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10 WirelessWerx IP, LLC

11
12 **IN THE UNITED STATES DISTRICT COURT**
13 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
14 **SAN FRANCISCO DIVISION**

15 WIRELESSWERX IP, LLC,
16
17 Plaintiff,
18 v.
19 LIFE360, INC.,
20 Defendant.

Case No.: 3:23-cv-06725

**PLAINTIFF’S ORIGINAL
COMPLAINT FOR PATENT
INFRINGEMENT**

(35 U.S.C. § 271)

JURY TRIAL DEMANDED

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23 TO THE HONORABLE JUDGE OF SAID COURT:

24
25 Plaintiff Wirelesswerx IP LLC (“WirelessWerx” or “Plaintiff”), files this
26 Complaint for Patent Infringement against Life360, Inc. (“Life360” or “Defendant”),
27 and would respectfully show the Court as follows:
28

PARTIES

1
2 1. Plaintiff is a Texas limited liability company having an address located
3
4 at 5900 Balcones Dr., Suite 100, Austin, Texas 78731.

5 2. On information and belief, Defendant is a Delaware corporation with a
6 principal address of 1900 S Norfolk St # 310. San Mateo, CA 94403. Defendant is
7
8 registered to do business in California and has may be served via its registered agent
9 at National Registered Agents, Inc., 1209 Orange Street, Wilmington, Delaware
10 19801, at its place of business, or wherever else they may be found.

11 3. On information and belief, Defendant directly and/or indirectly
12 develops, designs, manufactures, distributes, markets, offers to sell and/or sells
13 infringing products and services in the United States, including in the Northern
14 District of California, and otherwise directs infringing activities to this District in
15
16 connection with its products and services.
17

18 **JURISDICTION**

19
20 4. This civil action arises under the Patent Laws of the United States, 35
21 U.S.C. § 1 *et seq.*, including without limitation 35 U.S.C. §§ 271, 281, 283, 284, and
22 285 based on Defendant's unauthorized commercial manufacture, use, importation,
23 offer for sale, and sale of the Accused Products in the United States. This is a patent
24 infringement lawsuit over which this Court has subject matter jurisdiction under, *inter*
25 *alia*, 28 U.S.C. §§ 1331, 1332, and 1338(a).
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1 5. This United States District Court for the Northern District of California
2 has general and specific personal jurisdiction over Defendant because, directly or
3 through intermediaries, Defendant has committed acts within the District giving rise
4 to this action and are present in and transact and conduct business in and with residents
5 of this District and the State of California.
6

7
8 6. Plaintiff's causes of action arise, at least in part, from Defendant's
9 contacts with and activities in this District and the State of California.

10 7. Defendant has committed acts of infringing the Patent-in-Suit within this
11 District and the State of California by making, using, selling, offering for sale, and/or
12 importing in or into this District and elsewhere in the State of California, products
13 claimed by the Patent-in-Suit, including without limitation products made by
14 practicing the claimed methods of the Patent-in-Suit. Defendant, directly and through
15 intermediaries, makes, uses, sells, offers for sale, imports, ships, distributes,
16 advertises, promotes, and/or otherwise commercializes such infringing products into
17 this District and the State of California. Defendant regularly conducts and solicits
18 business in, engages in other persistent courses of conduct in, and/or derives
19 substantial revenue from goods and services provided to residents of this District and
20 the State of California. Defendant regularly conducts and solicits
21 business in, engages in other persistent courses of conduct in, and/or derives
22 substantial revenue from goods and services provided to residents of this District and
23 the State of California.
24

25 8. This Court has personal jurisdiction over Defendant because Defendant
26 has minimum contacts with this forum as a result of business regularly conducted
27 within the State of California and within this district, and, on information and belief,
28

1 specifically as a result of, at least, committing the tort of patent infringement within
2 California and this District. This Court has personal jurisdiction over Defendant, in
3
4 part, because Defendant does continuous and systematic business in this District,
5 including by providing infringing products and services to the residents of the
6 Northern District of California that Defendant knew would be used within this
7
8 District, and by soliciting business from the residents of the Northern District of
9 California. For example, Defendant is subject to personal jurisdiction in this Court
10 because, *inter alia*, Defendant has regular and established places of business
11 throughout this District, including at least at 1900 S Norfolk St # 310. San Mateo, CA
12 94403, and directly and through agents regularly does, solicits, and transacts business
13 in the Northern District of California. Also, Defendant has hired and is hiring within
14 this District for positions that, on information and belief, relate to infringement of the
15 Patent-in-Suit. Accordingly, this Court's jurisdiction over the Defendant comports
16 with the constitutional standards of fair play and substantial justice and arises directly
17 from the Defendant's purposeful minimum contacts with the State of California.
18
19
20

21 9. This Court also has personal jurisdiction over Defendant, because in
22 addition to Defendant's own online website and advertising within this District,
23 Defendant has also made its products available within this judicial district and
24 advertised to residents within the District to hire employees to be located in this
25 District.
26
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1 10. The amount in controversy exceeds \$75,000 exclusive of interests and
2 costs.

3
4 11. Venue is proper in this Court under 28 U.S.C. § 1400(b) based on
5 information set forth herein, which is hereby repeated and incorporated by reference.
6 Further, upon information and belief, Defendant has committed or induced acts of
7 infringement, and/or advertise, market, sell, and/or offer to sell products, including
8 infringing products, in this District. In addition, and without limitation, Defendant has
9 regular and established places of business throughout this District, including at least
10 at 1900 S Norfolk St # 310. San Mateo, CA 94403.
11

12 THE PATENT-IN-SUIT

13
14 12. On January 8, 2008, United States Patent No. 7,317,927 (“the ’927
15 Patent”), entitled “Methods and Systems to Monitor Persons Utilizing Wireless
16 Media” was duly and legally issued by the United States Patent and Trademark Office
17 (“USPTO”). The ’927 Patent claims patent-eligible subject matter and is valid and
18 enforceable. WirelessWerx is the exclusive owner by assignment of all rights, title,
19 and interest in the ’927 Patent, including the right to bring this suit for damages, and
20 including the right to sue and recover all past, present, and future damages for
21 infringement of the ’927 Patent. Defendant is not licensed to the ’0927 Patent, either
22 expressly or implicitly, nor do they enjoy or benefit from any rights in or to the ’927
23 patent whatsoever. A true and correct copy of the ’927 patent is attached hereto as
24
25
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27

28 **Exhibit A.**

1 13. The '927 Patent is referred to herein as the "Patent-in-Suit."

2 14. Plaintiff WirelessWerx is the owner of the entire right, title, and interest
3 in and to the Patent-in-Suit. The Patent-in-Suit are presumed valid under 35 U.S.C. §
4 282.
5

6 **ACCUSED INSTRUMENTALITIES**

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8 15. The term "Accused Instrumentalities" or "Accused Products" refers to,
9 by way of example and without limitation, Life360's products (e.g.
10 <<https://www.life360.com>>).
11

12 **COUNT I**
13 **PATENT INFRINGEMENT OF THE '927 PATENT**

14 16. Plaintiff restates and realleges the preceding paragraphs of this
15 Complaint as if fully set forth herein.

16 17. Defendant has, under 35 U.S.C. §271(a), directly infringed, and
17 continues to directly infringe, literally and/or under the doctrine of equivalents, one
18 or more claims, including without limitation at least claim 1 of the '927 Patent, by
19 making, using, testing, selling, offering for sale and/or importing into the United
20 States Defendant's Accused Products.
21
22

23 18. On information and belief, Defendant has made no attempt to design
24 around the claims of the '927 Patent.
25

26 19. On information and belief, Defendant did not have a reasonable basis for
27 believing that the claims of the '927 Patent were invalid.
28

1 20. On information and belief, Defendant's Accused Products are available
2 to businesses and individuals throughout the United States and in the State of
3 California, including in this District.
4

5 21. WirelessWerx has been damaged as the result of Defendant's
6 infringement.
7

8 22. The claim chart attached hereto as **Exhibit B** describes how the elements
9 of an exemplary claim 1 from the '927 Patent are infringed by the Accused Products.
10 This provides details regarding only one example of Defendant's infringement, and
11 only as to a single patent claim. Plaintiff reserves its right to amend and fully provide
12 its infringement arguments and evidence thereof until its Preliminary and Final
13 Infringement Contentions are later produced according to the court's scheduling order
14 in this case.
15
16

17 23. On information and belief, Defendant makes, uses, offers for sale, and
18 sells wireless earpiece and wearable piece products and services through its website
19 and other sources that infringe one or more of claims of the '927 patent, literally or
20 under the doctrine of equivalents. Defendant put the inventions claimed by the 9273
21 patent into service (i.e., used them); but for Defendant's actions, the claimed-
22 inventions embodiments involving Defendant's products and services would never
23 have been put into service. Defendant's acts complained of herein caused those
24 claimed-invention embodiments as a whole to perform, and Defendant's procurement
25 of monetary and commercial benefit from it.
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1 24. Defendant has and continues to induce infringement. Defendant has
2 actively encouraged or instructed others (e.g., its customers and/or the customers of
3 its related companies), and continue to do so, on how to use its products and services
4 (e.g., use its wireless earpiece and wearable piece assemblies) and related products
5 and services such as to cause infringement of one or more of claims of the '927 patent,
6 literally or under the doctrine of equivalents. Moreover, Defendant has known of the
7 '927 patent and the technology underlying it from at least the filing date of the
8 lawsuit.¹ For clarity, direct infringement is previously alleged in this complaint.
9
10

11 25. Defendant has and continues to contributorily infringe. Defendant has
12 actively encouraged or instructed others (e.g., its customers and/or the customers of
13 its related companies), and continue to do so, on how to use its products and services
14 (e.g., use its wireless earpiece and wearable piece assemblies) and related products
15 and services such as to cause infringement of one or more of claims of the '927 patent,
16 literally or under the doctrine of equivalents. Further, there are no substantial
17 noninfringing uses for Defendant's products and services. Moreover, Defendant has
18 known of the '927 patent and the technology underlying it from at least the filing date
19 of the lawsuit.² For clarity, direct infringement is previously alleged in this complaint.
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27 ¹ Plaintiff reserves the right to amend if discovery reveals an earlier date of
knowledge.

28 ² Plaintiff reserves the right to amend if discovery reveals an earlier date of
knowledge.

1 26. Defendant has caused and will continue to cause Plaintiff damage by
2 direct and indirect infringement of (including inducing infringement and contributory
3 infringement) the claims of the '927 patent.
4

5 **CONDITIONS PRECEDENT**

6 27. Plaintiff is a non-practicing entity, with no products to mark. Plaintiff
7 has pled all statutory requirements to obtain pre-suit damages. Further, all conditions
8 precedent to recovery are met.
9

10 **PRAYER FOR RELIEF**

11 WHEREFORE, Plaintiff WirelessWerx respectfully requests the following
12 relief:
13

14 A. A judgment that Defendant has directly infringed either literally and/or
15 under the doctrine of equivalents and continue to directly infringe the Patent-in-Suit;
16

17 B. A judgment and order requiring Defendant to pay Plaintiff damages
18 under 35 U.S.C. § 284 including past damages based on, *inter alia*, any necessary
19 compliance with 35 U.S.C. §287, and supplemental damages for any continuing post-
20 verdict infringement through entry of the final judgment with an accounting as
21 needed;
22

23 C. A judgment that this is an exceptional case within the meaning of 35
24 U.S.C. § 285 and Plaintiff is therefore entitled to reasonable attorneys' fees;
25

26 D. A judgment and order requiring Defendant to pay Plaintiff pre-judgment
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1 and post-judgment interest on the damages awarded;

2 E. A judgment and order awarding a compulsory ongoing royalty;

3
4 F. A judgment and order awarding Plaintiff costs associated with bringing
5 this action;

6 G. Such other and further relief as the Court deems just and equitable.
7

8 **JURY TRIAL DEMANDED**

9 Pursuant to FED. R. CIV. P. 38, Plaintiff WirelessWerx hereby demands a trial by jury
10 on all issues so triable.
11

12 Respectfully submitted,

13 Ramey LLP

14 /s/ Susan S.Q. Kalra

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DEMAND FOR JURY TRIAL

Plaintiff hereby requests a trial by jury on issues so triable by right.

Dated: December 30, 2023

Respectfully submitted,

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