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13 *For Plaintiff FLEET CONNECT SOLUTIONS LLC*

14 **UNITED STATES DISTRICT COURT**  
15 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

16 FLEET CONNECT SOLUTIONS  
17 LLC,,

18 Plaintiff,

19 v.

20 TELETRAC NAVMAN US LTD.,

21 Defendant.

22 Case No. \_\_\_\_\_

23 **COMPLAINT FOR PATENT  
24 INFRINGEMENT**

25 **JURY TRIAL DEMANDED**

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1 Plaintiff Fleet Connect Solutions LLC (“FCS” or “Plaintiff”) files this  
 2 Complaint against Teletrac Navman US Ltd., (“Teletrac” or “Defendant”) alleging,  
 3 based on its own knowledge as to itself and its own actions, and based on information  
 4 and belief as to all other matters, as follows:

### 5 NATURE OF THE ACTION

6 1. This is a patent infringement action to stop Defendant’s infringement of the  
 7 following United States Patents (collectively, the “Asserted Patents”), copies of which  
 8 are attached hereto as **Exhibit A, Exhibit B, Exhibit C, Exhibit D, Exhibit E, and**  
 9 **Exhibit F**, respectively:

	<b>U.S. Patent No.</b>	<b>Title</b>
10	A. 6,429,810	Integrated Air Logistics System
11	B. 7,536,189	System And Method For Sending Broadcasts In A Social Network
12	C. 7,599,715	System And Method For Matching Wireless Devices
13	D. 7,741,968	System And Method For Navigation Tracking Of Individuals In A Group
14	E. 9,299,044	System And Methods For Management Of Mobile Field Assets Via Wireless Handheld Devices
15	F. 9,747,565	System And Methods For Management Of Mobile Field Assets Via Wireless Handheld Devices
16		

17 2. Plaintiff seeks monetary damages.

### 18 PARTIES

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

21 4. Teletrac is a limited liability company organized under the laws of the State  
 22 of Delaware with its principal place of business located at 310 Commerce, Suite 100,  
 23 Irvine, California 92602.

24 5. Teletrac may be served through its registered agent for service, 1505  
 25 Corporation CSC Lawyers Incorporating Service, located at 2710 Gateway Oaks  
 26 Drive, Sacramento, California 95833.

### 27 JURISDICTION AND VENUE

28 6. FCS repeats and re-alleges the allegations in the Paragraphs above as though

1 fully set forth in their entirety.

2 7. This is an action for infringement of a United States patent arising under 35  
3 U.S.C. §§ 271, 281, and 284–85, among others. This Court has subject matter  
4 jurisdiction of the action under 28 U.S.C. § 1331 and § 1338(a).

5 8. Venue is proper against Defendant in this District pursuant to 28 U.S.C. §  
6 1400(b) and 1391(c) because it has maintained established and regular places of  
7 business in this District and has committed acts of patent infringement in the District.  
8 *See In re: Cray Inc.*, 871 F.3d 1355, 1362-1363 (Fed. Cir. 2017).

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

15 10. Specifically, Defendant intends to do and does business in, and has  
16 committed acts of infringement in this District directly and through intermediaries,  
17 and offered its products or services, including those accused of infringement here, to  
18 customers and potential customers located in California, including in this District.

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

21 12. For example, Defendant owns, operates, manages, conduct businesses, and  
22 directs and controls the operations and employees of facilities at several locations in  
23 this District.

24 13. Defendant maintains its principal place of business in this District.

25 14. Defendant has committed acts of infringement from this district, including,  
26 but not limited to, use of the Accused Products.

27 **THE ACCUSED PRODUCTS**

28 15. FCS repeats and re-alleges the allegations in the Paragraphs above as though

1 fully set forth in their entirety.

2 16. Based upon public information, Defendant owns, operates, advertises,  
3 and/or controls the website [www.teletracnavman.com](http://www.teletracnavman.com) through which it advertises,  
4 sells, offers to sell, provides and/or educates customers about its products and services.

5 17. Defendant manufactures, uses, causes to be used, sells, offers for sale,  
6 provides, supplies, or distributes fleet management platform and tracking solution  
7 systems. *See, e.g., Exhibit I.*

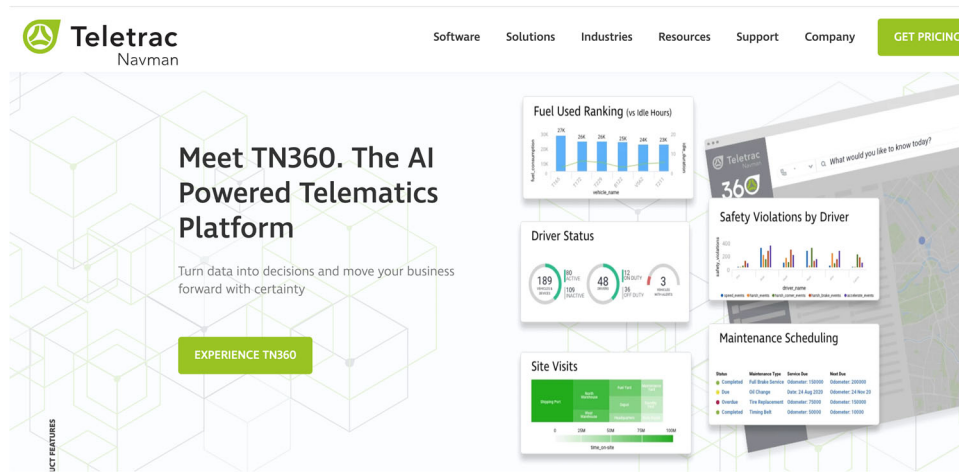
8 18. Defendant manufactures, uses, causes to be used, sells, offers for sale,  
9 provides, supplies, or distributes the Teletrac Navman fleet management platform and  
10 tracking solution, which includes, but is not limited to, the TN480, ATS1, Qube300,  
11 VT101, VT102, ST101, SI201, RE200, RE400, AT301, MT201, MT501, Smart Quad-  
12 Dashcam, Smart Dual-Dashcam, TN360 - Power Take-Off Sensor, Fleet Director  
13 Tablet, Teletrac Drive Tablet (each of the forgoing, a “Teletrac Device,” and  
14 collectively, the “Teletrac Devices”), Teletrac’s ELD on TN360, DIRECTOR®  
15 Electronic Logging Device, TN360 Mobile App(lication), DRIVE App(lication) for  
16 Android, TN360 Sentinel ELD App(lication), TN360 Messaging App(lication),  
17 Insights from TN360, TN360 SmartJobs App(lication), TN360 EasyDocs  
18 App(lication), TN360 Forms App(lication), Journey Planner App(lication), SmartNav  
19 Route App(lication), TN360 Pre-trip Checklist App(lication), TN360  
20 dashboard/software platform, TN360 Fleet Management Software, TN360 ACM  
21 Equipment Management Software, GPS Asset Tracking Systems, (each of the  
22 forgoing, a “Teletrac App,” and collectively, the “Teletrac Apps”), and associated  
23 hardware, software, applications, and functionality (collectively, the “Accused  
24 Products”).

25 19. The Accused Products perform wireless communications and methods  
26 associated with performing and/or implementing wireless communications including,  
27 but not limited to, wireless communications and methods pursuant to various  
28 communication standards, protocols, and implementations, including, but not limited

1 to, Bluetooth, IEEE 802.11, and LTE protocols and various subsections thereof,  
2 including, but not limited to, 802.11a, 802.11ac, 802.11b, 802.11g, and 802.11n.

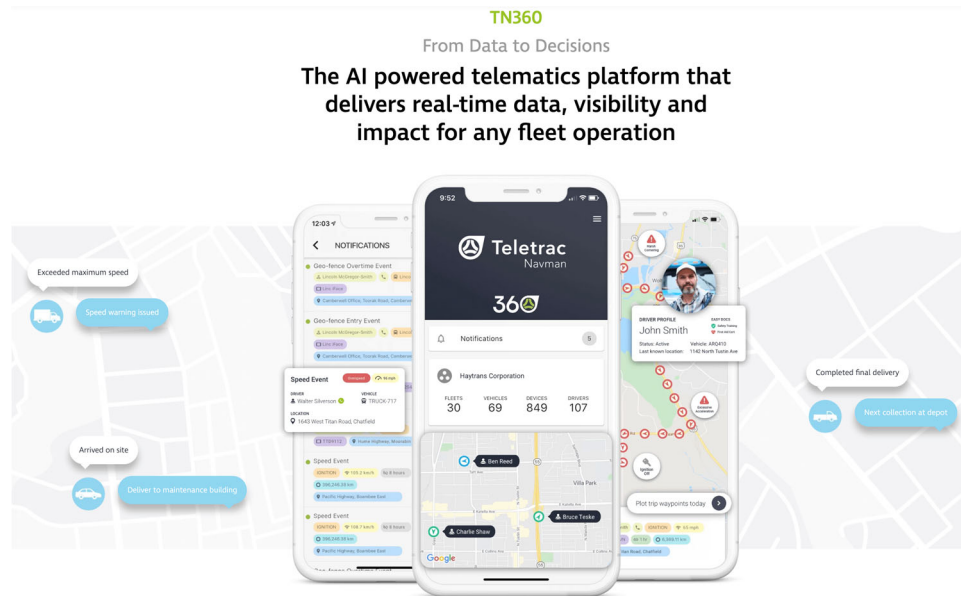
3 20. The wireless communications performed and/or implemented by the  
4 Accused Products, among other things, transmit data over various media, compute  
5 time slot channels, generate packets for network transmissions, perform or cause to be  
6 performed error estimation in orthogonal frequency division multiplexed (“OFDM”)  
7 receivers, and various methods of processing OFDM symbols.

8 21. The Accused Products also track, analyze, and report vehicle maintenance  
9 needs, track or cause to be tracked vehicle locations, and allow for communication  
10 between a system administrator and a remote unit, including broadcasting advisory  
11 communications.



(Source: <https://fleetlogging.com/teletrac-navman/>)

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(Source: <https://www.dnavdeej.com/teletrac-navman-complexity>)



Teletrac Drive is a comprehensive application suite for Android™ that offers users a variety of advanced in-vehicle apps, including turn-by-turn, voice guided navigation and two-way messaging. Teletrac Android-based tablets are fully equipped with the built-in Drive suite and Bluetooth capable, allowing drivers to stay guided and connected via a wireless, easy-to-use platform.

This guide describes how to use the Navigation and Messaging Apps, as well as how to set Bluetooth connection for in-vehicle device use.

(Source: [https://community.teletrac.com/teletrac.com/assets/2014-04-23\\_android%20tablet%20user%20guide.pdf](https://community.teletrac.com/teletrac.com/assets/2014-04-23_android%20tablet%20user%20guide.pdf))

## Introduction to the Fleet Director Tablet



**Note:** The above image displays the Main Screen on the Tablet configured for HOS.

### Tablet Modes

*The following information is only when the HOS application is configured for the vehicle.*

The Tablet is connected to the Prism unit (black box) which is installed in the vehicle. The Prism unit in turn is connected to the vehicle's diagnostics and knows whether the vehicle is moving or stationary at any given time. The Prism unit can then command the Tablet to lock or unlock for use depending on vehicle movement. This feature is in place for safety reasons.

(Source: [https://community.teletrac.com/teletrac.com/assets/fleetdirector%20tabletguide\\_hos.pdf](https://community.teletrac.com/teletrac.com/assets/fleetdirector%20tabletguide_hos.pdf))

1 Download The Case Study Here.

2 When Teletrac was choosing a platform to provide more value to customers earlier  
3 this year they turned to Android.

4 A new case study by Samsung illustrates how Teletrac has built a more robust and  
5 flexible logistics platform for its customers and their drivers on the Android  
6 platform.

7 A key way has been by integrating Samsung's Galaxy Tab and its Android operating  
8 system to host Teletrac's Drive app. Teletrac Drive for Android allows users to access  
9 multiple app-based functions, such as messaging, GPS navigation and compliance  
10 solutions.

11 The app suite is currently available on the Teletrac Tablet for Android and the 7-inch  
12 Samsung Galaxy Tab 3.

13 The case study notes the benefits of the Tablet, including wireless connectivity: "The  
14 Teletrac system includes a Vehicle Location Unit (VLU), which is a small device  
15 installed in the truck and pings location and diagnostic information back to the  
16 Teletrac Cloud Services and Fleet Director Software. Unlike the previous tablet that  
17 had to be hard-wired to the VLU, the Samsung Galaxy Tab wirelessly connects to the  
18 VLU over Bluetooth, which significantly reduces installation time and cost.

19 Depending on customer preference, the tablet can be removed from the enclosure  
20 and used by drivers when they stop for meals or overnight rests."

21 Customers with the Android offering have embraced the new user experience.  
22 Teletrac customer A.N. Webber noted it takes them less time to download logs,  
23 access reports and receive updates on delivery routes. "The trucking business is  
24 highly competitive, and we are always looking for ways to improve driver  
25 productivity and satisfaction," said Rob Koch, Vice President of Operations, A.N.  
26 Webber.

27 (Source: [https://www.teletracnavman.com/resources/blog/samsung-highlights-gps-  
28 benefits](https://www.teletracnavman.com/resources/blog/samsung-highlights-gps-benefits))

29 22. For these reasons and the additional reasons detailed below, the Accused  
30 Products practice at least one claim of each of the Asserted Patents.

31 **COUNT I: INFRINGEMENT OF U.S. PATENT NO. 6,429,810**

32 23. FCS repeats and re-alleges the allegations in the Paragraphs above as though  
33 fully set forth in their entirety.

34 24. The USPTO duly issued U.S. Patent No. 6,429,810 (hereinafter, the "'810  
35 patent") on August 6, 2002 after full and fair examination of Application No.  
36 09/774,547 which was filed January 31, 2001. A true and correct copy of the '810  
37 patent is attached as **Ex. A**.

38 25. FCS owns all substantial rights, interest, and title in and to the '810 patent,



1 including the sole and exclusive right to prosecute this action and enforce the '810  
2 patent against infringers and to collect damages for all relevant times.

3 26. The claims of the '810 patent are not directed to an abstract idea and are not  
4 limited to well-understood, routine, or conventional activity. Rather, the claimed  
5 inventions include inventive components that improve upon the function and operation  
6 of preexisting systems and methods of generating packets in a digital communications  
7 system.

8 27. The written description of the '810 patent describes in technical detail each  
9 limitation of the claims, allowing a skilled artisan to understand the scope of the claims  
10 and how the non-conventional and non-generic combination of claim limitations is  
11 patently distinct from and improved upon what may have been considered  
12 conventional or generic in the art at the time of the invention.

13 28. Based upon information and belief, FCS is informed and believes that  
14 Defendant has directly infringed one or more claims of the '810 patent by making,  
15 using, selling, offering to sell, and/or internal and external testing of the Accused  
16 Products.

17 29. Upon information and belief, Defendant has directly infringed, either  
18 literally or under the doctrine of equivalents, at least claim 30 of the '810 patent.

19 30. An example of Defendant's infringement of claim 30 is provided in **Exhibit**  
20 **H**.

21 31. FCS or its predecessors-in-interest have satisfied all statutory obligations  
22 required to collect pre-filing damages for the full period allowed by law for  
23 infringement of the '810 patent.

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

28 33. FCS has suffered irreparable harm, through its loss of market share and

1 goodwill, for which there is no adequate remedy at law. FCS has suffered this harm  
2 by virtue of Defendant's infringement of the '810 patent. Defendant's actions have  
3 interfered with FCS's ability to license technology. The balance of hardships favors  
4 FCS's ability to commercialize its own ideas and technology.

5 **COUNT II: INFRINGEMENT OF U.S. PATENT NO. 7,536,189**

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

8 35. The USPTO duly issued U.S. Patent No. 7,536,189 (hereinafter, the "'189  
9 patent") on May 19, 2009 after full and fair examination of Application No.  
10 12/018,588 which was filed on January 23, 2008. *See Ex. B.*

11 36. FCS owns all substantial rights, interest, and title in and to the '189 patent,  
12 including the sole and exclusive right to prosecute this action and enforce the '189  
13 patent against infringers and to collect damages for all relevant times.

14 37. The claims of the '189 patent are not directed to an abstract idea and are not  
15 limited to well-understood, routine, or conventional activity. Rather, the claimed  
16 inventions include inventive components that improve upon the function and operation  
17 of preexisting systems and methods of generating packets in a digital communications  
18 system.

19 38. The written description of the '189 patent describes in technical detail each  
20 limitation of the claims, allowing a skilled artisan to understand the scope of the claims  
21 and how the non-conventional and non-generic combination of claim limitations is  
22 patently distinct from and improved upon what may have been considered  
23 conventional or generic in the art at the time of the invention.

24 39. Based upon information and belief, FCS is informed and believes that  
25 Defendant has directly infringed one or more claims of the '189 patent based by  
26 making, using, selling, offering to sell, and/or internal and external testing of the  
27 Accused Products.

28 40. Upon information and belief, Defendant has directly infringed, either

1 literally or under the doctrine of equivalents, at least claim 1 of the '189 patent.

2 41. An example of Defendant's infringement of claim 1 is provided in **Exhibit**  
3 **I.**

4 42. FCS or its predecessors-in-interest have satisfied all statutory obligations  
5 required to collect pre-filing damages for the full period allowed by law for  
6 infringement of the '189 patent.

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

11 44. FCS has suffered irreparable harm, through its loss of market share and  
12 goodwill, for which there is no adequate remedy at law. FCS has suffered this harm  
13 by virtue of Defendant's infringement of the '189 patent. Defendant's actions have  
14 interfered with FCS's ability to license technology. The balance of hardships favors  
15 FCS's ability to commercialize its own ideas and technology.

16 **COUNT III: INFRINGEMENT OF U.S. PATENT NO. 7,599,715**

17 45. FCS repeats and re-alleges the allegations in the Paragraphs above as though  
18 fully set forth in their entirety.

19 46. The USPTO duly issued U.S. Patent No. 7,599,715 (hereinafter, the "'715  
20 patent") on October 6, 2009 after full and fair examination of Application No.  
21 12/389,245 which was filed on February 19, 2009. A true and correct copy of the '715  
22 patent is attached as **Ex. C.**

23 47. FCS owns all substantial rights, interest, and title in and to the '715 patent,  
24 including the sole and exclusive right to prosecute this action and enforce the '715  
25 patent against infringers and to collect damages for all relevant times.

26 48. The claims of the '715 patent are not directed to an abstract idea and are not  
27 limited to well-understood, routine, or conventional activity. Rather, the claimed  
28 inventions include inventive components that improve upon the function and operation

1 of preexisting systems and methods of generating packets in a digital communications  
2 system.

3 49. The written description of the '715 patent describes in technical detail each  
4 limitation of the claims, allowing a skilled artisan to understand the scope of the claims  
5 and how the non-conventional and non-generic combination of claim limitations is  
6 patently distinct from and improved upon what may have been considered  
7 conventional or generic in the art at the time of the invention.

8 50. Based upon information and belief, FCS is informed and believes that  
9 Defendant has directly infringed one or more claims of the '715 patent by making,  
10 using, selling, offering to sell, and/or internal and external testing of the Accused  
11 Products.

12 51. Upon information and belief, Defendant has directly infringed, either  
13 literally or under the doctrine of equivalents, at least claim 31 of the '715 patent.

14 52. An example of Defendant's infringement of claim 31 is provided in **Exhibit**  
15 **J**.

16 53. FCS or its predecessors-in-interest have satisfied all statutory obligations  
17 required to collect pre-filing damages for the full period allowed by law for  
18 infringement of the '715 patent.

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

23 55. FCS has suffered irreparable harm, through its loss of market share and  
24 goodwill, for which there is no adequate remedy at law. FCS has suffered this harm  
25 by virtue of Defendant's infringement of the '715 patent. Defendant's actions have  
26 interfered with FCS's ability to license technology. The balance of hardships favors  
27 FCS's ability to commercialize its own ideas and technology.

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1                   **COUNT IV: INFRINGEMENT OF U.S. PATENT NO. 7,741,968**

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

4           57.     The USPTO duly issued U.S. Patent No. 7,741,968 (hereinafter, the “’968  
5 patent”) on June 22, 2010 after full and fair examination of Application No.  
6 12/143,707 which was filed on June 20, 2008. *See Ex. D.*

7           58.     FCS owns all substantial rights, interest, and title in and to the ’968 patent,  
8 including the sole and exclusive right to prosecute this action and enforce the ’968  
9 patent against infringers and to collect damages for all relevant times.

10          59.     The claims of the ’968 patent are not directed to an abstract idea and are not  
11 limited to well-understood, routine, or conventional activity. Rather, the claimed  
12 inventions include inventive components that improve upon the function and operation  
13 of preexisting systems and methods of generating packets in a digital communications  
14 system.

15          60.     The written description of the ’968 patent describes in technical detail each  
16 limitation of the claims, allowing a skilled artisan to understand the scope of the claims  
17 and how the non-conventional and non-generic combination of claim limitations is  
18 patently distinct from and improved upon what may have been considered  
19 conventional or generic in the art at the time of the invention.

20          61.     Based upon information and belief, FCS is informed and believes that  
21 Defendant has directly infringed one or more claims of the ’968 patent based at least  
22 by its making, using, selling, offering to sell, and/or internal and external testing of the  
23 Accused Products.

24          62.     Upon information and belief, Defendant has directly infringed, either  
25 literally or under the doctrine of equivalents, at least claim 7 of the ’968 patent.

26          63.     An example of Defendant’s infringement of claim 7 is provided in **Exhibit**  
27 **K.**

28          64.     FCS or its predecessors-in-interest have satisfied all statutory obligations

1 required to collect pre-filing damages for the full period allowed by law for  
2 infringement of the '968 patent.

3 65. Since at least the time of receiving the original complaint in this action,  
4 Defendant has indirectly infringed and continues to indirectly infringe the '968 patent  
5 by inducing others to directly infringe the '968 patent. Defendant has induced and  
6 continues to induce customers and end-users, including, but not limited to,  
7 Defendant's customers, employees, partners, contractors, customers and/or potential  
8 customers, to directly infringe, either literally or under the doctrine of equivalents, the  
9 '968 patent by providing or requiring use of the Accused Products. Defendant has  
10 taken active steps, directly or through contractual relationships with others, with the  
11 specific intent to cause them to use the Accused Products in a manner that infringes  
12 one or more claims of the '968 patent, including, for example, claim 7. Such steps by  
13 Defendant have included, among other things, advising or directing customers,  
14 personnel, contractors, or end-users to use the Accused Products in an infringing  
15 manner; advertising and promoting the use of the Accused Products in an infringing  
16 manner; distributing instructions that guide users to use the Accused Products in an  
17 infringing manner; and/or instructional and technical support on its website/dashboard  
18 and/or *via* the Teletrac Apps. Defendant has been performing these steps, which  
19 constitute induced infringement with the knowledge of the '968 patent and with the  
20 knowledge that the induced acts constitute infringement. Defendant has been aware  
21 that the normal and customary use of the Accused Products by others would infringe  
22 the '968 patent. Defendant's inducement is ongoing.

23 66. Defendant has indirectly infringed and continues to indirectly infringe by  
24 contributing to the infringement of the '968 patent. Defendant has contributed and  
25 continues to contribute to the direct infringement of the '968 patent by its customers,  
26 personnel, and contractors. The Accused Products have special features that are  
27 specially designed to be used in an infringing way and that have no substantial uses  
28 other than ones that infringe one or more claims of the '968 patent, including, for

1 example, claim 7. The special features constitute a material part of the invention of  
2 one or more of the claims of the '968 patent and are not staple articles of commerce  
3 suitable for substantial non-infringing use. Defendant's contributory infringement is  
4 ongoing.

5 67. Defendant had knowledge of the '968 patent at least as of the date when it  
6 was notified of the filing of this action.

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

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

13 70. Defendant's direct infringement of the '968 patent is, has been, and  
14 continues to be willful, intentional, deliberate, or in conscious disregard of FCS's  
15 rights under the patent.

16 71. FCS or its predecessors-in-interest have satisfied all statutory obligations  
17 required to collect pre-filing damages for the full period allowed by law for  
18 infringement of the '968 patent.

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

23 73. FCS has suffered irreparable harm, through its loss of market share and  
24 goodwill, for which there is no adequate remedy at law. FCS has and will continue to  
25 suffer this harm by virtue of Defendant's infringement of the '968 patent. Defendant's  
26 actions have interfered with and will interfere with FCS's ability to license technology.  
27 The balance of hardships favors FCS's ability to commercialize its own ideas and  
28 technology. The public interest in allowing FCS to enforce its right to exclude

1 outweighs other public interests, which supports injunctive relief in this case.

2 **COUNT V: INFRINGEMENT OF U.S. PATENT NO. 9,299,044**

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

5 75. The USPTO duly issued U.S. Patent No. 9,299,044 (the “’044 patent”) on  
6 March 29, 2016, after full and fair examination of Application No. 14/480,297 which  
7 was filed September 8, 2014. A true and correct copy of the ’044 patent is attached as  
8 **Ex. E.**

9 76. FCS owns all substantial rights, interest, and title in and to the ’044 patent,  
10 including the sole and exclusive right to prosecute this action and enforce the ’044  
11 patent against infringers and to collect damages for all relevant times.

12 77. The claims of the ’044 patent are not directed to an abstract idea and are not  
13 limited to well-understood, routine, or conventional activity. Rather, the claimed  
14 inventions include inventive components that improve upon the function and operation  
15 of preexisting systems and methods of generating packets in a digital communications  
16 system.

17 78. The written description of the ’044 patent describes in technical detail each  
18 limitation of the claims, allowing a skilled artisan to understand the scope of the claims  
19 and how the non-conventional and non-generic combination of claim limitations is  
20 patently distinct from and improved upon what may have been considered  
21 conventional or generic in the art at the time of the invention.

22 79. Based upon information and belief, FCS is informed and believes that  
23 Defendant has directly infringed one or more claims of the ’044 patent based at least  
24 by its making, using, selling, offering to sell, and/or internal and external testing of the  
25 Accused Products.

26 80. Upon information and belief, Defendant has directly infringed, either  
27 literally or under the doctrine of equivalents, at least claim 1 of the ’044 patent.

28 81. An example of Defendant’s infringement of claim 1 is provided in **Exhibit**



1 L.

2 82. FCS or its predecessors-in-interest have satisfied all statutory obligations  
3 required to collect pre-filing damages for the full period allowed by law for  
4 infringement of the '044 patent.

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

9 84. FCS has suffered irreparable harm, through its loss of market share and  
10 goodwill, for which there is no adequate remedy at law. FCS has suffered this harm  
11 by virtue of Defendant's infringement of the '044 patent. Defendant's actions have  
12 interfered with FCS's ability to license technology. The balance of hardships favors  
13 FCS's ability to commercialize its own ideas and technology.

14 **COUNT VI: INFRINGEMENT OF U.S. PATENT NO. 9,747,565**

15 85. FCS repeats and re-alleges the allegations in the Paragraphs above as though  
16 fully set forth in their entirety.

17 86. The USPTO duly issued U.S. Patent No. 9,747,565 (hereinafter, the "'565  
18 patent") on August 29, 2017 after full and fair examination of Application No.  
19 15/071,003 which was filed on March 15, 2016. *See Ex. F.*

20 87. FCS owns all substantial rights, interest, and title in and to the '565 patent,  
21 including the sole and exclusive right to prosecute this action and enforce the '565  
22 patent against infringers and to collect damages for all relevant times.

23 88. The claims of the '565 patent are not directed to an abstract idea and are not  
24 limited to well-understood, routine, or conventional activity. Rather, the claimed  
25 inventions include inventive components that improve upon the function and operation  
26 of preexisting systems and methods of generating packets in a digital communications  
27 system.

28 89. The written description of the '565 patent describes in technical detail each

1 limitation of the claims, allowing a skilled artisan to understand the scope of the claims  
2 and how the non-conventional and non-generic combination of claim limitations is  
3 patently distinct from and improved upon what may have been considered  
4 conventional or generic in the art at the time of the invention.

5 90. Based upon information and belief, FCS is informed and believes that  
6 Defendant has directly infringed one or more claims of the '565 patent based at least  
7 by its making, using, selling, offering to sell, and/or internal and external testing of the  
8 Accused Products.

9 91. Upon information and belief, Defendant has directly infringed, either  
10 literally or under the doctrine of equivalents, at least claim 1 of the '565 patent.

11 92. An example of Defendant's infringement of claim 1 is provided in **Exhibit**  
12 **M**.

13 93. FCS or its predecessors-in-interest have satisfied all statutory obligations  
14 required to collect pre-filing damages for the full period allowed by law for  
15 infringement of the '565 patent.

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

20 95. FCS has suffered irreparable harm, through its loss of market share and  
21 goodwill, for which there is no adequate remedy at law. FCS has suffered this harm  
22 by virtue of Defendant's infringement of the '565 patent. Defendant's actions have  
23 interfered with FCS's ability to license technology. The balance of hardships favors  
24 FCS's ability to commercialize its own ideas and technology.

25 **JURY DEMAND**

26 96. FCS hereby requests a trial by jury on all issues so triable by right.

27 **PRAYER FOR RELIEF**

28 97. FCS requests that the Court find in its favor and against Defendant, and that

1 the Court grant FCS the following relief:

- 2 a. Judgment that one or more claims of each of the Asserted Patents has been  
3 infringed, either literally or under the doctrine of equivalents, by Defendant or  
4 others acting in concert therewith;
- 5 b. An award of a reasonable royalty for infringement Asserted Patents;
- 6 c. A permanent injunction enjoining Defendant and its officers, directors, agents,  
7 servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all  
8 others acting in concert therewith from infringement of the '968 patent or, in  
9 the alternative, an award of a reasonable ongoing royalty for future infringement  
10 of these patents by such entities;
- 11 d. Judgment that Defendant accounts for and pays to FCS all damages to and costs  
12 incurred by FCS because of Defendant's infringing activities and other conduct  
13 complained of herein;
- 14 e. Judgment that Defendant's infringements be found willful as to the '968 patent  
15 and that the Court award treble damages for the period of such willful  
16 infringement pursuant to 35 U.S.C. § 284;
- 17 f. Pre-judgment and post-judgment interest on the damages caused by Defendant's  
18 infringing activities and other conduct complained of herein;
- 19 g. That this Court declare this an exceptional case and award FCS its reasonable  
20 attorneys' fees and costs in accordance with 35 U.S.C. § 285; and
- 21 h. All other and further relief as the Court may deem just and proper under the  
22 circumstances.
- 23  
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1 DATED: February 2, 2024

Respectfully submitted,

2 /s/ Steven W. Ritcheson

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15 **List of Exhibits**

- 16 A. U.S. Patent No. 6,429,810  
17 B. U.S. Patent No. 7,536,189  
18 C. U.S. Patent No. 7,599,715  
19 D. U.S. Patent No. 7,741,968  
20 E. U.S. Patent No. 9,299,044  
21 F. U.S. Patent No. 9,747,565  
22 G. Webpage: ELD on TN360  
23 H. Claim Chart for U.S. Patent No. 6,429,810  
24 I. Claim Chart for U.S. Patent No. 7,536,189  
25 J. Claim Chart for U.S. Patent No. 7,599,715  
26 K. Claim Chart for U.S. Patent No. 7,741,968  
27 L. Claim Chart for U.S. Patent No. 9,299,044  
28 M. Claim Chart for U.S. Patent No. 9,747,565