotive.com/hc/en-us/articles/6162442580893--New-Fleet-Managers-Start-Here-Getting-Started-with-Motive-for-Fleet-Managers); [https://helpcenter.gomotive.com/hc/en-us/articles/6162164321693-What-is-DRIVE-Risk-
 11 Score](https://helpcenter.gomotive.com/hc/en-us/articles/6162164321693-What-is-DRIVE-Risk-Score).

12 219. For example, Motive invites customers to “[g]et started” and “[c]onnect your fleet” and
 13 “[a]utomate your operations,” and touts that “120,000+ companies – from small businesses to Fortune 500
 14 companies – use Motive to transform the safety, productivity, and profitability of their operations.”



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24 <https://gomotive.com/>.

25 220. Additionally, the Motive Help Center provides detailed resources and instructions to
 26 “Drivers” and “Fleet Managers/Admins” and “other users of the Motive Fleet Dashboard and Motive
 27 Driver App.” <https://helpcenter.gomotive.com/hc/en-us>. The Motive Help Center also includes
 28

1 “Installers/Installation Guides” “[r]esources on how to install all Motive hardware products, such as
 2 Vehicle Gateways and Cameras.” *Id.* And as discussed above, these Motive hardware products comprise
 3 “[a] system for managing a vehicle fleet of a plurality of vehicles comprising: a data acquisition device
 4 configured to mount inside a vehicle and provide a wired connection to the vehicle for gathering vehicle
 5 data from the vehicle during operation of the vehicle,” (“the data acquisition device being free of a user
 6 interface display”); “a portable wireless data transfer and display device; and a remote network device for
 7 managing the vehicle fleet of the plurality of vehicles” as claimed in the ’943 patent.

8 221. Further still, Motive prepared and publicly provides “over 2000 articles” on its website to
 9 “help” Drivers, Fleet Managers, Admins, Installers, and other users find answers about how to use Motive
 10 products, and encourage installation, adoption, and further use of Motive products. *Id.* Motive publicly
 11 shares detailed resources and instructions to customers and users of the Accused Products, *e.g.*, Vehicle
 12 Gateway, AI Dashcam. <https://gomotive.com/vg-driver/>. Motive further provides user guides for ELD
 13 Users and DOT Cab Cards. *Id.* These guides are also provided in French and Spanish to reach additional,
 14 multi-lingual audiences and users beyond those the Motive English language resources and guides may
 15 reach:

16 Helpful documents

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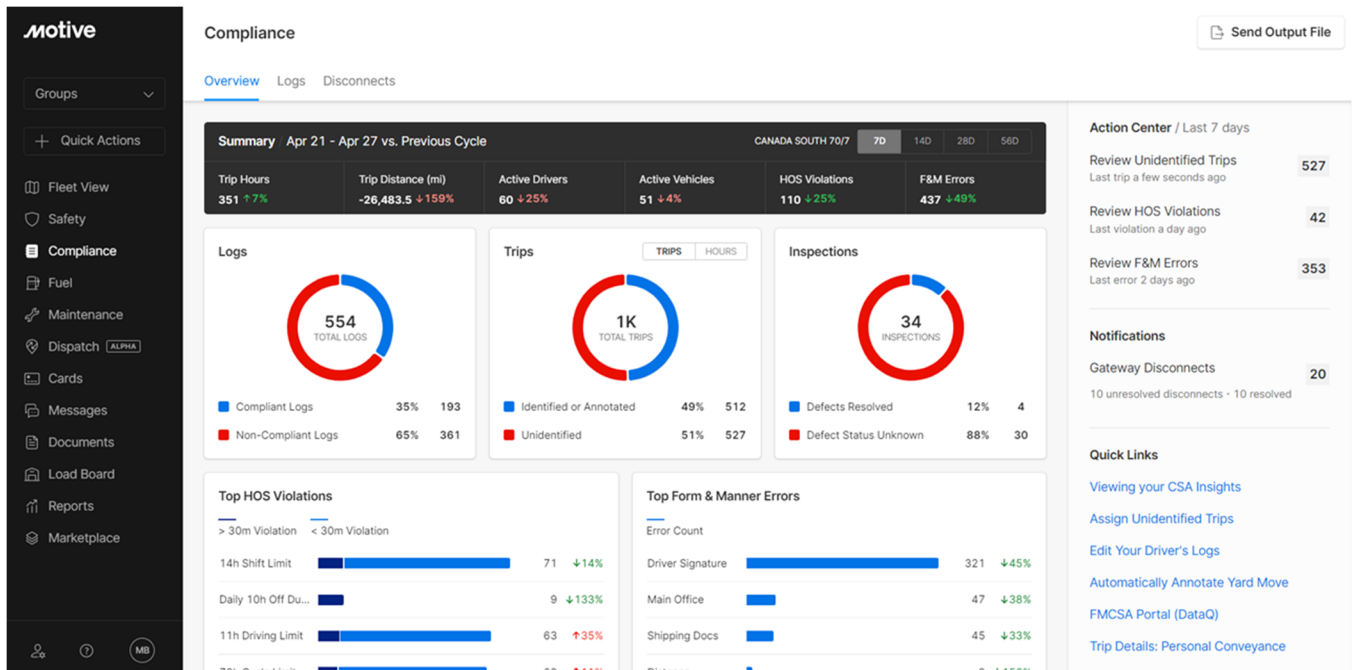
The screenshot shows a section titled "Helpful documents" with a language dropdown menu set to "English". Below the title is a grid of document download buttons:

VG Installation Manual	AI Dashcam Installation Manual	ELD User Manual
DOT Cab Cards	Certificate of Compliance	AOBRD Certificate of Compliance
ELD Malfunctions and Data Diagnostics		

22 <https://gomotive.com/vg-driver/>.

23 222. Furthermore, Motive’s branded YouTube channel
 24 (<https://www.youtube.com/@GoMotive>) includes over forty-eight (48) Motive-endorsed videos
 25 (<https://www.youtube.com/@GoMotive/videos>) and nine (9) Motive-created playlists
 26 (<https://www.youtube.com/@GoMotive/playlists>) describing and relating to the Accused Products and
 27 Asserted Patent features, including “gathering vehicle data from the vehicle during operation of the
 28

1 vehicle,” “wirelessly receiv[ing] the vehicle data from the data acquisition device, in [] real-time or at the
2 intervals that approximate real-time, when the data acquisition device is mounted in the vehicle and the
3 portable wireless data transfer and display device is in close proximity to the vehicle,” “present[ing] at
4 least one of: the vehicle data, the driver information, communication information, and the driver summary
5 electronic report to the first user via a first display,” and “receiv[ing] the vehicle data, the driver
6 information, the communication information, and the driver summary electronic report at predetermined
7 times from the portable wireless data transfer and display device” as claimed in the ’943 patent. Motive
8 provides, for example, video installation guides for the Accused Products that collectively have been
9 viewed over 56.3K (56,300) times
10 (<https://www.youtube.com/playlist?list=PLku95dwqjWZu0cK14sK49l2rcVgTwziRY>). The installation
11 guides are also provided in French
12 (https://www.youtube.com/playlist?list=PLku95dwqjWZvgar5DcCNt9T6_Cr6COIu2) and Spanish
13 (<https://www.youtube.com/playlist?list=PLku95dwqjWZtk29lVs-KhnyGQW8FxiXwF>), to reach multi-
14 lingual audiences and users of Accused Products, e.g., Vehicle Gateway, AI Dashcam. Motive also
15 provides “getting started” and “onboarding” or “training” videos for the Accused Products to facilitate
16 user adoption and use (e.g., for the Motive Driver App a twelve (12) video playlist with over 272K
17 (272,000) views,
18 https://www.youtube.com/playlist?list=PLku95dwqjWZtwN_U62Zd56M63dEMwWeDL), and other
19 marketing videos designed to attract, induce, and encourage use of Motive products. Further, Motive
20 explains to fleet managers how to use Motive software to access and use Motive’s Dashboard to analyze
21 driver compliance and behavior, including “the vehicle data, the driver information, communication
22 information, and the driver summary electronic report” and an “electronic driver scorecard includ[ing] a
23 composite driver score based on a plurality of:” “fuel efficiency; occurrences of stop idle; occurrences of
24 speeding; occurrences of hard braking; occurrences of high speed braking; and occurrences of safety
25 violations” as claimed in the ’943 patent:
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<https://helpcenter.gomotive.com/hc/en-us/articles/6162446181533-What-is-Compliance-Hub->

223. For example, Motive explains how the driver risk score is calculated and instructs drivers how to use the driver risk score:

How is the DRIVE score calculated?

- Aggregate all of the safety events generated (using the DRIVE behavior threshold definitions) over the 4 week period.
- Calculate the normalized safety event rate per 1,000 miles driven for each unsafe behavior included in the score.

$$\text{Event Rate} = (\text{count of events/miles driven}) * 1,000$$

- Determine the behavior impact on the score. The 'DRIVE Points Table' Report in the Fleet Dashboard indicates how points are allocated across behaviors.

$$\text{Behavior impact} = \text{Total points available} - \text{Total points received}$$

- Calculate the final score by subtracting the sum of impact across all behaviors from the maximum score of 100. The more safety events generated, the more points are deducted from the score.

$$\text{DRIVE Score} = 100 - (\text{sum of impact of all behaviors})$$

<https://helpcenter.gomotive.com/hc/en-us/articles/6162164321693-What-is-DRIVE-Risk-Score->

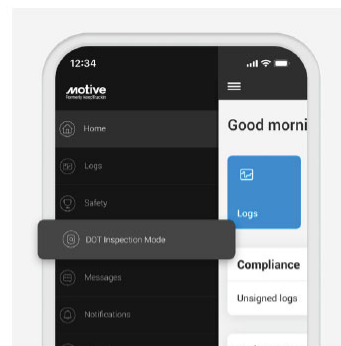
1 224. Motive also has sales and technical support staff that assist Motive’s customers and end
 2 users and provide instructions for the use of the Accused Products in an infringing manner in the United
 3 States. See <https://helpcenter.gomotive.com/hc/en-us/requests/new>.

4 225. Motive provides its customers and end users with additional instructions that direct the
 5 customers and end users to use the Accused Products in an infringing manner. Such instructions include,
 6 for example, data sheets, technical specifications, customer support services, product sheets, and technical
 7 support services. The examples discussed herein are but a sampling of the instructions from Motive
 8 directing use of the Accused Products in an infringing manner.

9 226. As yet another example, Motive publicly shares a “ELD User manual” that instructs
 10 customers on how to install and use the Motive ELD, a “mobile device-based ELD system that includes
 11 the Motive Vehicle Gateway, Motive Driver App, and Motive Fleet Dashboard.” Motive ELD user manual
 12 (<https://gomotive.com/wp-content/uploads/2022/09/ELD-Driver-App-User-Manual.pdf>) at 1. Motive
 13 instructs their customers on how to use their Motive ELD system to communicate to an officer an ELD
 14 record, as depicted in the images below, thereby “output[ting], upon demand by an enforcement official,
 15 a driver summary electronic report including hours of service records for a driver of the vehicle, to a
 16 device accessed by the enforcement official” as claimed in the ’943 patent:

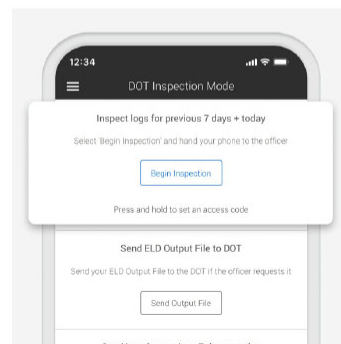
17 **Letting an officer inspect
 18 your ELD Record**

Go to the app’s main menu by tapping on the menu icon, then select DOT Inspection Mode.



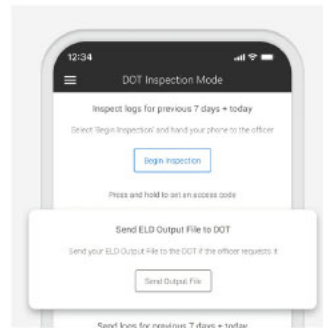
23 If you want an officer to inspect your logs directly from your mobile device, select **Begin Inspection**.

26 Press and hold on the **Begin Inspection** button to set a 4-digit access code. This will restrict access to other parts of the app until the code is re-entered.

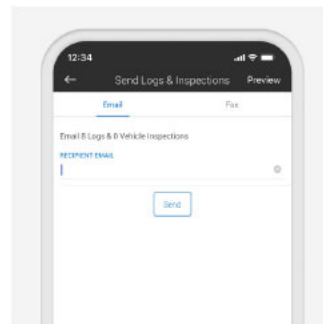


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If you want to send your ELD output file to the DOT via email or web service, select **Send Output File**.

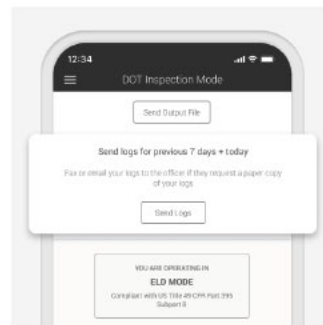


You will be prompted to enter your official comment.



If you want to email or fax a copy of your logs to an officer, select **Send Logs**.

You will be prompted to enter your recipient's fax number or email address.



Id. at 6-7.

227. Motive further advertises and instructs third parties how Motive’s driver risk score is calculated and instructs drivers how to use the driver risk score obtained via network devices running or interacting with Motive’s Accused Products. For example, Motive markets its driver risk score by allowing customers to “[t]ake a proactive approach to driver safety and prevent accidents with [Motive’s] new Safety Hub and DRIVE risk score.” <https://www.facebook.com/keeptruckin/videos/you-cant-fix-what-you-cant-see-take-a-proactive-approach-to-driver-safety-and-pr/3036811383084807/>. Motive thereby contributes to and induces infringement by third parties of the ’943 patent, including e.g., the features of “a driver summary electronic report includ[ing] a composite driver score based on a plurality

1 of a group consisting of: fuel efficiency; occurrences of stop idle; occurrences of speeding; occurrences
 2 of hard braking; occurrences of high speed braking; and occurrences of safety violations.” Motive
 3 advertises their DRIVE risk score as “more accurate at risk identification than other scores” and that
 4 “[s]ome of North America’s most successful safety departments are using Motive’s technology and
 5 DRIVE to pinpoint ... to make their fleets safer, more productive, and more profitable.” Motive Guide:
 6 DRIVE risk score 101 ([https://gomotive.com/wp-content/uploads/2022/08/Guide_DRIVE-risk-score-](https://gomotive.com/wp-content/uploads/2022/08/Guide_DRIVE-risk-score-101.pdf)
 7 [101.pdf](https://gomotive.com/wp-content/uploads/2022/08/Guide_DRIVE-risk-score-101.pdf)) at 3.

8 Introduction

In today’s world of astronomical settlements, sometimes called nuclear verdicts, every business’ worst fear is that they’re just one catastrophe away from a multi-million dollar payout. This is a legitimate concern. In the last 10 years, cases with payouts of over \$1M have increased by 5x.

For those looking for ways to avoid a business-ending settlement, now is the time to focus on proactive approaches to driver safety. Safety departments that identify high-risk behaviors early, then modify those bad habits before a crash occurs, can make all the difference in keeping both liability and insurance costs low, and profit margins high.

Identifying high risk drivers isn’t easy. Many safety departments have outsourced their driver assessment chores to vendors who do little by way of preventing crashes, much less coaching high-risk drivers.

Enter Motive.

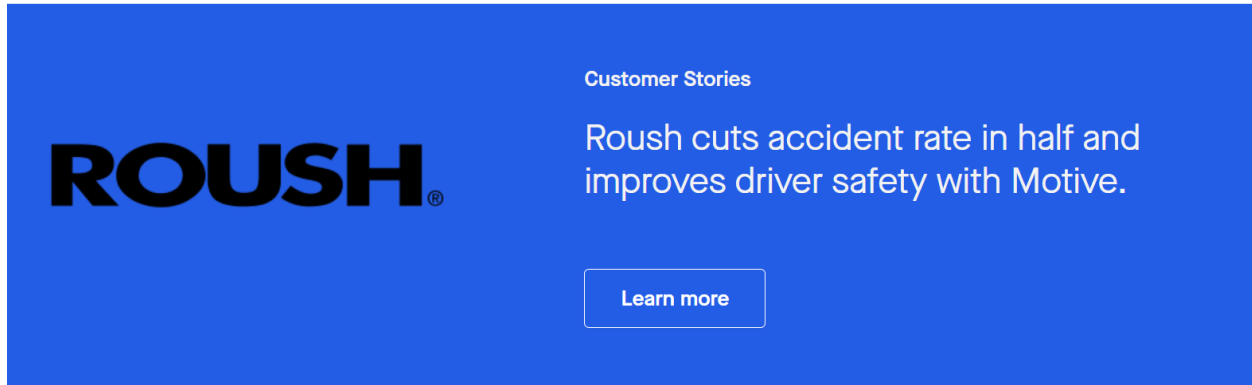
Motive’s proprietary DRIVE risk score helps safety departments pinpoint which drivers need coaching and what behaviors they should focus on. DRIVE evaluates benchmarked behaviors across Motive’s network of hundreds of thousands of connected vehicles to generate an accurate risk profile of a driver relative to their peers.

Some of North America’s most successful safety departments are using Motive’s technology and DRIVE to pinpoint who, what, when, and where they should be focusing their time and attention to make their fleets safer, more productive, and more profitable.

In this 101 Guide, you’ll learn how your team can use the DRIVE risk score to make your existing safety team more effective.

25 228. Motive markets the Accused Products to users and third-party customers and installs said
 26 Accused Products for users and customers with the specific intent to induce infringement. For example,
 27 Motive highlights “Customer Stories” on its website, thereby advertising infringing uses of the Accused
 28

1 Products by third-party customers, and encouraging additional infringing uses by those customers and
2 other potential customers, as depicted in the images below:



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<p>Trucking and logistics</p> <p>Biagi Bros</p> <p>Learn how Biagi Bros quickly onboarded their entire fleet and saw a 50% increase in time savings.</p>	<p>Oil & Gas</p> <p>Smart Chemical Solutions</p> <p>How one company enhanced efficiency, streamlined operations and increased savings.</p>	<p>Trucking and logistics</p> <p>QFS Transportation</p> <p>How one large fleet decreased HOS violations and more than doubled driver count.</p>	<p>Trucking and logistics</p> <p>JMS Transportation</p> <p>How one fleet improved safety, lowered repair costs, and increased profitability.</p>
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<p>Trucking and logistics</p> <p>Roush Industries</p> <p>Through technology, the company's transportation division is becoming safer and more compliant.</p>	<p>Trucking and logistics</p> <p>Sabel Steel</p> <p>How one fleet transformed its safety, tracking, and compliance program after switching to Motive</p>	<p>Trucking and logistics</p> <p>Cargo Network Solutions</p> <p>After more than a decade in business, the truckload service is reaching new heights in safety, compliance, and profitability.</p>	<p>Construction</p> <p>Southland Steel Fabricators</p> <p>How the materials and fabrication developer scaled its logistics team while saving tens of thousands of dollars with digital dispatch and automation.</p>
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21 <https://gomotive.com/customers/>.

ROUSH®

Location

Livonia, MI

Type

Trucking and logistics

Fleet Size

80

Products Used

Driver Safety

Tracking

Compliance

Overview

Best known for its Mustang cars, Roush Industries is synonymous with excellence. As a trusted provider of global engineering solutions, Roush uses its trucking division to transport products around the country.

Over-the-road drivers are an important part of Roush's transportation business. When the connectivity on Roush's electronic logging devices (ELDs) faltered, drivers couldn't be matched to the right trip. Unable to track hours of service (HOS) due to malfunctioning ELDs, the company was charged with several HOS violations. After 18 months of disruption, it was time for a change.

After deploying Motive ELDs, Roush got HOS violations under control quickly. Looking to defend against false claims and improve driver safety, Roush also invested in Motive's road-facing AI Dashcams. Roush also began using Motive's Tracking & Telematics product to get real-time location visibility into their fleet.

50%

reduction in accidents

100%

driver exoneration rate

40%

improvement in CSA scores

<https://gomotive.com/customers/roush-industries/>.

229. Accordingly, Motive actively contributed to and is actively contributing to infringement of at least claim 1 of the '943 patent, in violation of 35 U.S.C. § 271(c).

230. Motive's customers and end-users of the Accused Products directly infringe at least claim 1 of the '943 patent, at least by using the Accused Products, as described in detail above in paragraphs 199–211.

231. Motive contributes to infringement of the '943 patent by offering to sell, selling, and importing into the United States the Accused Products and components thereof, including, for example, the Motive Dashboard and its associated software applications and firmware. Such components are substantial, material parts of the claimed inventions of the '943 patent and have no substantial non-infringing use.

232. The Motive Dashboard and its associated software applications and firmware are especially made and especially adapted for use in infringing the '943 patent and are not staple articles or commodities of commerce suitable for substantial non-infringing use.

233. Motive's infringement of the '943 patent is without license or other authorization.

1 240. Motive’s products and/or services that infringe the ’906 patent include, but are not limited
2 to, the Accused Products and use thereof.

3 241. Motive makes, uses, sells, offers for sale, and/or imports the Accused Products and
4 components thereof in the United States.

5 242. Motive directly infringes—literally and/or under the doctrine of equivalents—at least claim
6 1 of the ’906 patent by making, using, selling, offering for sale, and/or importing into the United States
7 its Accused Products and components thereof.

8 243. For example, claim 1 of the ’906 patent recites:

9 1. A network device for managing a vehicle fleet of a plurality of vehicles comprising:

10 a memory;

11 a processor;

12 a display; and

13 a network communication module configured to receive vehicle data, driver
14 information, and driver communications, at pre-determined times, from at least
15 one portable wireless data transfer and display device of one or more vehicles of
16 the plurality of vehicles via a long-range wireless network, wherein the driver
information includes hours of service records for drivers associated with the least
one portable wireless data transfer and display device,

17 wherein the memory is configured to store the vehicle data, the driver
information, and the driver communications,

18 wherein the processor is configured to process at least one of: the vehicle data, the
19 driver information, and the driver communications into a driver summary
20 electronic report, wherein the driver summary electronic report includes a
composite driver score based on a plurality of a group consisting of:

21 fuel efficiency;

22 occurrences of stop idle;

23 occurrences of speeding;

24 occurrences of hard braking;

25 occurrences of high speed braking; and

26 occurrences of safety violations,

27 wherein the network device is configured to send the driver summary electronic
28 report via the network communication module to the at least one portable wireless
data transfer and display device via the long-range wireless network for managing
the vehicle fleet of the plurality of vehicles, and

1 wherein the network device is configured to present the driver summary
2 electronic report to a user via the display.

3 244. The Accused Products practice each limitation of at least claim 1 of the '906 patent.

4 245. Motive, at least by using the Accused Products, performs each step of claim 1 of the '906
5 patent. *See* Exhibit M.

6 246. To the extent the preamble is construed to be limiting, Motive, at least by using the Accused
7 Products, performs the requirements of the preamble. For example, Motive's Accused Products are
8 "network device[s] for managing a vehicle fleet of a plurality of vehicles." For example, Motive's Fleet
9 Dashboard "provides a score and summary for every aspect of your fleet's operation." *See The new and*
10 *improved Motive Dashboard for fleets*, <https://gomotive.com/blog/new-motive-dashboard-fleets/>.

11 247. Motive, at least when using the Accused Products, includes a memory, a processor, a
12 display, and "a network communication module configured to receive vehicle data, driver information,
13 and driver communications, at pre-determined times, from at least one portable wireless data transfer and
14 display device via a long-range wireless network, wherein the driver information includes hours of service
15 records for drivers associated with the least one portable wireless data transfer and display device," as
16 required by claim 1 of the '906 patent.

17 248. Motive, at least when using the Accused Products, includes a network communication
18 module "wherein the memory is configured to store the vehicle data, the driver information, and the driver
19 communications" as required by claim 1 of the '906 patent. For example, a driver's mobile device receives
20 information from Motive's Vehicle Gateway via Bluetooth, and through the Motive Fleet Dashboard, a
21 user receives hours of service information from the driver's device. The information and communications
22 are stored in Accused Product(s)' memory for the described interactions.

23 249. Motive, at least when using the Accused Products, includes a network communication
24 module "wherein the processor is configured to process at least one of: the vehicle data, the driver
25 information, and the driver communications into a driver summary electronic report," as required by claim
26 1 of the '906 patent. For example, Motive's Fleet Dashboard allows fleet managers to view and analyze
27 their drivers' logs, vehicle inspection reports, and DRIVE risk scores.

1 250. Motive, at least when using the Accused Products, includes a network communication
2 module “wherein the processor is configured to process at least one of: the vehicle data, the driver
3 information, and the driver communications into a driver summary electronic report, wherein the driver
4 summary electronic report includes a composite driver score based on a plurality of a group consisting of:
5 fuel efficiency; occurrences of stop idle; occurrences of speeding; occurrences of hard braking;
6 occurrences of high speed braking; and occurrences of safety violations,” as required by claim 1 of the
7 ’906 patent. For example, hard brakes, hard accelerations, hard cornering, speeding, and hours of service
8 (HOS) violations are factored in by the Accused Products’ processors(s) when calculating Motive’s
9 DRIVE risk score.

10 251. Motive, at least when using the Accused Products, includes a network communication
11 module “wherein the network device is configured to send the driver summary electronic report via the
12 network communication module to the at least one portable wireless data transfer and display device via
13 the long-range wireless network for managing the vehicle fleet of the plurality of vehicles,” as required
14 by claim 1 of the ’906 patent. For example, Motive’s Driver App receives from network device(s) and
15 send(s) driver summary electronic report(s) via network communication modules, thereby allowing a
16 driver to view their HOS information, DRIVE risk scores, fleet rankings, and safety events.

17 252. Motive, at least when using the Accused Products, includes a network communication
18 module “wherein the network devices is configured to present the driver summary electronic report to a
19 user via the display,” as required by claim 1 of the ’906 patent. For example, Motive’s Fleet Dashboard
20 allows Fleet Managers to, via network devices and displays, view and analyze their drivers’ logs, vehicle
21 inspection reports, and DRIVE risk scores, and Motive’s Driver App allows a driver to view their HOS
22 information, DRIVE risk Scores, fleet rankings and safety events.

23 253. Each claim of the ’906 patent recites an independent invention. Neither claim 1, described
24 above, nor any other individual claim is representative of all claims in the ’906 patent.

25 254. Motive was aware of and/or willfully blind to the ’906 patent since approximately the date
26 of its issuance on April 21, 2015. Numerous former employees of Plaintiffs who had knowledge of their
27 patented technology and patents, including the ’906 patent and its named inventor Dan Fuglewicz, have
28 worked and/or now work at Motive in a wide variety of roles across the company. *See supra*, paragraphs

1 24–25. These employees were aware of and/or willfully blind to Plaintiffs’ patented technology and
2 patents, including the ’906 patent, when Motive was developing the Accused Products.

3 255. Motive has further been aware of the ’906 patent since at least the filing date of this
4 Complaint.

5 256. Motive actively induced and is actively inducing infringement of at least claim 1 of the
6 ’906 patent, in violation of 35 U.S.C. § 271(b).

7 257. Motive’s customers and end-users of the Accused Products directly infringe at least claim
8 1 of the ’906 patent, at least by using the Accused Products, as described in detail in paragraphs 242–252.

9 258. Motive knowingly induces infringement of at least claim 1 of the ’906 patent by customers
10 and end-users of the Accused Products with specific intent to induce infringement, and/or with willful
11 blindness to the possibility that its acts induce infringement, through activities relating to selling,
12 marketing, advertising, promotion, support, and distribution of the Accused Products in the United States.

13 259. Motive instructs customers and end users, at least through its marketing, promotional, and
14 instructional materials, to use the infringing Accused Products, and in particular “network device[s] for
15 managing a vehicle fleet of a plurality of vehicles” as claimed in the ’906 patent. *See*
16 [https://helpcenter.gomotive.com/hc/en-us/articles/6162442580893--New-Fleet-Managers-Start-Here-](https://helpcenter.gomotive.com/hc/en-us/articles/6162442580893--New-Fleet-Managers-Start-Here-Getting-Started-with-Motive-for-Fleet-Managers)
17 [Getting-Started-with-Motive-for-Fleet-Managers;](https://helpcenter.gomotive.com/hc/en-us/articles/6162442580893--New-Fleet-Managers-Start-Here-Getting-Started-with-Motive-for-Fleet-Managers) [https://helpcenter.gomotive.com/hc/en-](https://helpcenter.gomotive.com/hc/en-us/articles/6162164321693-What-is-DRIVE-Risk-Score)
18 [us/articles/6162164321693-What-is-DRIVE-Risk-Score.](https://helpcenter.gomotive.com/hc/en-us/articles/6162164321693-What-is-DRIVE-Risk-Score)

19 260. For example, Motive invites customers to “[g]et started” and “[c]onnect your fleet” and
20 “[a]utomate your operations,” and touts that “120,000+ companies – from small businesses to Fortune 500
21 companies – use Motive to transform the safety, productivity, and profitability of their operations.”
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Connect your fleet. Automate your operations.

120,000+ companies — from small businesses to Fortune 500 enterprises — use Motive to transform the safety, productivity, and profitability of their operations.

Get started

Get a tour

Discover what Motive can do (30 sec)



<https://gomotive.com/>.

261. Additionally, the Motive Help Center provides detailed resources and instructions to “Drivers” and “Fleet Managers/Admins” and “other users of the Motive Fleet Dashboard and Motive Driver App.” <https://helpcenter.gomotive.com/hc/en-us>. The Motive Help Center also includes “Installers/Installation Guides” “[r]esources on how to install all Motive hardware products, such as Vehicle Gateways and Cameras.” *Id.* And as discussed above, these Motive hardware products comprise “[a] network device for managing a vehicle fleet of a plurality of vehicles comprising: a memory; a processor; a display; and a network communication module configured to receive vehicle data, driver information, and driver communications, at pre-determined times, from at least one portable wireless data transfer and display device of one or more vehicles of the plurality of vehicles via a long-range wireless network, wherein the driver information includes hours of service records for drivers associated with the least one portable wireless data transfer and display device” as claimed in the ’906 patent.

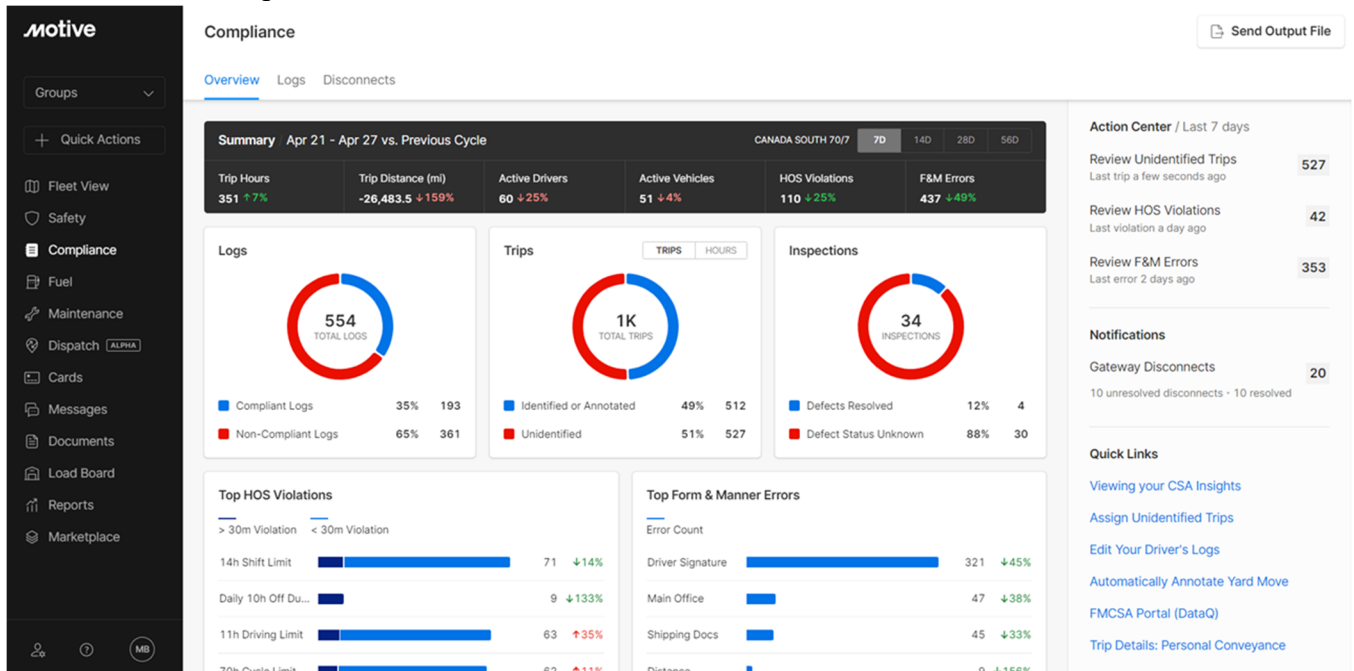
262. Further still, Motive prepared and publicly provides “over 2000 articles” on its website to “help” Drivers, Fleet Managers, Admins, Installers, and other users find answers about how to use Motive products, and encourage installation, adoption, and further use of Motive products. *Id.* Motive publicly shares detailed resources and instructions to customers and users of the Accused Products, *e.g.*, Vehicle Gateway, AI Dashcam. <https://gomotive.com/vg-driver/>. Motive further provides user guides for ELD Users and DOT Cab Cards. *Id.* These guides are also provided in French and Spanish to reach additional,

1 multi-lingual audiences and users beyond those the Motive English language resources and guides may
2 reach:

3 263. Furthermore, Motive’s branded YouTube channel
4 (<https://www.youtube.com/@GoMotive>) includes over forty-eight (48) Motive-endorsed videos
5 (<https://www.youtube.com/@GoMotive/videos>) and nine (9) Motive-created playlists
6 (<https://www.youtube.com/@GoMotive/playlists>) describing and relating to the Accused Products and
7 Asserted Patent features, including “receiv[ing] vehicle data, driver information, and driver
8 communications, at pre-determined times, from at least one portable wireless data transfer and display
9 device of one or more vehicles of the plurality of vehicles via a long-range wireless network,” “send[ing]
10 the driver summary electronic report via the network communication module to the at least one portable
11 wireless data transfer and display device via the long-range wireless network for managing the vehicle
12 fleet of the plurality of vehicles,” and “present[ing] the driver summary electronic report to a user via the
13 display” as claimed in the ’906 patent. Motive provides, for example, video installation guides for the
14 Accused Products that collectively have been viewed over 56.3K (56,300) times
15 (<https://www.youtube.com/playlist?list=PLku95dwqjWZu0cK14sK49l2reVgTwziRY>). The installation
16 guides are also provided in French
17 (https://www.youtube.com/playlist?list=PLku95dwqjWZvgar5DcCNt9T6_Cr6COIu2) and Spanish
18 (<https://www.youtube.com/playlist?list=PLku95dwqjWZtk29lVs-KhnyGQW8FxiXwF>), to reach multi-
19 lingual audiences and users of Accused Products, *e.g.*, Vehicle Gateway, AI Dashcam. Motive also
20 provides “getting started” and “onboarding” or “training” videos for the Accused Products to facilitate
21 user adoption and use (*e.g.*, for the Motive Driver App a twelve (12) video playlist with over 272K
22 (272,000) views,
23 https://www.youtube.com/playlist?list=PLku95dwqjWZtwN_U62Zd56M63dEMwWeDL), and other
24 marketing videos designed to attract, induce, and encourage use of Motive products. Further, Motive
25 explains to fleet managers how to use Motive software to access and use Motive’s Dashboard to analyze
26 driver compliance and behavior:

27 264. Further, Motive explains to fleet managers how to use its software to use its dashboard to
28 analyze driver compliance and behavior, including “hours of service records for drivers associated with

1 the least one portable wireless data transfer and display device,” “vehicle data, the driver information, and
 2 the driver communications” processed “into a driver summary electronic report” “includ[ing] a composite
 3 driver score based on a plurality of:” “fuel efficiency; occurrences of stop idle; occurrences of speeding;
 4 occurrences of hard braking; occurrences of high speed braking; and occurrences of safety violations” as
 5 claimed in the '906 patent:



16 <https://helpcenter.gomotive.com/hc/en-us/articles/6162446181533-What-is-Compliance-Hub->

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 18 265. For example, Motive explains how the driver risk score is calculated and instructs drivers
 19 how to use the driver risk score:
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How is the DRIVE score calculated?

- Aggregate all of the safety events generated (using the DRIVE behavior threshold definitions) over the 4 week period.
- Calculate the normalized safety event rate per 1,000 miles driven for each unsafe behavior included in the score.

$$\text{Event Rate} = (\text{count of events/miles driven}) * 1,000$$

- Determine the behavior impact on the score. The 'DRIVE Points Table' Report in the Fleet Dashboard indicates how points are allocated across behaviors.

$$\text{Behavior impact} = \text{Total points available} - \text{Total points received}$$

- Calculate the final score by subtracting the sum of impact across all behaviors from the maximum score of 100. The more safety events generated, the more points are deducted from the score.

$$\text{DRIVE Score} = 100 - (\text{sum of impact of all behaviors})$$

<https://helpcenter.gomotive.com/hc/en-us/articles/6162164321693-What-is-DRIVE-Risk-Score>.

266. Motive has sales and technical support staff that assist Motive's customers and end users and provide instructions for the use of the Accused Products in an infringing manner in the United States.

See <https://helpcenter.gomotive.com/hc/en-us/requests/new>.

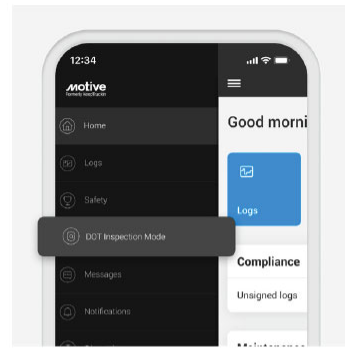
267. Motive provides its customers and end users with additional instructions that direct the customers and end users to use the Accused Products in an infringing manner. Such instructions include, for example, data sheets, technical specifications, customer support services, product sheets, and technical support services.

268. As yet another example, Motive publicly shares a "ELD User manual" that instructs customers on how to install and use the Motive ELD, a "mobile device-based ELD system that includes the Motive Vehicle Gateway, Motive Driver App, and Motive Fleet Dashboard." Motive ELD user manual (<https://gomotive.com/wp-content/uploads/2022/09/ELD-Driver-App-User-Manual.pdf>) at 1. Motive instructs their customers on how to use their Motive ELD system to communicate to an officer an ELD

1 record, as depicted in the images below, thereby “present[ing] the driver summary electronic report to a
2 user via the display” as claimed in the ’906 patent:

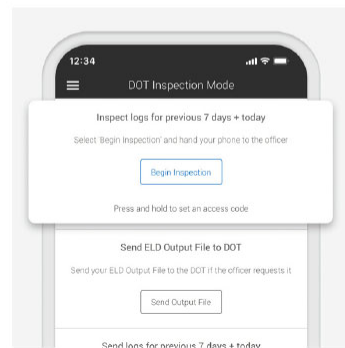
3 **Letting an officer inspect
4 your ELD Record**

Go to the app’s main menu by tapping on the menu icon, then select **DOT Inspection Mode**.



9 If you want an officer to inspect your logs directly from your mobile device, select **Begin Inspection**.

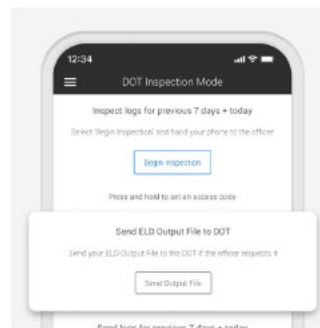
11 Press and hold on the **Begin Inspection** button to set a 4-digit access code. This will restrict access to other parts of the app until the code is re-entered.



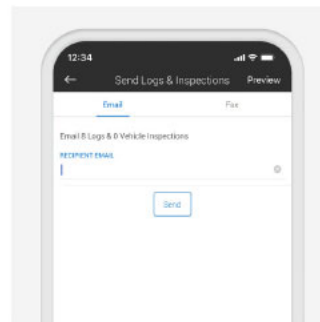
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If you want to send your ELD output file to the DOT via email or web service, select **Send Output File**.

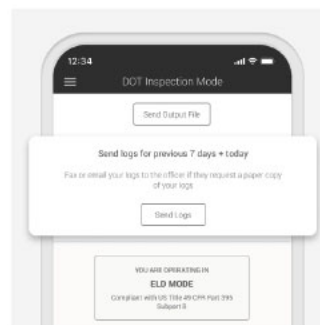


You will be prompted to enter your official comment.



If you want to email or fax a copy of your logs to an officer, select **Send Logs**.

You will be prompted to enter your recipient's fax number or email address.



Id. at 6-7.

269. Motive further advertises and instructs third parties how the driver risk score is calculated and instructs drivers how to use the driver risk score. For example, Motive markets its driver risk score by allowing customers to “[t]ake a proactive approach to driver safety and prevent accidents with [Motive’s] new Safety Hub and DRIVE risk score.” <https://www.facebook.com/keeptruckin/videos/you-cant-fix-what-you-cant-see-take-a-proactive-approach-to-driver-safety-and-pr/3036811383084807/>. Motive thereby contributes to and induces infringement by third parties of the ’943 patent, including *e.g.*, the features of “a driver summary electronic report includ[ing] a composite driver score based on a plurality of a group consisting of: fuel efficiency; occurrences of stop idle; occurrences of speeding;

1 occurrences of hard braking; occurrences of high speed braking; and occurrences of safety violations.”
 2 Motive advertises their DRIVE risk score as “more accurate at risk identification than other scores” and
 3 that “[s]ome of North America’s most successful safety departments are using Motive’s technology and
 4 DRIVE to pinpoint ... to make their fleets safer, more productive, and more profitable.” Motive Guide:
 5 DRIVE risk score 101 ([https://gomotive.com/wp-content/uploads/2022/08/Guide_DRIVE-risk-score-](https://gomotive.com/wp-content/uploads/2022/08/Guide_DRIVE-risk-score-101.pdf)
 6 [101.pdf](https://gomotive.com/wp-content/uploads/2022/08/Guide_DRIVE-risk-score-101.pdf)) at 3.

7 Introduction

8 In today’s world of astronomical settlements, sometimes called nuclear
 9 verdicts, every business’ worst fear is that they’re just one catastrophe
 10 away from a multi-million dollar payout. This is a legitimate concern. In
 11 the last 10 years, cases with payouts of over \$1M have increased by 5x.

12 For those looking for ways to avoid a business-ending settlement, now
 13 is the time to focus on proactive approaches to driver safety. Safety
 14 departments that identify high-risk behaviors early, then modify those
 15 bad habits before a crash occurs, can make all the difference in keeping
 16 both liability and insurance costs low, and profit margins high.

17 Identifying high risk drivers isn’t easy. Many safety departments have
 18 outsourced their driver assessment chores to vendors who do little by
 19 way of preventing crashes, much less coaching high-risk drivers.

20 Enter Motive.

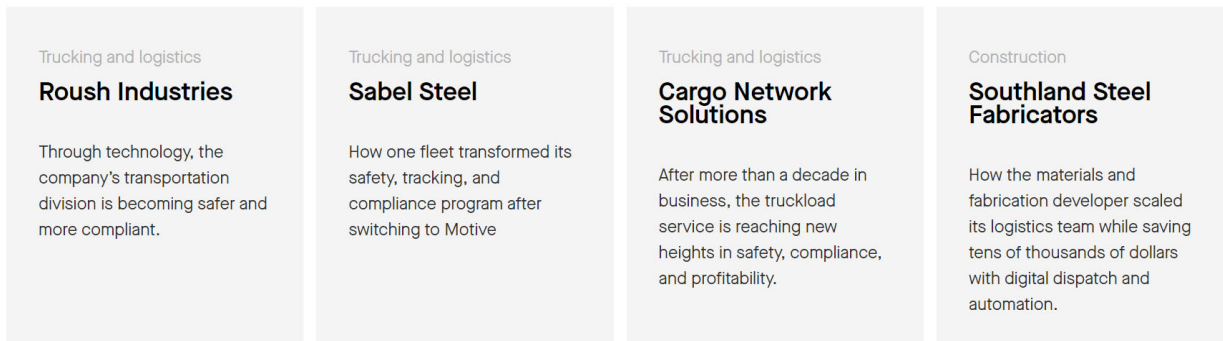
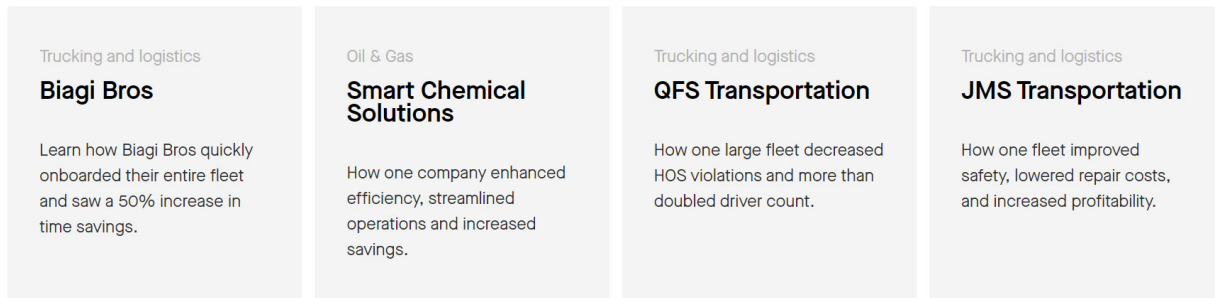
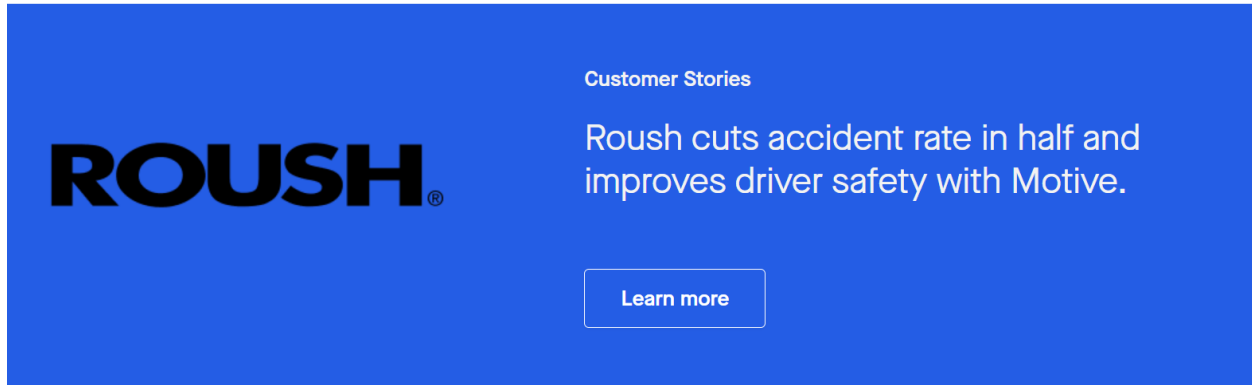
21 Motive’s proprietary DRIVE risk score helps safety departments pinpoint
 22 which drivers need coaching and what behaviors they should focus on.
 23 DRIVE evaluates benchmarked behaviors across Motive’s network of
 24 hundreds of thousands of connected vehicles to generate an accurate
 25 risk profile of a driver relative to their peers.

26 Some of North America’s most successful safety departments are
 27 using Motive’s technology and DRIVE to pinpoint who, what, when, and
 28 where they should be focusing their time and attention to make their
 fleets safer, more productive, and more profitable.

In this 101 Guide, you’ll learn how your team can use the DRIVE risk
 score to make your existing safety team more effective.

270. Motive markets the Accused Products to users and third-party customers and installs said
 Accused Products for users and customers with the specific intent to induce infringement. For example,
 Motive highlights “Customer Stories” on its website, thereby advertising infringing uses of the Accused

1 Products by third-party customers, and encouraging additional infringing uses by those customers and
2 other potential customers, as depicted in the images below:



21 <https://gomotive.com/customers/>.



Overview

Best known for its Mustang cars, Roush Industries is synonymous with excellence. As a trusted provider of global engineering solutions, Roush uses its trucking division to transport products around the country.

Location
Livonia, MI

Type
Trucking and logistics

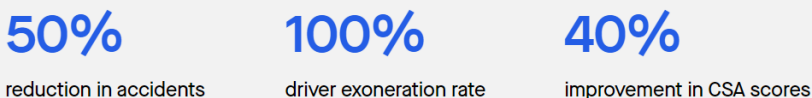
Fleet Size
80

Products Used

- Driver Safety**
- Tracking**
- Compliance**

Over-the-road drivers are an important part of Roush's transportation business. When the connectivity on Roush's electronic logging devices (ELDs) faltered, drivers couldn't be matched to the right trip. Unable to track hours of service (HOS) due to malfunctioning ELDs, the company was charged with several HOS violations. After 18 months of disruption, it was time for a change.

After deploying Motive ELDs, Roush got HOS violations under control quickly. Looking to defend against false claims and improve driver safety, Roush also invested in Motive's road-facing AI Dashcams. Roush also began using Motive's Tracking & Telematics product to get real-time location visibility into their fleet.



<https://gomotive.com/customers/roush-industries/>.

271. Accordingly, Motive contributed and is contributing to infringement of at least claim 1 of the '906 patent, in violation of 35 U.S.C. § 271(c).

272. Motive's customers and end-users of the Accused Products directly infringe at least claim 1 of the '906 patent, at least by using the Accused Products, as described in detail in paragraphs 242–252.

273. Motive contributes to infringement of the '906 patent by offering to sell, selling, and importing into the United States the Accused Products and components thereof, including, for example, the Motive Dashboard and its associated software applications and firmware. Such components are substantial, material parts of the claimed inventions of the '906 patent and have no substantial non-infringing use.

274. The Motive Dashboard and its associated software applications and firmware are especially made and especially adapted for use in infringing the '906 patent and are not staple articles or commodities of commerce suitable for substantial non-infringing use.

275. Motive's infringement of the '906 patent is without license or other authorization.

1 282. Motive’s products and/or services that infringe the ’733 patent include, but are not limited
2 to, the Accused Products and use thereof.

3 283. Motive makes, uses, sells, offers for sale, and/or imports the Accused Products and
4 components thereof in the United States.

5 284. Motive directly infringes—literally and/or under the doctrine of equivalents—at least claim
6 1 of the ’733 patent by making, using, selling, offering for sale, and/or importing into the United States
7 its Accused Products and components thereof.

8 285. For example, claim 1 of the ’733 patent recites:

9 1. A data acquisition device for managing a vehicle within a fleet of vehicles comprising:

10 a wired module configured to provide a wired connection to the vehicle for
11 gathering vehicle data from the vehicle during operation of the vehicle,

12 wherein the data acquisition device is configured to be mounted inside the
13 vehicle; and

14 a short-range wireless communication module configured to wirelessly send the
15 vehicle data in real-time to a portable wireless data transfer and display device in
16 close proximity to the data acquisition device during operation of the vehicle for
17 managing the vehicle within the fleet of vehicles,

18 wherein the data acquisition device is further configured to output a driver
19 summary electronic report including an hours of service record for a driver of the
20 vehicle to a device accessed by a user different from the driver to evaluate driver
21 compliance with traffic regulations or company policy, wherein the driver
22 summary electronic report includes a composite driver score based on a plurality
23 of a group consisting of:

19 fuel efficiency;

20 occurrences of stop idle;

21 occurrences of speeding;

22 occurrences of hard braking;

23 occurrences of high speed braking; and

24 occurrences of safety violations.

25 286. The Accused Products practice each limitation of at least claim 1 of the ’733 patent.

26 287. Motive, at least by using the Accused Products, performs each step of claim 1 of the ’733
27 patent. *See* Exhibit N.
28

1 288. To the extent the preamble is construed to be limiting, Motive, at least by using the Accused
2 Products, performs the requirements of the preamble. For example, Motive’s Vehicle Gateway (ELD) is
3 a “data acquisition device for managing a vehicle within a fleet of vehicles.” For example, Motive’s
4 Vehicle Gateway “helps Fleet Managers to get insight into real-time performance of the drivers and
5 vehicles.”

6 289. Motive, at least when using the Vehicle Gateway (ELD), includes “a wired module
7 configured to provide a wired connection to the vehicle for gathering vehicle data from the vehicle during
8 operation of the vehicle, wherein the data acquisition device is configured to be mounted inside the
9 vehicle” as required by claim 1 of the ’733 patent. For example, Motive’s Vehicle Gateway collects data
10 directly from the vehicle’s ECU via the vehicle diagnostic port. Motive’s Vehicle Gateway is also mounted
11 inside a vehicle and connected to the vehicle’s ECU via the vehicle diagnostic port.

12 290. Motive, at least when using the Accused Products, includes “a short-range wireless
13 communication module configured to wirelessly send the vehicle data in real-time to a portable wireless
14 data transfer and display device in close proximity to the data acquisition device during operation of the
15 vehicle for managing the vehicle within the fleet of vehicles, wherein the data acquisition device is further
16 configured to output a driver summary electronic report including an hours of service record for a driver
17 of the vehicle to a device accessed by a user different from the driver to evaluate driver compliance with
18 traffic regulations or company policy, wherein the driver summary electronic report includes a composite
19 driver score based on a plurality of a group consisting of: fuel efficiency; occurrences of stop idle;
20 occurrences of speeding; occurrences of hard braking; occurrences of high speed braking; and occurrences
21 of safety violations,” as required by claim 1 of the ’733 patent. For example, Motive’s Vehicle Gateway
22 sends vehicle data to a driver’s mobile device using Bluetooth. For example, hard brakes, hard
23 accelerations, hard cornering, speeding, and HOS violations are factored in when calculating Motive’s
24 DRIVE risk score.

25 291. Each claim of the ’733 patent recites an independent invention. Neither claim 1, described
26 above, nor any other individual claim is representative of all claims in the ’733 patent.

27 292. Motive was aware of and/or willfully blind to the ’733 patent since approximately the date
28 of its issuance on April 28, 2015. Numerous former employees of Plaintiffs who had knowledge of their

1 patented technology and patents, including the '733 patent and its named inventor Dan Fuglewicz, have
2 worked and/or now work at Motive in a wide variety of roles across the company. *See supra*, paragraphs
3 24–25. These employees were aware of and/or willfully blind to Plaintiffs' patented technology and
4 patents, including the '733 patent, when Motive was developing the Accused Products.

5 293. Moreover, Motive has further been aware of the '733 patent and its infringement since at
6 least July 16, 2018, when counsel for Plaintiffs sent Motive a letter regarding U.S. Patent Nos. 9,064,422
7 and 9,390,628—two successors of the '733 patent—which claim priority to the same provisional
8 application and have the same earliest effective date of December 18, 2012. That letter noted Motive's
9 infringing activities. Despite receiving this letter, Motive has not ceased its infringement or redesigned
10 its products to avoid infringement.

11 294. Motive has further been aware of the '733 patent since at least the filing date of this
12 Complaint.

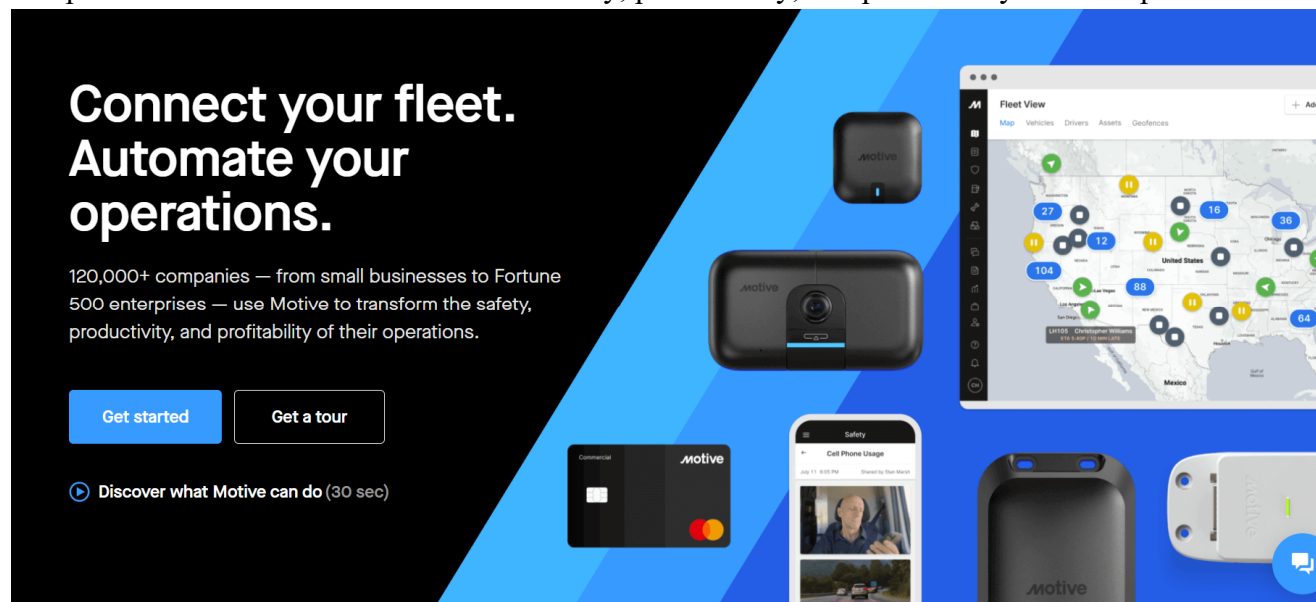
13 295. Motive actively induced and is actively inducing infringement of at least claim 1 of the
14 '733 patent, in violation of 35 U.S.C. § 271(b).

15 296. Motive's customers and end-users of the Accused Products directly infringe at least claim
16 1 of the '733 patent, at least by using the Accused Products, as described in detail in paragraphs 284–290.

17 297. Motive knowingly induces infringement of at least claim 1 of the '733 patent by customers
18 and end-users of the Accused Products with specific intent to induce infringement, and/or with willful
19 blindness to the possibility that its acts induce infringement, through activities relating to selling,
20 marketing, advertising, promotion, support, and distribution of the Accused Products in the United States.

21 298. Motive instructs customers and end users, at least through its marketing, promotional, and
22 instructional materials, to use the infringing Accused Products, and in particular “data acquisition
23 device[s] for managing a vehicle within a fleet of vehicles” as claimed in the '733 patent. *See*
24 [https://helpcenter.gomotive.com/hc/en-us/articles/6162442580893--New-Fleet-Managers-Start-Here-](https://helpcenter.gomotive.com/hc/en-us/articles/6162442580893--New-Fleet-Managers-Start-Here-Getting-Started-with-Motive-for-Fleet-Managers)
25 [Getting-Started-with-Motive-for-Fleet-Managers;](https://helpcenter.gomotive.com/hc/en-us/articles/6162164321693-What-is-DRIVE-Risk-Score) [https://helpcenter.gomotive.com/hc/en-](https://helpcenter.gomotive.com/hc/en-us/articles/6162164321693-What-is-DRIVE-Risk-Score)
26 [us/articles/6162164321693-What-is-DRIVE-Risk-Score.](https://helpcenter.gomotive.com/hc/en-us/articles/6162164321693-What-is-DRIVE-Risk-Score)

1 299. For example, Motive invites customers to “[g]et started” and “[c]onnect your fleet” and
 2 “[a]utomate your operations,” and touts that “120,000+ companies – from small businesses to Fortune 500
 3 companies – use Motive to transform the safety, productivity, and profitability of their operations.”



13 <https://gomotive.com/>.

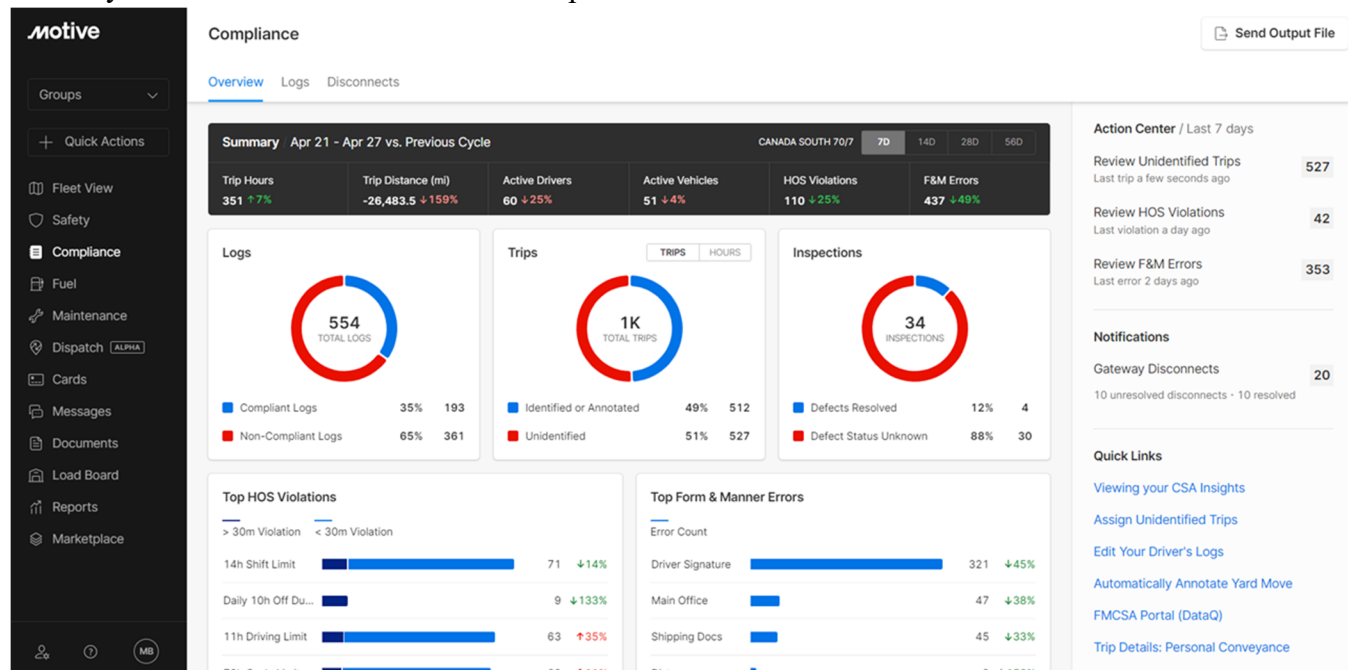
14 300. Additionally, the Motive Help Center provides detailed resources and instructions to
 15 “Drivers” and “Fleet Managers/Admins” and “other users of the Motive Fleet Dashboard and Motive
 16 Driver App.” <https://helpcenter.gomotive.com/hc/en-us>. The Motive Help Center also includes
 17 “Installers/Installation Guides” “[r]esources on how to install all Motive hardware products, such as
 18 Vehicle Gateways and Cameras.” *Id.* And as discussed above, these Motive hardware products comprise
 19 “[a] data acquisition device for managing a vehicle within a fleet of vehicles comprising: a wired module
 20 configured to provide a wired connection to the vehicle for gathering vehicle data from the vehicle during
 21 operation of the vehicle; and a short-range wireless communication module configured to wirelessly send
 22 the vehicle data in real-time to a portable wireless data transfer and display device in close proximity to
 23 the data acquisition device during operation of the vehicle for managing the vehicle within the fleet of
 24 vehicles” as claimed in the ’733 patent.

25 301. Further still, Motive prepared and publicly provides “over 2000 articles” on its website to
 26 “help” Drivers, Fleet Managers, Admins, Installers, and other users find answers about how to use Motive
 27 products, and encourage installation, adoption, and further use of Motive products. *Id.* Motive publicly
 28

1 shares detailed resources and instructions to customers and users of the Accused Products, *e.g.*, Vehicle
2 Gateway, AI Dashcam. <https://gomotive.com/vg-driver/>. Motive further provides user guides for ELD
3 Users and DOT Cab Cards. *Id.* These guides are also provided in French and Spanish to reach additional,
4 multi-lingual audiences and users beyond those the Motive English language resources and guides may
5 reach:

6 302. Furthermore, Motive’s branded YouTube channel
7 (<https://www.youtube.com/@GoMotive>) includes over forty-eight (48) Motive-endorsed videos
8 (<https://www.youtube.com/@GoMotive/videos>) and nine (9) Motive-created playlists
9 (<https://www.youtube.com/@GoMotive/playlists>) describing and relating to the Accused Products and
10 Asserted Patent features, including “send[ing] the vehicle data in real-time to a portable wireless data
11 transfer and display device in close proximity to the data acquisition device during operation of the vehicle
12 for managing the vehicle within the fleet of vehicles,” and “output[ting] a driver summary electronic report
13 including an hours of service record for a driver of the vehicle to a device accessed by a user different
14 from the driver to evaluate driver compliance with traffic regulations or company policy” as claimed in
15 the ’733 patent.. Motive provides, for example, video installation guides for the Accused Products that
16 collectively have been viewed over 56.3K (56,300) times
17 (<https://www.youtube.com/playlist?list=PLku95dwqjWZu0cK14sK49l2reVgTwziRY>). The installation
18 guides are also provided in French
19 (https://www.youtube.com/playlist?list=PLku95dwqjWZvgar5DcCNt9T6_Cr6COIu2) and Spanish
20 (<https://www.youtube.com/playlist?list=PLku95dwqjWZtk29lVs-KhnyGQW8FxiXwF>), to reach multi-
21 lingual audiences and users of Accused Products, *e.g.*, Vehicle Gateway, AI Dashcam. Motive also
22 provides “getting started” and “onboarding” or “training” videos for the Accused Products to facilitate
23 user adoption and use (*e.g.*, for the Motive Driver App a twelve (12) video playlist with over 272K
24 (272,000) views,
25 https://www.youtube.com/playlist?list=PLku95dwqjWZtwN_U62Zd56M63dEMwWeDL), and other
26 marketing videos designed to attract, induce, and encourage use of Motive products. Further, Motive
27 explains to fleet managers how to use Motive software to access and use Motive’s Dashboard to analyze
28 driver compliance and behavior:

1 303. Further, Motive explains to fleet managers how to use its software to use its dashboard to
 2 analyze driver compliance and behavior, including “hours of service records for drivers associated with
 3 the least one portable wireless data transfer and display device,” and a “driver summary electronic report”
 4 “includ[ing] a composite driver score based on a plurality of:” “fuel efficiency; occurrences of stop idle;
 5 occurrences of speeding; occurrences of hard braking; occurrences of high speed braking; and occurrences
 6 of safety violations” as claimed in the '733 patent:



7 <https://helpcenter.gomotive.com/hc/en-us/articles/6162446181533-What-is-Compliance-Hub->

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 19 304. For example, Motive explains how a “composite driver score,” e.g., its DRIVE driver risk
 20 score is calculated and instructs drivers how to use the driver risk score:
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How is the DRIVE score calculated?

- Aggregate all of the safety events generated (using the DRIVE behavior threshold definitions) over the 4 week period.
- Calculate the normalized safety event rate per 1,000 miles driven for each unsafe behavior included in the score.

$$\text{Event Rate} = (\text{count of events/miles driven}) * 1,000$$

- Determine the behavior impact on the score. The 'DRIVE Points Table' Report in the Fleet Dashboard indicates how points are allocated across behaviors.

$$\text{Behavior impact} = \text{Total points available} - \text{Total points received}$$

- Calculate the final score by subtracting the sum of impact across all behaviors from the maximum score of 100. The more safety events generated, the more points are deducted from the score.

$$\text{DRIVE Score} = 100 - (\text{sum of impact of all behaviors})$$

<https://helpcenter.gomotive.com/hc/en-us/articles/6162164321693-What-is-DRIVE-Risk-Score>.

305. Motive has sales and technical support staff that assist Motive's customers and end users and provide instructions for the use of the Accused Products in an infringing manner in the United States.

See <https://helpcenter.gomotive.com/hc/en-us/requests/new>.

306. Motive provides its customers and end users with additional instructions that direct the customers and end users to use the Accused Products in an infringing manner. Such instructions include, for example, data sheets, technical specifications, customer support services, product sheets, and technical support services.

307. Motive also has sales and technical support staff that assist Motive's customers and end users and provide instructions for the use of the Accused Products in an infringing manner in the United States. See <https://helpcenter.gomotive.com/hc/en-us/requests/new>. The examples discussed herein are but a sampling of the instructions from Motive directing use of the Accused Products in an infringing manner.

1 308. Motive further advertises and instructs third parties how the driver risk score is calculated
 2 and instructs fleet managers how to use the driver risk score. For example, Motive markets its driver risk
 3 score by allowing customers to “[t]ake a proactive approach to driver safety and prevent accidents with
 4 [Motive’s] new Safety Hub and DRIVE risk score.” [https://www.facebook.com/keeptruckin/videos/you-](https://www.facebook.com/keeptruckin/videos/you-cant-fix-what-you-cant-see-take-a-proactive-approach-to-driver-safety-and-pr/3036811383084807/)
 5 [cant-fix-what-you-cant-see-take-a-proactive-approach-to-driver-safety-and-pr/3036811383084807/](https://www.facebook.com/keeptruckin/videos/you-cant-fix-what-you-cant-see-take-a-proactive-approach-to-driver-safety-and-pr/3036811383084807/).
 6 Motive advertises their DRIVE risk score as “more accurate at risk identification than other scores” and
 7 that “[s]ome of North America’s most successful safety departments are using Motive’s technology and
 8 DRIVE to pinpoint ... to make their fleets safer, more productive, and more profitable.” Motive Guide:
 9 DRIVE risk score 101 ([https://gomotive.com/wp-content/uploads/2022/08/Guide_DRIVE-risk-score-](https://gomotive.com/wp-content/uploads/2022/08/Guide_DRIVE-risk-score-101.pdf)
 10 [101.pdf](https://gomotive.com/wp-content/uploads/2022/08/Guide_DRIVE-risk-score-101.pdf)) at 3.

11 Introduction

In today’s world of astronomical settlements, sometimes called nuclear verdicts, every business’ worst fear is that they’re just one catastrophe away from a multi-million dollar payout. This is a legitimate concern. In the last 10 years, cases with payouts of over \$1M have increased by 5x.

For those looking for ways to avoid a business-ending settlement, now is the time to focus on proactive approaches to driver safety. Safety departments that identify high-risk behaviors early, then modify those bad habits before a crash occurs, can make all the difference in keeping both liability and insurance costs low, and profit margins high.

Identifying high risk drivers isn’t easy. Many safety departments have outsourced their driver assessment chores to vendors who do little by way of preventing crashes, much less coaching high-risk drivers.

Enter Motive.

Motive’s proprietary DRIVE risk score helps safety departments pinpoint which drivers need coaching and what behaviors they should focus on. DRIVE evaluates benchmarked behaviors across Motive’s network of hundreds of thousands of connected vehicles to generate an accurate risk profile of a driver relative to their peers.

Some of North America’s most successful safety departments are using Motive’s technology and DRIVE to pinpoint who, what, when, and where they should be focusing their time and attention to make their fleets safer, more productive, and more profitable.

In this 101 Guide, you’ll learn how your team can use the DRIVE risk score to make your existing safety team more effective.

309. As yet another example, Motive advertises the Accused Products as “built for managers and drivers,” and lists benefits such as “minimiz[ing] violations” as “with full visibility into compliance health, managers can address violations faster and stay compliant,” and “reduc[ing] risk” by “combin[ing] CSA score monitoring with Motive’s DRIVE score” to “get a complete picture of your drivers’ risk profiles.”

Built for managers and drivers. Better outcomes for everyone.

<h1>50%</h1> <p>Fewer Hours of Service violations</p>	<h1>50%</h1> <p>Less time spent on compliance tasks</p>	<h1>25%</h1> <p>Reduction in insurance costs</p>	
<p>Minimize violations</p> <p>To reduce violations, the HOS clocks in our Driver App alert drivers before they exceed their limits. With full visibility into compliance health, managers can address violations faster and stay compliant.</p>	<p>Boost productivity</p> <p>AI-powered unidentified trip matching helps fleets work smarter. Manage HOS, DVIR, and IFTA in one solution. Save time with a fast log-editing workflow and automatic yard move annotation.</p>	<p>Reduce risk</p> <p>To get a complete picture of your drivers’ risk profiles, combine CSA score monitoring with Motive’s DRIVE score. Coach drivers to lower CSA scores and reduce the risk of FMCSA intervention.</p>	<p>Cut costs</p> <p>Reduce FMCSA fines and insurance costs with forecasted CSA scores. Identify ways to stay below intervention thresholds. Share predicted scores with your insurance company to earn lower rates.</p>



<https://gomotive.com/products/fleet-compliance/>.

310. Motive markets the Accused Products to users and third-party customers and installs said Accused Products for users and customers with the specific intent to induce infringement. For example, Motive highlights “Customer Stories” on its website, thereby advertising infringing uses of the Accused Products by third-party customers, and encouraging additional infringing uses by those customers and other potential customers, as depicted in the images below:

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<p>Trucking and logistics</p> <p>Biagi Bros</p> <p>Learn how Biagi Bros quickly onboarded their entire fleet and saw a 50% increase in time savings.</p>	<p>Oil & Gas</p> <p>Smart Chemical Solutions</p> <p>How one company enhanced efficiency, streamlined operations and increased savings.</p>	<p>Trucking and logistics</p> <p>QFS Transportation</p> <p>How one large fleet decreased HOS violations and more than doubled driver count.</p>	<p>Trucking and logistics</p> <p>JMS Transportation</p> <p>How one fleet improved safety, lowered repair costs, and increased profitability.</p>
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<p>Trucking and logistics</p> <p>Roush Industries</p> <p>Through technology, the company's transportation division is becoming safer and more compliant.</p>	<p>Trucking and logistics</p> <p>Sabel Steel</p> <p>How one fleet transformed its safety, tracking, and compliance program after switching to Motive</p>	<p>Trucking and logistics</p> <p>Cargo Network Solutions</p> <p>After more than a decade in business, the truckload service is reaching new heights in safety, compliance, and profitability.</p>	<p>Construction</p> <p>Southland Steel Fabricators</p> <p>How the materials and fabrication developer scaled its logistics team while saving tens of thousands of dollars with digital dispatch and automation.</p>
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[https://gomotive.com/customers/.](https://gomotive.com/customers/)



Location
Livonia, MI

Type
Trucking and logistics

Fleet Size
80

- Products Used
- Driver Safety**
 - Tracking**
 - Compliance**

Overview

Best known for its Mustang cars, Roush Industries is synonymous with excellence. As a trusted provider of global engineering solutions, Roush uses its trucking division to transport products around the country.

Over-the-road drivers are an important part of Roush's transportation business. When the connectivity on Roush's electronic logging devices (ELDs) faltered, drivers couldn't be matched to the right trip. Unable to track hours of service (HOS) due to malfunctioning ELDs, the company was charged with several HOS violations. After 18 months of disruption, it was time for a change.

After deploying Motive ELDs, Roush got HOS violations under control quickly. Looking to defend against false claims and improve driver safety, Roush also invested in Motive's road-facing AI Dashcams. Roush also began using Motive's Tracking & Telematics product to get real-time location visibility into their fleet.

50%	100%	40%
reduction in accidents	driver exoneration rate	improvement in CSA scores

[https://gomotive.com/customers/roush-industries/;](https://gomotive.com/customers/roush-industries/)

1
2 Ellen McDonald
Safety Director, Expressway Logistics

“ We reduced HOS violations by 67%. Our CSA score dropped from 99 to 59. That improvement has been huge for our business. I’ve even talked two other companies into joining Motive.”

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4
5
6
7 <https://gomotive.com/products/fleet-compliance/>.

8 311. Accordingly, Motive contributed and is contributing to infringement of at least claim 1 of
9 the ’733 patent, in violation of 35 U.S.C. § 271(c).

10 312. Motive’s customers and end-users of the Accused Products directly infringe at least claim
11 1 of the ’733 patent, at least by using the Accused Products, as described in detail in paragraphs 284–290.

12 313. Motive contributes to infringement of the ’733 patent by offering to sell, selling, and
13 importing into the United States the Accused Products and components thereof, including, for example,
14 the Motive Dashboard and its associated software applications and firmware. Such components are
15 substantial, material parts of the claimed inventions of the ’733 patent and have no substantial non-
16 infringing use.

17 314. The Motive Dashboard and its associated software applications and firmware are especially
18 made and especially adapted for use in infringing the ’733 patent and are not staple articles or commodities
19 of commerce suitable for substantial non-infringing use.

20 315. Motive’s infringement of the ’733 patent is without license or other authorization.

21 316. Because Motive had knowledge of and/or was willfully blind to the ’733 patent and
22 proceeded to knowingly directly and indirectly infringe, Motive’s infringement has been and continues to
23 be willful.

24 317. Motive’s continued infringement of the ’733 patent has damaged and will continue to
25 damage Plaintiffs.

26 318. Unless and until enjoined by this Court, Motive will continue to directly infringe as well
27 as induce and contribute to infringement of the ’733 patent. Motive’s infringing acts are causing and will
28

1 continue to cause at least Plaintiffs irreparable harm, for which there is no adequate remedy at law. Under
2 35 U.S.C. § 283, Plaintiffs are entitled to a permanent injunction against further infringement.

3 319. This case is exceptional, entitling Plaintiffs to an award of attorneys' fees and costs
4 incurred in prosecuting this action under 35 U.S.C. § 285.

5 **DEMAND FOR JURY TRIAL**

6 320. Pursuant to Fed. R. Civ. P. 38(b), Plaintiffs respectfully request a jury trial on any issues
7 so triable by right.

8 **PRAYER FOR RELIEF**

9 321. WHEREFORE, Plaintiffs respectfully request that this Court enter judgment in their favor
10 and grant the following relief:

11 A. A judgment that Motive infringes, directly and indirectly, the Patents-in-Suit;

12 B. An order permanently enjoining Motive, its affiliates and subsidiaries, and each of
13 its officers, agents, servants and employees and those acting in privity or concert with them, from making,
14 offering to sell, selling, using, or importing into the United States products claimed in any of the claims
15 of the Asserted Patents; using or performing methods claimed in any of the claims of the Asserted Patents;
16 inducing others to use and perform methods that infringe any claim of the Asserted Patents; inducing
17 others to make, offer, sell, use or import into the United States articles that infringe, or are made by a
18 process that infringes, any claim of the Asserted Patents; and contributing to others infringing any claim
19 of the Asserted Patents, until after the expiration of the Asserted Patents, respectively, including any
20 extensions and/or additional periods of exclusivity to which Plaintiffs are or becomes entitled;

21 C. An order permanently enjoining Motive, its affiliates and subsidiaries, and each of
22 its officers, agents, servants and employees and those acting in privity or concert with them, from making,
23 offering to sell, selling, using, or importing into the United States products claimed in any of the claims
24 of the patents; using or performing methods claimed in any of the claims of the '060, '067, '130, '873,
25 '943, '906, and '733 patents; inducing others to use and perform methods that infringe any claim of the
26 '060, '067, '130, '873, '943, '906, and '733 patents; inducing others to make, offer, sell, use or import
27 into the United States articles that infringe, or are made by a process that infringes, any claim of the '060,
28 '067, '130, '873, '943, '906, and '733 patents; and contributing to others infringing any claim of the '060,

1 '067, '130, '873, '943, '906, and '733 patents, until after the expiration of the '060, '067, '130, '873, '943,
2 '906, and '733 patents, respectively, including any extensions and/or additional periods of exclusivity to
3 which Plaintiffs are or become entitled;

4 D. An order awarding damages under 35 U.S.C. §§ 154 & 284 in an amount sufficient
5 to compensate Plaintiffs for their damages arising from infringement by Motive, including, but not limited
6 to, lost profits and/or a reasonable royalty;

7 E. A judgment that Motive's infringement of the Patents-in-Suit was and continues to
8 be willful and an order awarding Plaintiffs treble damages under 35 U.S.C. § 284;

9 F. A judgment and order requiring Motive to pay Plaintiffs the prejudgment and post-
10 judgment interest to the fullest extent allowed under the law, as well as their costs;

11 G. An order finding that this is an exceptional case and awarding Plaintiffs their
12 reasonable attorneys' fees pursuant to 35 U.S.C. § 285; and

13 H. Such other relief as the Court may deem appropriate and just under the
14 circumstances.

1 Dated: October 13, 2023

Respectfully submitted,

2
3 /s/ Adam R. Alper

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