

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

PerDiemCo LLC,

Plaintiff,

v.

I.D. Systems, Inc. (d/b/a PowerFleet
Inc.),

Defendant.

Civil Action No.:

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff PerDiemCo LLC (“PerDiem” or “Plaintiff”) files this Complaint against Defendant I.D. Systems, Inc. (hereafter “PowerFleet” or “Defendant”) and alleges the following:

Nature of the Action

1. This is an action for patent infringement under 35 U.S.C. § 271.
2. This action arises under the patent laws of the United States, 35 U.S.C. § 1 *et seq.*
3. PerDiem seeks monetary damages and injunctive relief.

The Parties

4. Plaintiff PerDiem is a limited liability company organized under the laws of the State of Texas with a place of business at 505 East Travis Street, Suite 205, Marshall, Texas 75670.

5. On information and belief, Defendant is a corporation organized and existing under the laws of the State of Delaware with its principal place of business at 123 Tice Blvd., Suite 101, Woodcliff Lake, New Jersey 07677.

The Asserted Patents and Plaintiff's Standing

6. The asserted patents are United States Patent Nos. 9,680,941 (“the ’941 patent”, Exhibit A-1); 9,871,874 (“the ’874 patent”, Exhibit A-2); 10,021,198 (“the ’198 patent”, Exhibit A-3); 10,397,789 (“the ’789 patent”, Exhibit A-4); 10,602,364 (“the ’364 patent”, Exhibit A-5); 10,819,809 (the ‘809 patent, Exhibit A-6); 11,064,038 (the ‘038 patent, Exhibit A-7); 11,622,237 (“the ’237 patent”, Exhibit A-8); U.S. Patent No. 11,316,937 (the ’937 patent, Exhibit A-9) 11,716,595 (the ‘595 patent, Exhibit A-10), 10,284,662 (the ’662 patent, Exhibit A-11); 10,277,689 (the ‘689 patent, Exhibit A-12); and 10,382,966, (the ‘966 patent, Exhibit A-13)(collectively “the Patents-in-Suit”).

7. The claims of Patents-in-Suit cover various aspects of two separate and distinct inventions, namely, of geofencing and electronic logging device (ELD) inventions.

8. The inventions claimed in the ‘941, ‘874, ‘198, ‘789 (claim 12), ‘364 (claim 3), ‘809, ‘038, ‘237, ‘937 and ‘595 patents (collectively the Geofencing Claims) cover different embodiments of the geofencing inventions, as further alleged below.

9. The inventions claimed in the ‘662, ‘966, ‘789 (claim 17), ‘364 (claim 12), and ‘689 patents (collectively the “ELD Claims”) cover different embodiments of the ELD inventions, as further alleged below.

10. The Geofencing Claims and the ELD Claims are collectively referred to as “the Asserted Claims.”

11. PerDiem LLC of Marshall, Texas is the assignee of the Patents-in-Suit, as listed on the face of each patent.

12. Assignment to PerDiem of the Patents-in-Suit was recorded at Reel 035620, Frame 0087, Reel 041949, Frame 0372, and Reel 045353, Frame 0027 of the United States Patent & Trademark Office (“USPTO”) assignment records.

13. PerDiem owns all rights, titles, and interests in the Patents-in-Suit, including the right to bring a civil action for infringement and to recover money damages for current and past infringement.

Jurisdiction and Venue

14. This Court has subject matter jurisdiction of this action under 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States.

15. Defendant maintains an office at 2601 Network Blvd., Suite 680, Frisco, Texas 75034; Defendant’s Frisco office is a physical place in this judicial district; Defendant’s Frisco office is a regular and established place of business; and the Frisco office is a place of the defendant.

16. Defendant has committed acts of direct and indirect infringement alleged in this Complaint in this judicial district.

17. Venue in this judicial district is proper under 28 U.S.C. §§ 1391(c) and/or 1400(b) because Defendant resides in this judicial district and/or because Defendant has committed acts alleged to infringe the Patents-in-Suit and has a regular and established place of business in this judicial district.

18. Defendant has conducted and continues to conduct systematic and continuous business in this judicial district, including at Defendant’s Frisco office and by providing a website and interactive web pages at <https://www.powerfleet.com/>

19. Defendant's activities in this judicial district include the making, providing, using, testing, distributing, selling, offering to sell, and/or advertising of mobile communications technology, products, and services for the transportation industry that are alleged to infringe the Patents-in-Suit.

20. This Court has personal jurisdiction over Defendant for purposes of this action in accordance with the Texas Longarm Statute and the due process clause of the United States Constitution.

21. Plaintiff has brought other suits for infringement of the Patents-in-Suit and related patents in Marshall, Texas, and this Court has studied the subject matter disclosed in the Patents-in-Suit and related patents and issued decisions on construction of claim terms, patent eligibility, the written description requirement, and the enablement requirement. The following patent infringement actions were brought by Plaintiff in this judicial district and division:

PerDiemCo LLC v. Geoforce 2:23-cv-00411 (EDTX) filed September 14, 2023
(Currently Pending);

PerDiemCo LLC v. MiX Telematics Ltd. et al 2-21-cv-00190 (EDTX) filed May 29, 2021 (Terminated);

PerDiemCo LLC v. Telular Corporation et al 2-16-cv-01408 (EDTX) filed Dec. 13, 2016 (Terminated);

PerDiemCo LLC v. Geotab Inc. et al 2-16-cv-01203 (EDTX) filed Oct. 26, 2016 (Terminated);

PerDiemCo LLC v. GPS Logic LLC 2-15-cv-01216 (EDTX) filed Jul. 02, 2015 (Terminated);

PerDiemCo LLC v. TV Management, Inc. 2-15-cv-01217 (EDTX) filed Jul. 02, 2015 (Terminated);

PerDiemCo LLC v. thingtech LLC 2-15-cv-01218 (EDTX) filed Jul. 02, 2015 (Terminated);

PerDiemCo LLC v. LiveViewGPS, Inc. 2-15-cv-01219 (EDTX) filed Jul. 02, 2015 (Terminated);

PerDiemCo, LLC v. Forward Thinking Systems LLC 2-15-cv-01220 (EDTX) filed Jul. 02, 2015 (Terminated);

PerDiemCo LLC v. Geotab Inc. et al 2-15-cv-00726 (EDTX) filed May 15, 2015 (Terminated);

PerDiemCo, LLC. V. IndusTrack LLC 2-15-cv-00727 (EDTX) filed May 15, 2015 (Terminated);

PerDiemCo, LLC. V. Omnivations II, LLC 2-15-cv-00729 (EDTX) filed May 15, 2015 (Terminated);

PerDiemCo, LLC. V. Teletrac, Inc. et al 2-15-cv-00730 (EDTX) filed May 15, 2015 (Terminated); and

PerDiemCo, LLC. V. Telogis, Inc. 2-15-cv-00733 (EDTX) filed May 15, 2015 (Terminated).

22. This judicial district and this division is a convenient forum for this action because: Plaintiff and Defendant have litigated patent infringement actions in this judicial district; Plaintiff PerDiem's place of business is in Marshall, Texas; Defendant's office in Frisco, Texas; and this Court has handled other actions brought by Plaintiff for infringement of the Patents-in-Suit and related patents.

The Invention and Issuance of the Patents-In-Suit

23. Darrell Diem is the sole inventor of the Patents-in-Suit. He served in the Air Force for four years as an electronics technician. After being honorably discharged, Mr. Diem worked through college to earn degrees in physics and mathematics from Marquette University. He also obtained a Master of Business Administration from Michigan State University and a Master of Arts in Pastoral Ministries from St. Thomas University, Miami, Florida. Mr. Diem has worked for Motorola, Harris Corporation, Time Domain, and other technology companies.

24. Mr. Diem conceived of the subject matter claimed in the Patents-in-Suit when his daughter's car broke down on a long road trip. Mr. Diem wanted to convey location information for his daughter in an efficient way that would still protect her privacy. Mr. Diem's claimed inventions have a broad range of significant applications and are widely used today.

25. The Patents-in-Suit each claim priority to U.S. Provisional Patent Application No. 60/752,879, which was filed on December 23, 2005.

26. The '941 patent, entitled "Location Tracking System Conveying Event Information Based on Administrator Authorizations," was duly and legally issued by the USPTO on June 13, 2017. A copy of the '941 patent is attached hereto as Exhibit A-1.

27. The '874 patent, entitled "A Multi-Level Database Management System and Method for an Object Tracking Service That Protects User Privacy," was duly and legally issued by the USPTO on January 16, 2018. A copy of the '874 patent is attached hereto as Exhibit A-2.

28. The '198 patent, entitled "Software-Based Mobile Tracking Service with Video Streaming When Events Occur," was duly and legally issued by the USPTO on July 10, 2018. A copy of the '198 patent is attached hereto as Exhibit A-3.

29. The '789 patent, entitled, "Method for Controlling Conveyance of Event Information About Carriers of Mobile Device Based on Location Information Received from Location Information Sources Used by the Mobile Devices," was duly and legally issued by the USPTO on August 27, 2019. A copy of the '789 patent is attached hereto as Exhibit A-4.

30. The '364 patent, entitled "Method for Conveyance of Event Information to Individuals Interested Devices Having Phone Numbers," was duly and legally issued by the USPTO on January 24, 2020. A copy of the '364 patent is attached hereto as Exhibit A-5.

31. The '809 patent, entitled "Method for Controlling Conveyance of Event Notifications in Sub-Groups Defined Within Groups Based on Multiple Levels of Administrative Privilege," was duly and legally issued by the USPTO on October 27, 2020. A copy of the '364 patent is attached hereto as Exhibit A-6.

32. The '038 patent, entitled "Method for Tracking Mobile Objects Based on Event Conditions Met at Mobile Object Locations," was duly and legally issued by the USPTO on July 13, 2021. A copy of the '364 patent is attached hereto as Exhibit A-7.

33. The '237 patent, entitled "A Method That Logs Locations of a Mobile Computing Device in a Log File," was duly and legally issued by the USPTO on April 4, 2023. A copy of the '237 patent is attached hereto as Exhibit A-8.

34. The '937 patent, entitled "Method for Tracking Mobile Objects Based on Event Conditions Met at Mobile Object Locations," was duly and legally issued by the United States Patent and Trademark Office on April 26, 2022. A copy of the '937 patent is attached hereto as Exhibit A-9.

35. The '595 Patent entitled "A Method for Conveying Event Information Based on Roles Assigned to Users of a Location Tracking Service" was duly and legally issued by the USPTO on August 1, 2023. A copy of the '595 patent is attached hereto as Exhibit A-10.

36. The '662 patent entitled "An Electronic Logging Device (ELD) For Tracking Driver of a Vehicle in Different Tracking Modes" was duly and legally issued by the United States Patent and Trademark Office on May 7, 2019. A copy of the '662 patent is attached hereto as Exhibit A-11.

37. The '689 patent entitled "Method For Controlling Conveyance of Event Information by An Administrator of a Plurality of Electronic Logging Devices (ELDs)" was duly and legally issued by the United States Patent and Trademark Office on April 30, 2019. A copy of the '689 patent is attached hereto as Exhibit A-12.

38. The '966 patent entitled "A Computing Device Carried by A Vehicle for Tracking Driving Events in a Zone Using Location and Event Log Files" was duly and legally issued by the United States Patent and Trademark Office on August 13, 2019. A copy of the '966 patent is attached hereto as Exhibit A-13.

39. The Asserted Claims are entitled to a presumption of validity pursuant to 35 U.S.C. § 282.

40. The Asserted Claims are valid under 35 U.S.C. §§ 101, 102, 103, and 112, as confirmed by multiple USPTO Examiners.

41. The Asserted Claims were allowed over extensive prior art that was disclosed and made of record during prosecution of the applications that issued as the Patents-in-Suit. See *Stone Basket Innov. v. Cook Med.*, 892 F.3d 1175, 1179 (Fed. Cir. 2018) ("when prior art is listed on the face of a patent, the examiner is presumed to have considered it"); *Exmark Mfg. v. Briggs &*

Stratton, 879 F.3d 1332, 1342 (Fed. Cir. 2018). After conducting a thorough search for all relevant art, and after fully considering the most pertinent prior art known at the time, the USPTO Examiners allowed all claims in the Patents-in-Suit to issue. In so doing, it is presumed that Examiners used their knowledge of the art when examining the claims. See *K/S Himpp v. Hear-Wear Techs., LLC*, 751 F.3d 1362, 1369 (Fed. Cir. 2014). It is further presumed that Patent Examiners had experience in the field of the invention and that the Patent Examiners properly acted in accordance with a person of ordinary skill. *In re Sang Su Lee*, 277 F.3d 1338, 1345 (Fed. Cir. 2002).

42. The Asserted Claims are novel and non-obvious over the prior art, including any non-cited art that is merely cumulative to the referenced and cited prior art. See 37 C.F.R. § 1.56(b) (information is material to patentability when it is not cumulative to information already of record in the application). see also *AbbVie Deutschland GmbH v. Janssen Biotech*, 759 F.3d 1285, 1304 (Fed. Cir. 2014); *In re DBC*, 545 F.3d 1373, 1382 (Fed. Cir. 2008). Likewise, the claims of the Patents-in-Suit are novel and non-obvious, including over all non-cited contemporaneous state-of-the-art systems and methods, all of which would have been known to a person of ordinary skill in the art, and which were therefore presumptively also known and considered by the Examiners. See, e.g., *St. Clair I.P. Consultants v. Canon, Inc.*, 2011 WL 66166 at *6 (Fed. Cir. 2011); *In re Sang Su Lee*, 277 F.3d 1338, 1345 (Fed. Cir. 2002); *In re Koninklijke Philips Patent Litigation*, 2020 WL 7392868 at *19 (N.D. Cal. 2020); *Standard Oil v. American Cyanamid*, 774 F.2d 448, 454 (Fed. Cir. 1985) (persons of ordinary skill are presumed to be aware of all pertinent prior art).

43. Now, with knowledge of the Patents-in-Suit, Defendant induces infringement under Title 35 U.S.C. § 271(b). Defendant will have performed actions that induced infringing acts that Defendant knew or should have known would induce actual infringements. See *Manville Sales*

Corp. v. Paramount Sys., Inc., 917 F.2d 544, 553 (Fed. Cir.1990), quoted in *DSU Med. Corp. v. JMS Co.*, 471 F.3d 1293, 1306 (Fed. Cir.2006) (en banc in relevant part). “[A] finding of inducement requires a threshold finding of direct infringement—either a finding of specific instances of direct infringement or a finding that the accused products necessarily infringe.” *Ricoh*, 550 F.3d at 1341 (citing *ACCO Brands, Inc. v. ABA Locks Manufacturer Co.*, 501 F.3d 1307, 1313, (Fed. Cir. 2007)).

PERDIEM’S GEOFENCING CLAIMS

44. The Geofencing Claims (i.e., the claims of the ’941, ’874, ’198, ’789 (claim 12), ’364 (claim 3), ’809, ’038, ’237, ’937 and ’595 patents) are directed to, in part, improved location tracking systems and related methods used to track the locations of a plurality of mobile objects or devices in a network employed to provide a tracking service that sends notifications or alerts after group event conditions based on locations of grouped tracked objects are met, such as when a mobile object crosses a boundary.

45. Group event conditions may relate to mobile object/device locations and a zone where the occurrence of an event causes an alert/notification to be sent when grouped vehicles equipped with GPS devices cross a boundary.

46. The Geofencing Claims improve conventional networks by providing a reliable and efficient way for service subscribers to track objects and convey notifications to authorized recipients. The claimed inventions offer these benefits, in part, by creating multiple levels of administrative privileges and applying multiple levels of access control.

47. In one embodiment, the multiple levels of administrative privileges include a first level of administrative privilege used by a system administrator of the tracking service for controlling user membership in groups specified by the administrator and a second level of privilege being assigned to a second administrator, e.g., a service subscriber, in each group by the

system administrator for controlling conveyance of the notifications in the corresponding group such that the administrator having the first level of administrative privilege does not exercise the second level of administrative privilege.

48. Under this structure, the second administrator has control over who receives the notifications in the group independent of the system administrator and the second administrators of other groups. Interfaces may be provided to the second administrator to set event conditions and alert/notifications for the group.

49. According to one aspect of this embodiment, a first level of access control is used to allow the second administrator to specify an event condition, *e.g.*, a geo-fence, for the group and specify an access list such that only identified authorized users on the access list can receive the notification information, thereby providing enhanced privacy. A second level of access control is used to allow authorized recipients to access the notifications/alerts.

PERDIEM'S GEOFENCING CLAIMS ARE PATENT ELIGIBLE

50. The Geofencing Claims are directed to patent-eligible subject matter and satisfy the requirements of 35 U.S.C. § 101.

51. During the prosecution of the claims of a related patent in PerDiem's patent family, namely, US Patent No. 9,680,941 (the '941 patent, Exhibit A-1), the USPTO considered explicitly whether the claims satisfied the criteria for subject matter eligibility under the *Alice/Mayo* two-part test. The USPTO determined that the Geofencing Claims are directed to patent-eligible subject matter under 35 U.S.C. § 101. A copy of excerpts of the prosecution history of the '941 patent is attached hereto as Exhibit C, including an Office Action by the USPTO rejecting claims under 35 U.S.C. § 101, PerDiem's response to the Office Action setting forth reasons why the USPTO should withdraw the Section 101 rejection, and the USPTO's Notice of Allowance of the claims.

52. Moreover, this Court has previously determined that subject matter covered by the Geofencing Claims is directed to patent-eligible subject matter. The Patents-in-Suit are related to and have the same specification as another PerDiem patent that was before this Court in *PerDiemCo LLC v. Industrack LLC et al.*, No. 2:15-cv-727-JRG-RSP. In that action, this Court adopted the Report and Recommendation by Magistrate Judge Payne (the Report and Recommendation), which confirms that the subject matter disclosed and claimed contains eligible subject matter under 35 U.S.C. §101. *PerDiemCo LLC v. Industrack LLC et al.*, No. 2:15-cv-727-JRG-RSP (September 29, 2016) at DKT 233 (Exhibit D).

53. In the Report and Recommendation, this Court recognized that the subject matter claimed in a related patent “requires a variety of computer-related components, including: ‘user identification code[s],’ ‘a location information source,’ and ‘an information access code.’ The claim then recites a specific structure of rules for providing information about the locations of objects to users and for managing user access to this information.” This Court then determined:

It is therefore not apparent that claim 6 recites “‘nothing significantly more’ than an instruction to apply [an] abstract idea . . . using some unspecified, generic computer.” [Citation omitted.] Instead, claim 6 defines a set of rules for organizing and improving the behavior of a computerized location information system. Here, as in *McRO*, “[t]he specific structure of the claimed rules would prevent broad preemption of all rules-based means” for achieving the desired result.

[Citation omitted.]

PerDiemCo, LLC v. Industrack LLC, No. 2:15-cv-727-JRG-RSP, 2016 U.S. Dist. LEXIS 135667, *16 (E.D. Tex. 2016).

54. A person of ordinary skill in the art would understand that the Geofencing Claims recite elements that are computer-related components, as well as a specific structure of rules for providing object location information to users and for managing user access to this information.

55. In the Report and Recommendation, this Court recognized, when considering the patent-eligibility of the subject matter claimed in a related patent, that:

Managing the information provided by the location information source using a set of relationships defined in part by access codes is what the claim is all about. . . . The analogy also fails to capture another key feature of the claim: centralization. . . . It is also not clear that any actor in the analogy performs the “interfacing” and “conveying” steps. These deficiencies in the analogy help to illustrate why claim 6 is not merely a computerized version of conventional human activity, it is an improvement to a computer system that administers, manages, and conveys location information in a centralized way.

PerDiemCo, 2016 U.S. Dist. LEXIS 135667, *18.

56. According to the Geofencing Claims, which are based on the same common specification that supported claims found patent eligible by the USPTO and the EDTX Court, the Geofencing Claims establish object location events that may be defined at an application or user level of each group. (*See, e.g.*, the '941 patent, Exhibit A-1 at 2:11-15; 5:34-46, 6:14-50). These systems, devices, and methods are also directed to conveying information about object location events to one or more computing devices, which may be associated with the corresponding identification codes of one or more users. (*Id.* at 2:16-19).

57. According to at least one of the embodiments covered by the Geofencing Claims, an object location event can relate to information about the object location and information about a zone (geo-fence) defined by a user. (*Id.* at 2:23-25, 6:14-50). In another claimed embodiment, information about the object location is derived from a location information source associated with the object, and an object location event may occur because of the satisfaction of a defined relationship or condition between the object location information and user-defined zone information. (*Id.* at 2:26-31).

58. The Geofencing Claims are directed to unconventional computing solutions and address problems particular to computerized location tracking systems.

59. The Geofencing Claims cover a tracking service administered by a system/service administrator (the system administrator) (*Id.* 5:61-6:12, 13:18-21) uses servers and databases of a computer system (*Id.* 13:21-24) to send event-based notifications or alerts (the notifications) that are based on 1) locations of tracked mobile assets/objects (the assets) which are equipped with devices that provide asset location information, such as GPS devices (the devices) (*Id.* at 6:51-7:7), and 2) set parameters that indicate occurrences of events (the event parameters). (*Id.* at 1:63-3:5, 6:14-50).

60. The event parameters may be based on relationships between the locations of assets belonging to customers of the tracking service (*Id.* at 5:65-6:12) and the locations of set zones or boundaries (the geofences) such that, for example, the serves send notifications when GPS devices of assets report locations that indicate entries into or exits from the geofences. (*Id.* at 6:14-50; 9:23-26).

61. Moreover, each customer of the tracking service comprises a group of users who track assets belonging to the group (*Id.* 5:34-46, 5:61-6:12, 13:34-53). The databases are used to

identify the groups by group identification codes (GIDs), the users by user identification codes (UIDs), the assets by object identification codes (OIDs), and the devices by device identification codes (DIDs) (*Id.* at 7:44-48; 7:65-66). The servers are used to associate the GIDS with UIDs, OIDS, and DIDs (*Id.* at 7:65-66) to distinguish between location information provided by different devices for different assets belonging to different groups of users before sending the event notifications only to those recipients that are specifically identified by in an access list such that no one else, including users in other groups, is a recipient unless specified in the access list. (*Id.* at 7:49-8:35, 9:36-40). The access list containing the identification codes of recipients of the notifications is also stored in the database. (*Id.* 8:17-27).

62. The arrangement covered by the Geofencing Claims for sending event notifications cannot be implemented on a generic computer because the servers send the notifications in each group by accessing the databases to retrieve set geofences associated with the GID of such group and comparing such geofences with the reported locations by devices in the group that are identified by the DIDs to determine occurrences of group events in terms of whether assets identified by OIDs in the group meet the set event conditions, e.g, geofence entry/exit. (*Id.* at 1:63-3:5). Once a group event is determined, the server retrieves the access list from the databases before sending the notification based on the identification codes of group recipients identified by the GID, ensuring that no one else is a recipient. (*Id.* at 10:7-13:7). For these reasons alone, a person of ordinary skill in the art would recognize that the Geofencing Claims meet the requirements for patent eligibility.

63. The Geofencing Claims further improve conventional systems by providing a reliable and efficient way for service subscribers to track assets and convey notifications to authorized recipients. The Geofencing Claims achieve these benefits, in part, by using the servers

to implement 1) multiple levels of administrative privileges (*Id.* at 5:47-61), namely i) a first level of administrative privileges at the system level (*Id.* at 13:17-21) and ii) second levels of administrative privileges at each group level (*Id.* at 5:65-6:12) and 2) applying multiple levels of access control (*Id.* at 2:8-9) that are based on i) system administrator, group administrator and user identification codes (*Id.* at 7:41-47) and ii) information access codes that specify access list. (*Id.* at 1:63-3:5, 7:49-8:35, 9:36-40).

64. In at least one of embodiment the Geofencing Claims, the server implements the first level of administrative privilege for the system administrator of the tracking service thereby enabling the system administrator to perform a first set of administrative functions at the system level. The system administrator performs the first set of administrative functions after checking a first level of access control that is based on the identification code of the system administrator (*Id.* at 7:49-8:35, 9:36-40, 13:17-21). Once checked, the first set of administrative functions enable the system administrator to 1) identify the customers of the service as groups of users by corresponding GIDs, 2) control user membership in such groups, and 3) identify a user in each group as a group administrator and 4) give the group administrator a second level of privilege to perform a second set of administrative functions at the group level that are not performed by the system administrator. (*Id.* at 5:46-6:12, 13:17-61, 17:59-66). Each group administrator performs the second set of administrative functions after checking a second level of access control that is based on the identification code of the group administrator. (*Id.* at 7:41-47, 7:62-8:5, FIG. 19). The second set of administrative functions performed by such group administrator include setting geofences, event conditions, and access lists that identify recipients of the notifications in the group. (*Id.* at 2:26-31, *Id.* at 8:6-16, 7:49-8:35, 9:36-40).

65. In this embodiment of the Geofencing Claims, each group administrator controls who receives notifications within the group. This control is exercised independently of the system administrator and the administrators of other groups. (*Id.* at 5:40-46, 9:26-46).

66. In this embodiment in the Geofencing Claims, a third level of access control is used based on the access list to enable authorized users identified in the access list by the second administrator to receive the notifications, thereby providing enhanced user privacy (*Id.* at 10:6-13:17).

67. The Geofencing Claims cover computerized location tracking systems, devices, and methods in a manner that solves challenges and problems associated with the tracking techniques and systems known in the art at the time, including security and protection when accessing critical information. (*Id.* at 1:63-3:5; 10:7-13:7).

68. As a result, the Geofencing Claims contain novel and unconventional inventive concepts sufficient to render them patent-eligible.

69. In location tracking systems that were known or available before the priority date of the Geofencing Claims, information about the mere location of a device might be conveyed but without the correlation of events to the object location and without conveying information about such events to computing devices using multiple levels of administrative privileges that implement multiple levels of access control. (*Id.* at 1:55-60).

70. The Geofencing Claims overcame these disadvantages by, for example, describing and enabling systems, devices, and methods in which information about the object location is derived from a location information source associated with the object, and in which an object location event may occur as a result of the satisfaction of a defined relationship or condition between the object location information and user-defined zone information such that notifications

are sent only to those users who are specified by users who are responsible for control and conveyance of event information. (*Id.* at 1:63-3:5; 2:26-31; 10:7-13:7). The claimed systems, devices, and methods are directed to conveying information relating to object location events to one or more computing devices, which may be associated with corresponding identification codes of one or more users such that no other computing device receives the information. (*Id.* at 1:63-3:5).

71. The Geofencing Claims resolve technical problems related to interactive location-tracking technology. For example, the claimed inventions allow remotely located parties to interact in a computerized environment with one or more users, which is necessarily implemented using computer technology. (*Id.* at 1:63-3:5; 17:9-57).

72. The Geofencing Claims are not directed to the performance of a method that was known in the pre-Internet or pre-computer world and do not merely add the requirement that a known method be performed on the Internet or using a computing device. Instead, the Geofencing Claims recite inventive concepts that are necessarily rooted in computerized location tracking system technology and overcome problems specifically arising in computerized location tracking system technology. (*Id.* at 1:21-59; 1:63-3:5).

73. As a result, the Geofencing Claims describe novel and unconventional, inventive concepts sufficient to render them transformative and patent-eligible.

PERDIEM'S ELECTRONIC LOGGING DEVICE ("ELD") CLAIMS

74. The ELD claims (i.e., claims of the '662, '966, '789 (claim 17), '364 (claim 12), and '689 patents) are directed to, for example, improved ELD services and ELD computing devices carried in a vehicle and that execute location tracking applications (LTAs).

75. Embodiments of the claimed ELD-type inventions cover computing devices and the LTAs executed in such devices for electronically logging driving events while such devices are carried in vehicles ('941 patent, FIGs. 8-19, at 3:55-4:43, 20:29-23:3). The logging of the driving events may occur after the computer device detects that the vehicles are powered on, which causes locating the drivers and recording driving events into event log files with such driving events including movement or non-movement driving events. (*Id.* at 9:31-36, 15:25-42, 16:24-25).

76. The claimed ELD-type inventions provide benefits, in part, by allowing the drivers to use the LTAs to log into driver user accounts over a wireless interface provided by the ELD computing devices. (*Id.* at 6:14-56, 7:41-47, 7:62-8:5; FIGs. 8-19). The LTAs also permit drivers to edit, write, or enter information into the event log files and send notifications to one or more recipients. (*Id.* at 21:5-7, 21:16-20).

77. Some ELD claims are directed to, in part, devices, systems, and improved methods for controlling the conveyance of driving event information in a tracking service. (*Id.* at 1:63-3:5). The tracking service may have an ELD system administrator that manages the privileges of the authorized users and drivers who log into user accounts in a database management system application (DBMSA) executed in a server. (*Id.* at 1:33-46, 2:10-20, 13:18-33, 17:30-49, 18:21-26, 19:20-53, 23:4-16, FIGs 3-7)

78. In one embodiment, the claimed improvements in the ELD-type claims are directed to using multiple levels of privileges that allow drivers to access recorded event log files for driving events. (*Id.* at 5:61-6:12)

PERDIEM'S ELD CLAIMS ARE PATENT ELIGIBLE

79. The ELD claims are directed to patent-eligible subject matter.

80. In the claimed ELD-type inventions, log files are used to periodically store location information at some rate when the vehicle is powered on (*Id.* at 9:31-36, 14:54-66). As a result, each computing device synchronizes with a vehicle engine to record driving events. Engine synchronization means monitoring the vehicle's engine operation to capture the engine's power status automatically. See Federal Register/Vol. 80, No. 241/Wednesday, December 16, 2015/Rules and Regulations at 78335. (<https://www.govinfo.gov/content/pkg/FR-2015-12-16/pdf/2015-31336.pdf>).

81. Conventionally, however, records of duty status (DOS) used paper RODS that were either recorded manually or on a computer that was not synchronized to the vehicle. (<https://www.fmcsa.dot.gov/regulations/hours-service/elds/what-difference-between-paper-records-duty-status-rods-and-printouts>). A person of ordinary skill in the art would recognize that the embodiments covered by PerDiem's ELD claims automate accurate tracking of driving events. (See <https://www.fmcsa.dot.gov/hours-service/elds/electronic-logging-devices>).

82. Detecting when the vehicle is powered on as described in the specification and required by all of the ELD claims provides significant improvements in terms of accuracy over the prior art when the movement and no-movement of the vehicle between two zones is to be reviewed at a later time, for example, by authorities. (*Id.* at 15:25-42; 16:24-25).

83. As a result, data recordation integrity is improved because it is more difficult to manipulate or falsify compared to paper logs, promoting greater honesty and accuracy in data recording, and law enforcement agencies can easily access the recorded data during roadside inspections, reducing the need for time-consuming and error-prone manual logbook checks thereby reducing the risk of accidents caused by driver fatigue.

84. The claimed ELD-type inventions provide further benefits, in part, by allowing the drivers to use the LTAs to log into driver user accounts over wireless interfaces provided by the claimed computing devices (*Id.* at 6:14-56, 7:41-47, 7:62-8:5; FIGs. 8-19). Logging into user accounts provides for accurate driver identifications and ensures that driving events are accurately assigned to the correct driver, which is crucial for compliance and enforcement and provides an improvement over the prior art.

85. Another improvement over the prior art is provided by allowing drivers to log into their user accounts enhances security because user authentication ensures that only authorized drivers can access and operate the computing device, which prevents unauthorized use or tampering with the devices, thereby increasing data integrity.

86. Another improvement over the prior art is provided by allowing drivers to log into their user accounts over wireless interfaces enables drivers to access their data remotely, which helps with reviewing logs, verify compliance, and address any discrepancies or issues while on the road. (*Id.* at 6:14-56, 7:41-47, 7:62-8:5; FIG. 8-FIG. 19).

87. Furthermore, by logging into their user accounts, drivers can access personalized settings and information quickly, making it easier to use the devices efficiently. It also simplifies the process of accessing logs and other data. (*Id.* at 20:47-22:29, FIGs. 10-17).

88. Another improvement over the prior art is provided by allowing drivers to use computing devices to log into their user accounts over wireless interfaces, the devices' functionality, security, and usability are enhanced, contributing to improved data integrity and accuracy.

89. The claimed ELD-type inventions offer even more benefits by providing interfaces that permit drivers to enter information into the event log files, thereby providing a mechanism to add information, correct mistakes, or both. (*Id* at 21:5-7, 21:16-20).

90. A person of ordinary skill in the art would recognize improvement over the prior art that by allowing edits, the drivers can correct errors to maintain accurate records.

91. The claimed ELD-type inventions provide an ELD tracking system having an ELD system administrator that manages the privileges of the authorized users, such as fleet managers, who log into user accounts as subscribers in a database management system application (DBMSA) executed in a server. In this embodiment, the claimed improvements in the ELD-type claims are directed to using multiple levels of privileges that allow driver access to recorded event log files for driving events. The driving events may occur after detecting that the vehicles are powered on.

92. The claimed inventions are an improvement over the prior art in that they provide an ELD tracking system provides administrative efficiency by streamlining record-keeping processes for both drivers and fleet managers. Such a system reduces paperwork, eliminates the need for manual calculations, and simplifies record retrieval, saving time and resources.

93. The Asserted Claims in the Patents-in-Suit do not preempt all ways of using location tracking system technology, do not preempt the use of any well-known location tracking technology, and do not preempt the use of any other well-known or prior art technology.

94. The Asserted Claims in the Patents-in-Suit are not directed to any general or well-known “method of organizing human activity” or to a “fundamental economic practice long prevalent in our system of commerce” or to “a building block of the modern economy.”

95. The Asserted Claims in the Patents-in-Suit do not apply a well-known or established business method or process to a general-purpose computer. Instead, the claimed

inventions have no direct corollary to a process that predates the advent of computers, networking, and the Internet.

96. The Asserted Claims in the Patents-in-Suit are directed toward a technical solution necessarily rooted in computer technology that uses technology unique to computers and networks to overcome problems specifically arising in computerized location tracking technologies.

97. The Asserted Claims in the Patents-in-Suit are not directed at a mere mathematical relationship or formula.

98. The Asserted Claims in the Patents-in-Suit cannot be performed by a human, in the human mind, or by pen and paper.

99. The Asserted Claims in the Patents-in-Suit recite elements that are computer-related components, as well as a specific structure of rules for providing object location information to users and for managing user access to this information.

PerDiem's Patent Portfolio's Licensing and Litigation History

100. PerDiem owns a patent portfolio that includes other, non-asserted patents that have the same specification as the Patents-in-Suit and claim priority to the same provisional application, Serial No. 60/752,879.

101. To date, PerDiem's portfolio of patents, including at least some of the Patents-in-Suit, has been licensed successfully to numerous licensees.

102. PerDiem's portfolio of patents, including at least some of the Patents-in-Suit, has been the subject of several patent litigations in the United States.

103. In the patent litigations that have been concluded, a settlement was reached by PerDiem with those accused of infringement. All of these settlements resulted in licensing agreements in which PerDiem was compensated by the accused infringers. The prior art identified

by these accused infringers was timely submitted by PerDiem to the USPTO for consideration during prosecution of any pending patent applications that were related to or issued as the Patents-in-Suit.

104. Several non-asserted related PerDiem patents have been subject to extensive federal court litigations in this district (“the EDTX Litigations”), against eleven companies, each of which licensed the claimed PerDiem technology after the filing of multiple *Inter Partes* Review (IPR) petitions (“the EDTX-related IPRs”) challenging the validity of various of PerDiem’s patent claims. All the EDTX Litigations resulted in licensing agreements through which PerDiem was compensated. Furthermore, the prior art that has been recited in an asserted ground in any of the EDTX-related IPRs was submitted for consideration by the USPTO in the continued prosecution history of the Patents-in-Suit.

105. PerDiem owns all rights, titles, and interests in the Patents-in-Suit, including the right to bring patent enforcement actions for damages. The assignment to PerDiem of ownership of the Patents-in-Suit was recorded with the United States Patent & Trademark Office (“USPTO”) at Reel 035620, Frame 0087 of the USPTO assignment records. The recorded assignment references all subsequent related applications of the parent patents listed on the recorded assignment, thereby encompassing the Patents-in-Suit.

106. During this EDTX Litigation, this Court issued an R&R attached as Exhibit E holding the specification satisfies the written description and enablement requirement. *PerDiemCo LLC v. Industrack LLC et al.*, No. 2:15-cv-727-JRG-RSP (October 28, 2016) at Dkt. 272. .

107. During one litigation, this Court issued a Claim Construction Memorandum and Order attached hereto as Exhibit F construing several terms of patents at issue in this action. *PerDiemCo LLC v. Industrack LLC et al.*, No. 2:15-cv-727-JRG-RSP (July 7, 2016,) at Dkt. 107. During

another EDTX Litigation, this court issued a Claim Construction Memorandum and Order attached hereto as Exhibit G construing several terms of patents at issue in this action. *PerDiemCo LLC v GPS LOGIC, LLC, et al.*, No. 2:15-cv-1216-JRG-RSP (July 7, 2016) at Dkt. 155.

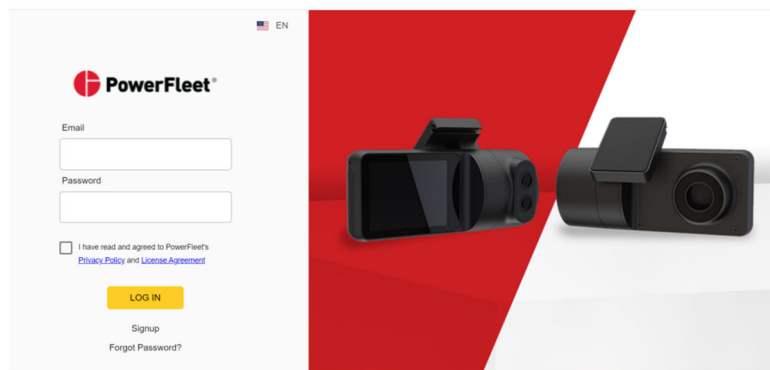
THE ACCUSED INSTRUMENTALITIES

108. On information and belief, Defendant provides, uses, offers, and/or sells the tracking products and services that are alleged to infringe the Asserted Claims (“the Accused Instrumentalities”), including Geo-fencing Accused Instrumentalities and ELD Accused Instrumentalities as identified below.

109. The Geo-fencing Accused Instrumentalities presently known to PerDiem are:

a. Vista Cloud Software

Vista Cloud Software Guide



User Manual

PowerFleet Vista Cloud Software Version 2.7.5

https://www.PowerFleet.com/documents/product_sheets/vista/PowerFleet_vista_cloud_software_user_guide.pdf

b. Unity

WOODCLIFF LAKE, NJ – November 30, 2022 – Powerfleet, Inc. (Nasdaq: PWFL), a global leader of Internet of Things (IoT) software-as-a-service (SaaS) solutions that optimize the performance of mobile assets and resources to unify business operations, today announced the launch of Powerfleet Unity, a new fleet intelligence platform that unites people, assets, and data together to transform the way its customers do business.

<https://www.PowerFleet.com/press-releases/2022/11/introducing-PowerFleet-unity-the-iot-platform-that-brings-people-assets-and-data-together-to-transform-business-operations/>

c. FleetView

Providing online user access to the VeriWise fleet management platform, FleetView represents a major step forward in fleet management software, giving users better visibility of their assets while streamlining system functionality, resulting in an improved and enriched user experience. With a modernized and simplified design, the FleetView user interface is intuitive and easy to learn, and places emphasis on visual navigation to make routine fleet management tasks and activities more efficient, and provide quicker access to critical information.

<https://www.PowerFleet.com/press-releases/2016/09/i-d-systems-introduces-fleetview-next-generation-fleet-management-software/>

d. Trailer Tracking Software Track & Trace

PowerFleet® Trailer Tracking

Get Improved Logistics
Visibility for Your Fleet

https://www.PowerFleet.com/documents/catalogs/PowerFleet_logistics_catalog.pdf

TRAILER TRACKING SOFTWARE:

Track & Trace

Everyone has asset tracking. But one thing is missing. Connecting it to the freight. Until now. Finally, you can understand what's happening to freight – without ever opening the doors. You'll receive alerts immediately through our robust logistics visibility platform that delivers more intelligence. Get to the customer locations faster, safer, and with less damage claims, too.

The new PowerFleet asset and cargo visibility platform raises the bar in logistics asset management. We created the most powerful tracking, monitoring and reporting capabilities for both assets and the freight within. Leveraging Bluetooth® wireless sensors on both assets and cargo, combined with visual images of actual freight within the trailer or container, your operation will benefit from the most advanced intelligent logistics platform available.

110. The Known ELD Accused Instrumentalities are:

- e) The Compliance and Workflow Management solution integrated with Unity, the SaaS-based fleet intelligence platform



Compliance and Workflow Management

MULTIPURPOSE IN-CAB SOLUTION SET: ELD/HOS, DVIR, NAVIGATION, WORKFLOW MANAGEMENT AND DOCUMENT MANAGEMENT

The Compliance and Workflow Management solution is an in-cab system. It complies with Electronic Logging Device (ELD) regulations, offering an electronic logbook with integrated vehicle data. Additionally, it enables efficient Hours of Service (HOS) management, provides turn-by-turn navigation, allows for customizable workflow management, and facilitates seamless two-way communication between drivers and dispatchers/fleet managers.

The system seamlessly integrates with your transportation management system (TMS), retrieves dispatch data from your workflow, and integrates it into the driver's logs, reducing the need for duplicate driver input and minimizing log violations due to inaccurate data. Additionally, it provides real-time positioning, minute-by-minute reporting, and engine performance data (speed, MPG, idle time, fault codes). This data enables benchmarking of driver performance, behavior, and evaluation of truck performance.

The Compliance and Workflow Management solution integrates with Unity, the SaaS-based fleet intelligence platform that ingests, processes, and consolidates data from every asset, vehicle, and person.

KEY FEATURES

- Mixed fleet visibility – full tractor, trailer, refrigeration unit, and sensor visibility in a single SaaS application
- Tractor and trailer independent DVIR (Digital Vehicle Inspection Report)
- Trimble maps and PC Miler tool chain support for route planning and navigation
- Driver trip assignment/tacking with proof of delivery
- J-1939 & J-1708 vehicle data integration
- Ruggedized IP67 rated data terminal
- Real-time driver notifications to avoid violations and drive continuous improvement
- TMS Integrations: TMW Suite; TMW TruckMate; Frontline; McLeod LoadMaster; Melton; Trucker Tools

<https://www.powerfleet.com/eld-hos/>

f) PowerFleet LV-9000 (formerly CM9000)

The LV9000 serves as a tool to maximize fleet operational efficiencies by linking the driver and truck with back-office transportation and fleet management systems, a tool to keep drivers knowledgeable about their current or short-term future safe driver status, as well as an Electronic Logging Device (ELD) that meets FMCSA ELD Mandate requirements.

Features

- Minute by minute GPS reporting
- Reduce idle time and fuel burn
- Reduce logging errors and risk of log violation
- Customizable driver workflows based on internal company rules and requirements
- Performance data on drivers and trucks
- Identify maintenance problems before they happen
- Real-time delivery information and up-to-the-minute hours-of-service information



<https://eld.fmcsa.dot.gov/File/Index/45281ac0-6697-ac44-e053-0100007f9378>

<https://eld.fmcsa.dot.gov/File/Index/3c45367f-23fc-c48b-e053-0100007f7f55>

CARRIERWEB®

CarrierMate™ CM9000 Electronic Logging Device (ELD)
Hours of Service (HOS) User guide



<https://eld.fmcsa.dot.gov/File/Index/45281ac0-6697-ac44-e053-0100007f9378>

g) PowerFleet MDT5700

CARRIERWEB[®]

CarrierMate™ MDT 5700 Electronic Logging Device (ELD)
Hours of Service (HOS) User guide

<https://eld.fmcsa.dot.gov/File/Index/a0386263-b1e7-ddb2-e053-0100007fe651>



<https://eld.fmcsa.dot.gov/File/Index/f2d7af60-39ff-b58d-e053-0100007f5fc5>

h) PowerFleet MDT7000

CARRIERWEB[®]

CarrierMate™ MDT 7000 Electronic Logging Device (ELD)
Hours of Service (HOS) User guide

<https://eld.fmcsa.dot.gov/File/Index/a0386263-b4e7-ddb2-e053-0100007fe651>



<https://eld.fmcsa.dot.gov/File/Index/f2d7af60-40ff-b58d-e053-0100007f5fc5>

i) HOS Application (the “Accused App”), which is executed by the Accused ELD:

In-Cab

Beyond ELD Compliance

01 / HOS

Our HOS application automates a driver’s log book and is fully compliant with the latest FMCSA regulations.

02 / REAL TIME

Driver Managers receive up-to-the-minute information on duty status, driving time, and remaining hours of service.

03 / MULTI-LINGUAL

We support sixteen languages. The driver selects his language on the electronic logging device (ELD) and he’s ready to respond.



<https://www.powerfleet.com/solutions/powerfleet-logistics/software/>

111. Upon information and belief, PowerFleet has registered the Accused ELD Instrumentalities with the Federal Motor Carrier Safety Administration (FMCSA).

Device Name	Model Number	Software Version	ELD Identifier	Company	Email
PowerFleet LV-9000	LV-9000 (formerly CM9000)	4.33.3 and above	CW9000	PowerFleet (Formerly CarrierWeb LLC)	info@powerfleet.com
PowerFleet MDT5700	MDT5700	4.31.50 and above	CW5700	PowerFleet (Formerly CarrierWeb LLC)	info@powerfleet.com
PowerFleet MDT7000	MDT7000	4.31.50 and above	CW7000	PowerFleet (Formerly CarrierWeb LLC)	info@powerfleet.com

<https://eld.fmcsa.dot.gov/List>

112. On information and belief, Defendant has in the past and continues to make, provide, use, test, distribute, sell, offer to sell, advertise, and/or import the Accused Instrumentalities, which are mobile communications technology, products, and services that are alleged to infringe the Patents-in-Suit.

113. On information and belief, Defendant and its affiliates, employees, and/or agents make, provide, use, test, distribute, sell, offer to sell, advertise, and/or import the Accused Instrumentalities for use by Defendant's partners, customers, and/or users, leading to direct or indirect revenues and profits. On information and belief, without its direct and indirect infringement of the Asserted Claims of the Patents-in-Suit, Defendant would be at a disadvantage in the marketplace for tracking products and services and would generate less revenues and profits.

114. On information and belief, Defendant provides user guides, marketing materials, and technical information relating to the features, functions, operation, and use of the Accused Instrumentalities to existing and prospective partners, customers, and/or users.

115. On information and belief, Defendant also provides instruction materials, engineering support, customer support, customer training, and other services for Defendant's partners, customers, and/or users regarding the features, functions, operation, and use of the Accused Instrumentalities, including at least the following user Guides and log-in portals (User Guides):

Vista Cloud Software Guide

https://www.PowerFleet.com/documents/catalogs/PowerFleet_logistics_catalog.pdf

Login portals:



<https://www.powerfleet.com/press-releases/2022/11/introducing-powerfleet-unity-the-iot-platform-that-brings-people-assets-and-data-together-to-transform-business-operations/>

LV9000 Electronic Logging Device (ELD)

<https://eld.fmcsa.dot.gov/File/Index/45281ac0-6697-ac44-e053-0100007f9378>

CarrierMate™ MDT 5700 Electronic Logging Device (ELD) Hours of Service (HOS) User guide

<https://eld.fmcsa.dot.gov/File/Index/3c45367f-23fc-c48b-e053-0100007f7f55>
<https://eld.fmcsa.dot.gov/File/Index/a0386263-b1e7-ddb2-e053-0100007fe651>
<https://eld.fmcsa.dot.gov/File/Index/f2d7af60-39ff-b58d-e053-0100007f5fc5>

116. The Accused Instrumentalities of Defendant infringe one or more of the Asserted Claims of each of the Patents-in-Suit, as set forth in detail in the attached claim charts (Exhibits B-1 through B-13), and as further described below.

117. On information and belief, Defendant provides a set of application programming interfaces (APIs) that are collectively called the PowerFleet Platform.

Actual Knowledge of and Willful Blindness to the Patents-in-Suit

118. On information and belief, Defendant acquired a company called CarrierWeb and its tracking technology, products, and services in January of 2019 (<https://www.powerfleet.com/press-releases/powerfleet-for-logistics/2019/01/i-d-systems->

acquires-carrierweb-adds-key-technology-increases-customer-base-and-enters-new-market-segments/).

119. On information and belief, after its acquisition of Carrier, Defendant rebranded CarrierWeb’s then-existing line of tracking technology, products, and services under PowerFleet brand:

Device Name ↕	Model Number	Software Version	ELD Identifier	Company	Email
PowerFleet LV-9000	LV-9000 (formerly CM9000)	4.33.3 and above	CW9000	PowerFleet (Formerly CarrierWeb LLC)	info@powerfleet.com
PowerFleet MDT5700	MDT5700	4.31.50 and above	CW5700	PowerFleet (Formerly CarrierWeb LLC)	info@powerfleet.com
PowerFleet MDT7000	MDT7000	4.31.50 and above	CW7000	PowerFleet (Formerly CarrierWeb LLC)	info@powerfleet.com

<https://eld.fmcsa.dot.gov/List>

120. On information and belief, this Defendant product line included and includes CarrierWeb products and applications which are ELD Accused Instrumentalities.

121. On July 12, 2018, PerDiem provided a letter entitled Notice of Infringement of PerDiem Patents to CarrierWeb (“Notice of Infringement Letter”). The letter was written by PerDiem’s counsel, Mr. Robert Katz, to Mr. John Marous, CEO of CarrierWeb, and invited CarrierWeb¹ to take a non-exclusive license under PerDiem’s patents, which were identified in an attached Exhibit A. The Notice of Infringement Letter (with attachments/enclosures) is attached to this complaint as Exhibit H. Exhibit A to the Notice of Infringement Letter identified several of the Patents-in-Suit, including the ‘941, ‘874, and ‘198 Patents.

122. On July 12, 2018, PerDiem received an e-mail from R. Fenton-May, CEO, (the CarrierWeb Response E-mail) noting the inadvertent reference in the Notice of Infringement Letter

¹ While addressed to CarrierWeb, the Notice Letter inadvertently contained a typographical error and referred to the “products and services of Pedigree Technologies LLC” instead of CarrierWeb in the first paragraph.

to products offered by “Pedigree Technologies, LLC,” informing PerDiem that “CarrierWeb, LLC is currently operating under Chapter 11 bankruptcy protection (Case No. 17-54087-lrc of the United States Bankruptcy Court, Northern District of Georgia, Atlanta Division).” The CarrierWeb Response E-mail is attached to this complaint as Exhibit I.

123. On information and belief, Defendant had actual knowledge of the Patents-in-Suit or was at least willfully blind as to their existence, and also had actual knowledge or was at least willfully blind that its actions would cause its employees, agents, partners, customers, users, and/or suppliers to infringe, by no later than January 2019, as a result of: (1) the July 12, 2018, Notice of Infringement Letter; and (2) the due diligence that should have been conducted by no later than January 2019 when Defendant acquired CarrierWeb (and its infringing tracking technology, products, and services) to determine if CarrierWeb any of its technology had been accused of patent infringement.

124. On information and belief, Defendant makes, provides, uses, tests, distributes, sells, offers to sell, advertises, and/or imports the Accused Instrumentalities as part of Defendant’s knowing and intentional inducement of Defendant’s employees, agents, partners, customers, users, and/or suppliers to directly infringe one or more of the Asserted Claims by directing, encouraging, instructing, supporting, and aiding those persons to make, use, sell, or offer to sell the Accused Instrumentalities in a manner that infringes the Patents-in-Suit. On information and belief, Defendant acted with intent to cause direct infringement. Specifically, Defendant had actual knowledge of the Patents-in-Suit or was at least willfully blind as to their existence, and also had actual knowledge or was at least willfully blind that its actions would cause its employees, agents, partners, customers, users, and/or suppliers to directly infringe.

125. On information and belief, Defendant has taken active steps to induce infringement of the Asserted Claims, such as the providing of instruction materials, engineering support, customer support, customer training, and other services for Defendant's partners, customers, and/or users regarding the features, functions, operation, and use of the Accused Instrumentalities. As examples, Defendant provides User Guides and Portals for the Accused Instrumentalities.

COUNT I – INFRINGEMENT OF THE '941 PATENT

126. Paragraphs 1 through 125 are incorporated by reference as if fully set forth herein.

127. On information and belief, Defendant directly infringes and continues to directly infringe under 35 U.S.C. § 271(a) at least one or more claims of the '941 patent, literally and/or under the doctrine of equivalents.

128. On information and belief, Defendant has in the past and continues to make, provide, use, test, distribute, sell, offer to sell, advertise, and/or import the Accused Instrumentalities in the United States.

129. An exemplary claim chart attached hereto as Exhibit B-1 and incorporated by reference herein details the correspondence of every element of claim 1 of the '941 patent with features of the Accused Instrumentalities.

130. On information and belief, Defendant's employees, agents, partners, customers, users, and/or suppliers directly infringe and continue to directly infringe at least one or more claims of the '941 patent, literally and/or under the doctrine of equivalents.

131. On information and belief, Defendant's employees, agents, partners, customers, users, and/or suppliers have in the past and continue to make, provide, use, test, distribute, sell, offer to sell, advertise, and/or import the Accused Instrumentalities in the United States.

132. On information and belief, Defendant had actual knowledge of the Patents-in-Suit or was at least willfully blind as to their existence, and also had actual knowledge or was at least willfully blind that its actions would cause its employees, agents, partners, customers, users, and/or suppliers to infringe, by no later than January 2019. Defendant was also made aware of the '941 patent and its infringement through the filing and service of this Complaint.

133. On information and belief, since January 2019, and by no later than the filing and service of this Complaint, Defendant has induced infringement and continues to induce infringement of the '941 patent under 35 U.S.C. § 271(b).

134. On information and belief, Defendant makes, provides, uses, tests, distributes, sells, offers to sell, advertises, and/or imports the Accused Instrumentalities as part of Defendant's knowing and intentional inducement of Defendant's employees, agents, partners, customers, users, and/or suppliers to directly infringe one or more of the asserted claims of the '941 patent by directing, encouraging, instructing, supporting, and aiding those persons to make, use, sell, or offer to sell the Accused Instrumentalities in a manner that infringes. On information and belief, Defendant acted with intent to cause direct infringement. Specifically, Defendant had actual knowledge of the Patents-in-Suit or was at least willfully blind as to their existence, and also had actual knowledge or was at least willfully blind that its actions would cause its employees, agents, partners, customers, users, and/or suppliers to directly infringe.

135. On information and belief, Defendant has taken active steps to induce infringement of the asserted claims of the '941 patent, such as the providing of instruction materials, engineering support, customer support, customer training, and other services for Defendant's employees, agents, partners, customers, users, and/or suppliers regarding the features, functions, operation, and use of the Accused Instrumentalities. As examples, Defendant provides User Guides for the

Accused Instrumentalities on the PowerFleet website, as referenced above, and provides the product literature described and cited in the claim chart attached hereto as Exhibit B-1.

136. On information and belief, since January 2019, and by no later than the filing and service of this Complaint, Defendant has contributed to and continues to contribute to infringement of the '941 patent under 35 U.S.C. § 271(c).

137. On information and belief, Defendant makes, provides, uses, tests, distributes, sells, offers to sell, advertises, and/or imports components of a location tracking system that constitute a material part of the invention claimed in the '941 patent, knowing the same to be especially made or especially adapted for use in an infringement of the patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

138. PerDiem has been and continues to be damaged by Defendant's infringement of the '941 patent.

139. On information and belief, since January 2019, and by no later than the filing and service of this Complaint, Defendant has willfully infringed the '941 patent.

140. On information and belief, the conduct by Defendant in infringing the '941 patent renders this case exceptional within the meaning of 35 U.S.C. § 285.

141. On information and belief, Defendant has had at least the following policies or practices that make its infringement of the '941 patent willful and make this an exceptional case: (1) not substantively investigating or responding to written notices of patent infringement; (2) not conducting sufficient due diligence to determine whether a company, business, and product line it was acquiring was infringing or had been accused of infringement; and (3) continuing with infringing acts if products or components used by Defendant to infringe were supplied to it by a third party.

142. The claim chart for the '941 patent (Exhibit B-1) is provided solely for the purpose of satisfying the notice requirements of Rule 8(a)(2) of the Federal Rule of Civil Procedure. No part of the claim chart construes, or is intended to construe, the claims, specification, or prosecution history of the '941 patent. The claim chart does not represent PerDiem's preliminary or final infringement contentions, and PerDiem reserves the right to modify its infringement positions as discovery progresses in this case. The claim chart does not limit, and is not intended to limit, PerDiem's positions or contentions on claim construction, infringement, or validity.

COUNT II – INFRINGEMENT OF THE '874 PATENT

143. Paragraphs 1 through 125 are incorporated by reference as if fully set forth herein.

144. On information and belief, Defendant directly infringes and continues to directly infringe under 35 U.S.C. § 271(a) at least one or more claims of the '874 patent, literally and/or under the doctrine of equivalents.

145. On information and belief, Defendant has in the past and continues to make, provide, use, test, distribute, sell, offer to sell, advertise, and/or import the Accused Instrumentalities in the United States.

146. An exemplary claim chart attached hereto as Exhibit B-2 and incorporated by reference herein details the correspondence of every element of claims 1, 11, 44, and 45 of the '874 patent with features of the Accused Instrumentalities.

147. On information and belief, Defendant's employees, agents, partners, customers, users, and/or suppliers directly infringe and continue to directly infringe at least one or more claims of the '874 patent, literally and/or under the doctrine of equivalents.

148. On information and belief, Defendant's employees, agents, partners, customers, users, and/or suppliers have in the past and continue to make, provide, use, test, distribute, sell, offer to sell, advertise, and/or import the Accused Instrumentalities in the United States.

149. On information and belief, Defendant had actual knowledge of the Patents-in-Suit or was at least willfully blind as to their existence, and also had actual knowledge or was at least willfully blind that its actions would cause its employees, agents, partners, customers, users, and/or suppliers to infringe, by no later than January 2019. Defendant was also made aware of the '874 patent and its infringement through the filing and service of this Complaint.

150. On information and belief, since January 2019, and by no later than the filing and service of this Complaint, Defendant has induced infringement and continues to induce infringement of the '874 patent under 35 U.S.C. § 271(b).

151. On information and belief, Defendant makes, provides, uses, tests, distributes, sells, offers to sell, advertises, and/or imports the Accused Instrumentalities as part of Defendant's knowing and intentional inducement of Defendant's employees, agents, partners, customers, users, and/or suppliers to directly infringe one or more of the asserted claims of the '874 patent by directing, encouraging, instructing, supporting, and aiding those persons to make, use, sell, or offer to sell the Accused Instrumentalities in a manner that infringes. On information and belief, Defendant acted with intent to cause direct infringement. Specifically, Defendant had actual knowledge of the Patents-in-Suit or was at least willfully blind as to their existence, and also had actual knowledge or was at least willfully blind that its actions would cause its employees, agents, partners, customers, users, and/or suppliers to directly infringe.

152. On information and belief, Defendant has taken active steps to induce infringement of the asserted claims of the '874 patent, such as the providing of instruction materials, engineering support, customer support, customer training, and other services for Defendant's employees, agents, partners, customers, users, and/or suppliers regarding the features, functions, operation, and use of the Accused Instrumentalities. As examples, Defendant provides User Guides for the

Accused Instrumentalities on the PowerFleet website, as referenced above, and provides the product literature described and cited in the claim chart attached hereto as Exhibit B-2.

153. On information and belief, since January 2019, and by no later than the filing and service of this Complaint, Defendant has contributed to and continues to contribute to infringement of the '874 patent under 35 U.S.C. § 271(c).

154. On information and belief, Defendant makes, provides, uses, tests, distributes, sells, offers to sell, advertises, and/or imports components of a location tracking system that constitute a material part of the invention claimed in the '874 patent, knowing the same to be especially made or especially adapted for use in an infringement of the patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

155. PerDiem has been and continues to be damaged by Defendant's infringement of the '874 patent.

156. On information and belief, since January 2019, and by no later than the filing and service of this Complaint, Defendant has willfully infringed the '874 patent.

157. On information and belief, the conduct by Defendant in infringing the '874 patent renders this case exceptional within the meaning of 35 U.S.C. § 285.

158. On information and belief, Defendant has had at least the following policies or practices that make its infringement of the '874 patent willful and make this an exceptional case: (1) not substantively investigating or responding to written notices of patent infringement; (2) not conducting sufficient due diligence to determine whether a company, business, and product line it was acquiring was infringing or had been accused of infringement; and (3) continuing with infringing acts if products or components used by Defendant to infringe were supplied to it by a third party.

159. The claim chart for the '874 patent (Exhibit B-2) is provided solely for the purpose of satisfying the notice requirements of Rule 8(a)(2) of the Federal Rule of Civil Procedure. No part of the claim chart construes, or is intended to construe, the claims, specification, or prosecution history of the '874 patent. The claim chart does not represent PerDiem's preliminary or final infringement contentions, and PerDiem reserves the right to modify its infringement positions as discovery progresses in this case. The claim chart does not limit, and is not intended to limit, PerDiem's positions or contentions on claim construction, infringement, or validity.

COUNT III – INFRINGEMENT OF THE '198 PATENT

160. Paragraphs 1 through 125 are incorporated by reference as if fully set forth herein.

161. On information and belief, Defendant directly infringes and continues to directly infringe under 35 U.S.C. § 271(a) at least one or more claims of the '198 patent, literally and/or under the doctrine of equivalents.

162. On information and belief, Defendant has in the past and continues to make, provide, use, test, distribute, sell, offer to sell, advertise, and/or import the Accused Instrumentalities in the United States.

163. An exemplary claim chart attached hereto as Exhibit B-3 and incorporated by reference herein details the correspondence of every element of claim 1 of the '198 patent with features of the Accused Instrumentalities.

164. On information and belief, Defendant's employees, agents, partners, customers, users, and/or suppliers directly infringe and continue to directly infringe at least one or more claims of the '198 patent, literally and/or under the doctrine of equivalents.

165. On information and belief, Defendant's employees, agents, partners, customers, users, and/or suppliers have in the past and continue to make, provide, use, test, distribute, sell, offer to sell, advertise, and/or import the Accused Instrumentalities in the United States.

166. On information and belief, Defendant had actual knowledge of the Patents-in-Suit or was at least willfully blind as to their existence, and also had actual knowledge or was at least willfully blind that its actions would cause its employees, agents, partners, customers, users, and/or suppliers to infringe, by no later than January 2019. Defendant was also made aware of the '198 patent and its infringement through the filing and service of this Complaint.

167. On information and belief, since January 2019, and by no later than the filing and service of this Complaint, Defendant has induced infringement and continues to induce infringement of the '198 patent under 35 U.S.C. § 271(b).

168. On information and belief, Defendant makes, provides, uses, tests, distributes, sells, offers to sell, advertises, and/or imports the Accused Instrumentalities as part of Defendant's knowing and intentional inducement of Defendant's employees, agents, partners, customers, users, and/or suppliers to directly infringe one or more of the asserted claims of the '198 patent by directing, encouraging, instructing, supporting, and aiding those persons to make, use, sell, or offer to sell the Accused Instrumentalities in a manner that infringes. On information and belief, Defendant acted with intent to cause direct infringement. Specifically, Defendant had actual knowledge of the Patents-in-Suit or was at least willfully blind as to their existence, and also had actual knowledge or was at least willfully blind that its actions would cause its employees, agents, partners, customers, users, and/or suppliers to directly infringe.

169. On information and belief, Defendant has taken active steps to induce infringement of the asserted claims of the '198 patent, such as the providing of instruction materials, engineering support, customer support, customer training, and other services for Defendant's employees, agents, partners, customers, users, and/or suppliers regarding the features, functions, operation, and use of the Accused Instrumentalities. As examples, Defendant provides User Guides for the

Accused Instrumentalities on the PowerFleet website, as referenced above, and provides the product literature described and cited in the claim chart attached hereto as Exhibit B-3.

170. On information and belief, since January 2019, and by no later than the filing and service of this Complaint, Defendant has contributed to and continues to contribute to infringement of the '198 patent under 35 U.S.C. § 271(c).

171. On information and belief, Defendant makes, provides, uses, tests, distributes, sells, offers to sell, advertises, and/or imports components of a location tracking system that constitute a material part of the invention claimed in the '198 patent, knowing the same to be especially made or especially adapted for use in an infringement of the patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

172. PerDiem has been and continues to be damaged by Defendant's infringement of the '198 patent.

173. On information and belief, since January 2019, and by no later than the filing and service of this Complaint, Defendant has willfully infringed the '198 patent.

174. On information and belief, the conduct by Defendant in infringing the '198 patent renders this case exceptional within the meaning of 35 U.S.C. § 285.

175. On information and belief, Defendant has had at least the following policies or practices that make its infringement of the '198 patent willful and make this an exceptional case: (1) not substantively investigating or responding to written notices of patent infringement; (2) not conducting sufficient due diligence to determine whether a company, business, and product line it was acquiring was infringing or had been accused of infringement; and (3) continuing with infringing acts if products or components used by Defendant to infringe were supplied to it by a third party.

176. The claim chart for the '198 patent (Exhibit B-3) is provided solely for the purpose of satisfying the notice requirements of Rule 8(a)(2) of the Federal Rule of Civil Procedure. No part of the claim chart construes, or is intended to construe, the claims, specification, or prosecution history of the '198 patent. The claim chart does not represent PerDiem's preliminary or final infringement contentions, and PerDiem reserves the right to modify its infringement positions as discovery progresses in this case. The claim chart does not limit, and is not intended to limit, PerDiem's positions or contentions on claim construction, infringement, or validity.

COUNT IV – INFRINGEMENT OF THE '789 PATENT

177. Paragraphs 1 through 125 are incorporated by reference as if fully set forth herein.

178. On information and belief, Defendant directly infringes and continues to directly infringe under 35 U.S.C. § 271(a) at least one or more claims of the '789 patent, literally and/or under the doctrine of equivalents.

179. On information and belief, Defendant has in the past and continues to make, provide, use, test, distribute, sell, offer to sell, advertise, and/or import the Accused Instrumentalities in the United States.

180. An exemplary claim chart attached hereto as Exhibit B-4 and incorporated by reference herein details the correspondence of every element of claims 12 and 17 of the '789 patent with features of the Accused Instrumentalities.

181. On information and belief, Defendant's employees, agents, partners, customers, users, and/or suppliers directly infringe and continue to directly infringe at least one or more claims of the '789 patent, literally and/or under the doctrine of equivalents.

182. On information and belief, Defendant's employees, agents, partners, customers, users, and/or suppliers have in the past and continue to make, provide, use, test, distribute, sell, offer to sell, advertise, and/or import the Accused Instrumentalities in the United States.

183. On information and belief, Defendant had actual knowledge of the Patents-in-Suit or was at least willfully blind as to their existence, and also had actual knowledge or was at least willfully blind that its actions would cause its employees, agents, partners, customers, users, and/or suppliers to infringe, by no later than January 2019. Defendant was also made aware of the '789 patent and its infringement through the filing and service of this Complaint.

184. On information and belief, since the date of issuance of the patent, and by no later than the filing and service of this Complaint, Defendant has induced infringement and continues to induce infringement of the '789 patent under 35 U.S.C. § 271(b).

185. On information and belief, Defendant makes, provides, uses, tests, distributes, sells, offers to sell, advertises, and/or imports the Accused Instrumentalities as part of Defendant's knowing and intentional inducement of Defendant's employees, agents, partners, customers, users, and/or suppliers to directly infringe one or more of the asserted claims of the '789 patent by directing, encouraging, instructing, supporting, and aiding those persons to make, use, sell, or offer to sell the Accused Instrumentalities in a manner that infringes. On information and belief, Defendant acted with intent to cause direct infringement. Specifically, Defendant had actual knowledge of the Patents-in-Suit or was at least willfully blind as to their existence, and also had actual knowledge or was at least willfully blind that its actions would cause its employees, agents, partners, customers, users, and/or suppliers to directly infringe.

186. On information and belief, Defendant has taken active steps to induce infringement of the asserted claims of the '789 patent, such as the providing of instruction materials, engineering support, customer support, customer training, and other services for Defendant's employees, agents, partners, customers, users, and/or suppliers regarding the features, functions, operation, and use of the Accused Instrumentalities. As examples, Defendant provides User Guides for the

Accused Instrumentalities on the PowerFleet website, as referenced above, and provides the product literature described and cited in the claim chart attached hereto as Exhibit B-4.

187. On information and belief, since the date of issuance of the patent, and by no later than the filing and service of this Complaint, Defendant has contributed to and continues to contribute to infringement of the '789 patent under 35 U.S.C. § 271(c).

188. On information and belief, Defendant makes, provides, uses, tests, distributes, sells, offers to sell, advertises, and/or imports components of a location tracking system that constitute a material part of the invention claimed in the '789 patent, knowing the same to be especially made or especially adapted for use in an infringement of the patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

189. PerDiem has been and continues to be damaged by Defendant's infringement of the '789 patent.

190. On information and belief, since the date of issuance of the patent, and by no later than the filing and service of this Complaint, Defendant has willfully infringed the '789 patent.

191. On information and belief, the conduct by Defendant in infringing the '789 patent renders this case exceptional within the meaning of 35 U.S.C. § 285.

192. On information and belief, Defendant has had at least the following policies or practices that make its infringement of the '789 patent willful and make this an exceptional case: (1) not substantively investigating or responding to written notices of patent infringement; (2) not conducting sufficient due diligence to determine whether a company, business, and product line it was acquiring was infringing or had been accused of infringement; and (3) continuing with infringing acts if products or components used by Defendant to infringe were supplied to it by a third party.

193. The claim chart for the '789 patent (Exhibit B-4) is provided solely for the purpose of satisfying the notice requirements of Rule 8(a)(2) of the Federal Rule of Civil Procedure. No part of the claim chart construes, or is intended to construe, the claims, specification, or prosecution history of the '789 patent. The claim chart does not represent PerDiem's preliminary or final infringement contentions, and PerDiem reserves the right to modify its infringement positions as discovery progresses in this case. The claim chart does not limit, and is not intended to limit, PerDiem's positions or contentions on claim construction, infringement, or validity.

COUNT V – INFRINGEMENT OF THE '364 PATENT

194. Paragraphs 1 through 125 are incorporated by reference as if fully set forth herein.

195. On information and belief, Defendant directly infringes and continues to directly infringe under 35 U.S.C. § 271(a) at least one or more claims of the '364 patent, literally and/or under the doctrine of equivalents.

196. On information and belief, Defendant has in the past and continues to make, provide, use, test, distribute, sell, offer to sell, advertise, and/or import the Accused Instrumentalities in the United States.

197. An exemplary claim chart attached hereto as Exhibit B-5 and incorporated by reference herein details the correspondence of every element of claims 3 and 12 of the '364 patent with features of the Accused Instrumentalities.

198. On information and belief, Defendant's employees, agents, partners, customers, users, and/or suppliers directly infringe and continue to directly infringe at least one or more claims of the '364 patent, literally and/or under the doctrine of equivalents.

199. On information and belief, Defendant's employees, agents, partners, customers, users, and/or suppliers have in the past and continue to make, provide, use, test, distribute, sell, offer to sell, advertise, and/or import the Accused Instrumentalities in the United States.

200. On information and belief, Defendant had actual knowledge of the Patents-in-Suit or was at least willfully blind as to their existence, and also had actual knowledge or was at least willfully blind that its actions would cause its employees, agents, partners, customers, users, and/or suppliers to infringe, by no later than January 2019. Defendant was also made aware of the '364 patent and its infringement through the filing and service of this Complaint.

201. On information and belief, since the date of issuance of the patent, and by no later than the filing and service of this Complaint, Defendant has induced infringement and continues to induce infringement of the '364 patent under 35 U.S.C. § 271(b).

202. On information and belief, Defendant makes, provides, uses, tests, distributes, sells, offers to sell, advertises, and/or imports the Accused Instrumentalities as part of Defendant's knowing and intentional inducement of Defendant's employees, agents, partners, customers, users, and/or suppliers to directly infringe one or more of the asserted claims of the '364 patent by directing, encouraging, instructing, supporting, and aiding those persons to make, use, sell, or offer to sell the Accused Instrumentalities in a manner that infringes. On information and belief, Defendant acted with intent to cause direct infringement. Specifically, Defendant had actual knowledge of the Patents-in-Suit or was at least willfully blind as to their existence, and also had actual knowledge or was at least willfully blind that its actions would cause its employees, agents, partners, customers, users, and/or suppliers to directly infringe.

203. On information and belief, Defendant has taken active steps to induce infringement of the asserted claims of the '364 patent, such as the providing of instruction materials, engineering support, customer support, customer training, and other services for Defendant's employees, agents, partners, customers, users, and/or suppliers regarding the features, functions, operation, and use of the Accused Instrumentalities. As examples, Defendant provides User Guides for the

Accused Instrumentalities on the website, as referenced above, and provides the product literature described and cited in the claim chart attached hereto as Exhibit B-5.

204. On information and belief, since the date of issuance of the patent, and by no later than the filing and service of this Complaint, Defendant has contributed to and continues to contribute to infringement of the '364 patent under 35 U.S.C. § 271(c).

205. On information and belief, Defendant makes, provides, uses, tests, distributes, sells, offers to sell, advertises, and/or imports components of a location tracking system that constitute a material part of the invention claimed in the '364 patent, knowing the same to be especially made or especially adapted for use in an infringement of the patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

206. PerDiem has been and continues to be damaged by Defendant's infringement of the '364 patent.

207. On information and belief, since the date of issuance of the patent, and by no later than the filing and service of this Complaint, Defendant has willfully infringed the '364 patent.

208. On information and belief, the conduct by Defendant in infringing the '364 patent renders this case exceptional within the meaning of 35 U.S.C. § 285.

209. On information and belief, Defendant has had at least the following policies or practices that make its infringement of the '364 patent willful and make this an exceptional case: (1) not substantively investigating or responding to written notices of patent infringement; (2) not conducting sufficient due diligence to determine whether a company, business, and product line it was acquiring was infringing or had been accused of infringement; and (3) continuing with infringing acts if products or components used by Defendant to infringe were supplied to it by a third party.

210. The claim chart for the '364 patent (Exhibit B-5) is provided solely for the purpose of satisfying the notice requirements of Rule 8(a)(2) of the Federal Rule of Civil Procedure. No part of the claim chart construes, or is intended to construe, the claims, specification, or prosecution history of the '364 patent. The claim chart does not represent PerDiem's preliminary or final infringement contentions, and PerDiem reserves the right to modify its infringement positions as discovery progresses in this case. The claim chart does not limit, and is not intended to limit, PerDiem's positions or contentions on claim construction, infringement, or validity.

COUNT VI – INFRINGEMENT OF THE '809 PATENT

211. Paragraphs 1 through 125 are incorporated by reference as if fully set forth herein.

212. On information and belief, Defendant directly infringes and continues to directly infringe under 35 U.S.C. § 271(a) at least one or more claims of the '809 patent, literally and/or under the doctrine of equivalents.

213. On information and belief, Defendant has in the past and continues to make, provide, use, test, distribute, sell, offer to sell, advertise, and/or import the Accused Instrumentalities in the United States.

214. An exemplary claim chart attached hereto as Exhibit B-6 and incorporated by reference herein details the correspondence of every element of claim 1 of the '809 patent with features of the Accused Instrumentalities.

215. On information and belief, Defendant's employees, agents, partners, customers, users, and/or suppliers directly infringe and continue to directly infringe at least one or more claims of the '809 patent, literally and/or under the doctrine of equivalents.

216. On information and belief, Defendant's employees, agents, partners, customers, users, and/or suppliers have in the past and continue to make, provide, use, test, distribute, sell, offer to sell, advertise, and/or import the Accused Instrumentalities in the United States.

217. On information and belief, Defendant had actual knowledge of the Patents-in-Suit or was at least willfully blind as to their existence, and also had actual knowledge or was at least willfully blind that its actions would cause its employees, agents, partners, customers, users, and/or suppliers to infringe, by no later than January 2019. Defendant was also made aware of the '809 patent and its infringement through the filing and service of this Complaint.

218. On information and belief, since the date of issuance of the patent, and by no later than the filing and service of this Complaint, Defendant has induced infringement and continues to induce infringement of the '809 patent under 35 U.S.C. § 271(b).

219. On information and belief, Defendant makes, provides, uses, tests, distributes, sells, offers to sell, advertises, and/or imports the Accused Instrumentalities as part of Defendant's knowing and intentional inducement of Defendant's employees, agents, partners, customers, users, and/or suppliers to directly infringe one or more of the asserted claims of the '809 patent by directing, encouraging, instructing, supporting, and aiding those persons to make, use, sell, or offer to sell the Accused Instrumentalities in a manner that infringes. On information and belief, Defendant acted with intent to cause direct infringement. Specifically, Defendant had actual knowledge of the Patents-in-Suit or was at least willfully blind as to their existence, and also had actual knowledge or was at least willfully blind that its actions would cause its employees, agents, partners, customers, users, and/or suppliers to directly infringe.

220. On information and belief, Defendant has taken active steps to induce infringement of the asserted claims of the '809 patent, such as the providing of instruction materials, engineering support, customer support, customer training, and other services for Defendant's employees, agents, partners, customers, users, and/or suppliers regarding the features, functions, operation, and use of the Accused Instrumentalities. As examples, Defendant provides User Guides for the

Accused Instrumentalities on the PowerFleet website, as referenced above, and provides the product literature described and cited in the claim chart attached hereto as Exhibit B-6.

221. On information and belief, since the date of issuance of the patent, and by no later than the filing and service of this Complaint, Defendant has contributed to and continues to contribute to infringement of the '809 patent under 35 U.S.C. § 271(c).

222. On information and belief, Defendant makes, provides, uses, tests, distributes, sells, offers to sell, advertises, and/or imports components of a location tracking system that constitute a material part of the invention claimed in the '809 patent, knowing the same to be especially made or especially adapted for use in an infringement of the patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

223. PerDiem has been and continues to be damaged by Defendant's infringement of the '809 patent.

224. On information and belief, since the date of issuance of the patent, and by no later than the filing and service of this Complaint, Defendant has willfully infringed the '809 patent.

225. On information and belief, the conduct by Defendant in infringing the '809 patent renders this case exceptional within the meaning of 35 U.S.C. § 285.

226. On information and belief, Defendant has had at least the following policies or practices that make its infringement of the '809 patent willful and make this an exceptional case: (1) not substantively investigating or responding to written notices of patent infringement; (2) not conducting sufficient due diligence to determine whether a company, business, and product line it was acquiring was infringing or had been accused of infringement; and (3) continuing with infringing acts if products or components used by Defendant to infringe were supplied to it by a third party.

227. The claim chart for the '809 patent (Exhibit B-6) is provided solely for the purpose of satisfying the notice requirements of Rule 8(a)(2) of the Federal Rule of Civil Procedure. No part of the claim chart construes, or is intended to construe, the claims, specification, or prosecution history of the '809 patent. The claim chart does not represent PerDiem's preliminary or final infringement contentions, and PerDiem reserves the right to modify its infringement positions as discovery progresses in this case. The claim chart does not limit, and is not intended to limit, PerDiem's positions or contentions on claim construction, infringement, or validity.

COUNT VII – INFRINGEMENT OF THE '038 PATENT

228. Paragraphs 1 through 125 are incorporated by reference as if fully set forth herein.

229. On information and belief, Defendant directly infringes and continues to directly infringe under 35 U.S.C. § 271(a) at least one or more claims of the '038 patent, literally and/or under the doctrine of equivalents.

230. On information and belief, Defendant has in the past and continues to make, provide, use, test, distribute, sell, offer to sell, advertise, and/or import the Accused Instrumentalities in the United States.

231. An exemplary claim chart attached hereto as Exhibit B-7 and incorporated by reference herein details the correspondence of every element of claim 1 of the '038 patent with features of the Accused Instrumentalities.

232. On information and belief, Defendant's employees, agents, partners, customers, users, and/or suppliers directly infringe and continue to directly infringe at least one or more claims of the '038 patent, literally and/or under the doctrine of equivalents.

233. On information and belief, Defendant's employees, agents, partners, customers, users, and/or suppliers have in the past and continue to make, provide, use, test, distribute, sell, offer to sell, advertise, and/or import the Accused Instrumentalities in the United States.

234. On information and belief, Defendant had actual knowledge of the Patents-in-Suit or was at least willfully blind as to their existence, and also had actual knowledge or was at least willfully blind that its actions would cause its employees, agents, partners, customers, users, and/or suppliers to infringe, by no later than January 2019. Defendant was also made aware of the '038 patent and its infringement through the filing and service of this Complaint.

235. On information and belief, since the date of issuance of the patent, and by no later than the filing and service of this Complaint, Defendant has induced infringement and continues to induce infringement of the '038 patent under 35 U.S.C. § 271(b).

236. On information and belief, Defendant makes, provides, uses, tests, distributes, sells, offers to sell, advertises, and/or imports the Accused Instrumentalities as part of Defendant's knowing and intentional inducement of Defendant's employees, agents, partners, customers, users, and/or suppliers to directly infringe one or more of the asserted claims of the '038 patent by directing, encouraging, instructing, supporting, and aiding those persons to make, use, sell, or offer to sell the Accused Instrumentalities in a manner that infringes. On information and belief, Defendant acted with intent to cause direct infringement. Specifically, Defendant had actual knowledge of the Patents-in-Suit or was at least willfully blind as to their existence, and also had actual knowledge or was at least willfully blind that its actions would cause its employees, agents, partners, customers, users, and/or suppliers to directly infringe.

237. On information and belief, Defendant has taken active steps to induce infringement of the asserted claims of the '038 patent, such as the providing of instruction materials, engineering support, customer support, customer training, and other services for Defendant's employees, agents, partners, customers, users, and/or suppliers regarding the features, functions, operation, and use of the Accused Instrumentalities. As examples, Defendant provides User Guides for the

Accused Instrumentalities on the PowerFleet website, as referenced above, and provides the product literature described and cited in the claim chart attached hereto as Exhibit B-7.

238. On information and belief, since the date of issuance of the patent, and by no later than the filing and service of this Complaint, Defendant has contributed to and continues to contribute to infringement of the '038 patent under 35 U.S.C. § 271(c).

239. On information and belief, Defendant makes, provides, uses, tests, distributes, sells, offers to sell, advertises, and/or imports components of a location tracking system that constitute a material part of the invention claimed in the '038 patent, knowing the same to be especially made or especially adapted for use in an infringement of the patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

240. PerDiem has been and continues to be damaged by Defendant's infringement of the '038 patent.

241. On information and belief, since the date of issuance of the patent, and by no later than the filing and service of this Complaint, Defendant has willfully infringed the '038 patent.

242. On information and belief, the conduct by Defendant in infringing the '038 patent renders this case exceptional within the meaning of 35 U.S.C. § 285.

243. On information and belief, Defendant has had at least the following policies or practices that make its infringement of the '038 patent willful and make this an exceptional case: (1) not substantively investigating or responding to written notices of patent infringement; (2) not conducting sufficient due diligence to determine whether a company, business, and product line it was acquiring was infringing or had been accused of infringement; and (3) continuing with infringing acts if products or components used by Defendant to infringe were supplied to it by a third party.

244. The claim chart for the '038 patent (Exhibit B-7) is provided solely for the purpose of satisfying the notice requirements of Rule 8(a)(2) of the Federal Rule of Civil Procedure. No part of the claim chart construes, or is intended to construe, the claims, specification, or prosecution history of the '038 patent. The claim chart does not represent PerDiem's preliminary or final infringement contentions, and PerDiem reserves the right to modify its infringement positions as discovery progresses in this case. The claim chart does not limit, and is not intended to limit, PerDiem's positions or contentions on claim construction, infringement, or validity.

COUNT VIII – INFRINGEMENT OF THE '237 PATENT

245. Paragraphs 1 through 125 are incorporated by reference as if fully set forth herein.

246. On information and belief, Defendant directly infringes and continues to directly infringe under 35 U.S.C. § 271(a) at least one or more claims of the '237 patent, literally and/or under the doctrine of equivalents.

247. On information and belief, Defendant has in the past and continues to make, provide, use, test, distribute, sell, offer to sell, advertise, and/or import the Accused Instrumentalities in the United States.

248. An exemplary claim chart attached hereto as Exhibit B-8 and incorporated by reference herein details the correspondence of every element of claims 1 of the '237 patent with features of the Accused Instrumentalities.

249. On information and belief, Defendant's employees, agents, partners, customers, users, and/or suppliers directly infringe and continue to directly infringe at least one or more claims of the '237 patent, literally and/or under the doctrine of equivalents.

250. On information and belief, Defendant's employees, agents, partners, customers, users, and/or suppliers have in the past and continue to make, provide, use, test, distribute, sell, offer to sell, advertise, and/or import the Accused Instrumentalities in the United States.

251. On information and belief, Defendant had actual knowledge of the Patents-in-Suit or was at least willfully blind as to their existence, and also had actual knowledge or was at least willfully blind that its actions would cause its employees, agents, partners, customers, users, and/or suppliers to infringe, by no later than January 2019. Defendant was also made aware of the '237 patent and its infringement through the filing and service of this Complaint.

252. On information and belief, since the date of issuance of the patent, and by no later than the filing and service of this Complaint, Defendant has induced infringement and continues to induce infringement of the '237 patent under 35 U.S.C. § 271(b).

253. On information and belief, Defendant makes, provides, uses, tests, distributes, sells, offers to sell, advertises, and/or imports the Accused Instrumentalities as part of Defendant's knowing and intentional inducement of Defendant's employees, agents, partners, customers, users, and/or suppliers to directly infringe one or more of the asserted claims of the '237 patent by directing, encouraging, instructing, supporting, and aiding those persons to make, use, sell, or offer to sell the Accused Instrumentalities in a manner that infringes. On information and belief, Defendant acted with intent to cause direct infringement. Specifically, Defendant had actual knowledge of the Patents-in-Suit or was at least willfully blind as to their existence, and also had actual knowledge or was at least willfully blind that its actions would cause its employees, agents, partners, customers, users, and/or suppliers to directly infringe.

254. On information and belief, Defendant has taken active steps to induce infringement of the asserted claims of the '237 patent, such as the providing of instruction materials, engineering

support, customer support, customer training, and other services for Defendant's employees, agents, partners, customers, users, and/or suppliers regarding the features, functions, operation, and use of the Accused Instrumentalities. As examples, Defendant provides User Guides for the Accused Instrumentalities on the PowerFleet website, as referenced above, and provides the product literature described and cited in the claim chart attached hereto as Exhibit B-8.

255. On information and belief, since the date of issuance of the patent, and by no later than the filing and service of this Complaint, Defendant has contributed to and continues to contribute to infringement of the '237 patent under 35 U.S.C. § 271(c).

256. On information and belief, Defendant makes, provides, uses, tests, distributes, sells, offers to sell, advertises, and/or imports components of a location tracking system that constitute a material part of the invention claimed in the '237 patent, knowing the same to be especially made or especially adapted for use in an infringement of the patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

257. PerDiem has been and continues to be damaged by Defendant's infringement of the '237 patent.

258. On information and belief, since the date of issuance of the patent, and by no later than the filing and service of this Complaint, Defendant has willfully infringed the '237 patent.

259. On information and belief, the conduct by Defendant in infringing the '237 patent renders this case exceptional within the meaning of 35 U.S.C. § 285.

260. On information and belief, Defendant has had at least the following policies or practices that make its infringement of the '237 patent willful and make this an exceptional case: (1) not substantively investigating or responding to written notices of patent infringement; (2) not conducting sufficient due diligence to determine whether a company, business, and product line it

was acquiring was infringing or had been accused of infringement; and (3) continuing with infringing acts if products or components used by Defendant to infringe were supplied to it by a third party.

261. The claim chart for the '237 patent (Exhibit B-8) is provided solely for the purpose of satisfying the notice requirements of Rule 8(a)(2) of the Federal Rule of Civil Procedure. No part of the claim chart construes, or is intended to construe, the claims, specification, or prosecution history of the '237 patent. The claim chart does not represent PerDiem's preliminary or final infringement contentions, and PerDiem reserves the right to modify its infringement positions as discovery progresses in this case. The claim chart does not limit, and is not intended to limit, PerDiem's positions or contentions on claim construction, infringement, or validity.

COUNT IX – INFRINGEMENT OF THE '937 PATENT

262. Paragraphs 1 through 125 are incorporated by reference as if fully set forth herein.

263. On information and belief, Defendant directly infringes and continues to directly infringe under 35 U.S.C. § 271(a) at least one or more claims of the '937 patent, literally and/or under the doctrine of equivalents.

264. On information and belief, Defendant has in the past and continues to make, provide, use, test, distribute, sell, offer to sell, advertise, and/or import the Accused Instrumentalities in the United States.

265. An exemplary claim chart attached hereto as Exhibit B-9 and incorporated by reference herein details the correspondence of every element of claim1 of the '937 patent with features of the Accused Instrumentalities.

266. On information and belief, Defendant's employees, agents, partners, customers, users, and/or suppliers directly infringe and continue to directly infringe at least one or more claims of the '937 patent, literally and/or under the doctrine of equivalents.

267. On information and belief, Defendant's employees, agents, partners, customers, users, and/or suppliers have in the past and continue to make, provide, use, test, distribute, sell, offer to sell, advertise, and/or import the Accused Instrumentalities in the United States.

268. On information and belief, Defendant had actual knowledge of the Patents-in-Suit or was at least willfully blind as to their existence, and also had actual knowledge or was at least willfully blind that its actions would cause its employees, agents, partners, customers, users, and/or suppliers to infringe, by no later than January 2019. Defendant was also made aware of the '937 patent and its infringement through the filing and service of this Complaint.

269. On information and belief, since the date of issuance of the patent, and by no later than the filing and service of this Complaint, Defendant has induced infringement and continues to induce infringement of the '937 patent under 35 U.S.C. § 271(b).

270. On information and belief, Defendant makes, provides, uses, tests, distributes, sells, offers to sell, advertises, and/or imports the Accused Instrumentalities as part of Defendant's knowing and intentional inducement of Defendant's employees, agents, partners, customers, users, and/or suppliers to directly infringe one or more of the asserted claims of the '937 patent by directing, encouraging, instructing, supporting, and aiding those persons to make, use, sell, or offer to sell the Accused Instrumentalities in a manner that infringes. On information and belief, Defendant acted with intent to cause direct infringement. Specifically, Defendant had actual knowledge of the Patents-in-Suit or was at least willfully blind as to their existence, and also had actual knowledge or was at least willfully blind that its actions would cause its employees, agents, partners, customers, users, and/or suppliers to directly infringe.

271. On information and belief, Defendant has taken active steps to induce infringement of the asserted claims of the '937 patent, such as the providing of instruction materials, engineering

support, customer support, customer training, and other services for Defendant's employees, agents, partners, customers, users, and/or suppliers regarding the features, functions, operation, and use of the Accused Instrumentalities. As examples, Defendant provides User Guides for the Accused Instrumentalities on the PowerFleet website, as referenced above, and provides the product literature described and cited in the claim chart attached hereto as Exhibit B-9.

272. On information and belief, since the date of issuance of the patent, and by no later than the filing and service of this Complaint, Defendant has contributed to and continues to contribute to infringement of the '937 patent under 35 U.S.C. § 271(c).

273. On information and belief, Defendant makes, provides, uses, tests, distributes, sells, offers to sell, advertises, and/or imports components of a location tracking system that constitute a material part of the invention claimed in the '937 patent, knowing the same to be especially made or especially adapted for use in an infringement of the patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

274. PerDiem has been and continues to be damaged by Defendant's infringement of the '937 patent.

275. On information and belief, since the date of issuance of the patent, and by no later than the filing and service of this Complaint, Defendant has willfully infringed the '937 patent.

276. On information and belief, the conduct by Defendant in infringing the '937 patent renders this case exceptional within the meaning of 35 U.S.C. § 285.

277. On information and belief, Defendant has had at least the following policies or practices that make its infringement of the '937 patent willful and make this an exceptional case: (1) not substantively investigating or responding to written notices of patent infringement; (2) not conducting sufficient due diligence to determine whether a company, business, and product line it

was acquiring was infringing or had been accused of infringement; and (3) continuing with infringing acts if products or components used by Defendant to infringe were supplied to it by a third party.

278. The claim chart for the '937 patent (Exhibit B-9) is provided solely for the purpose of satisfying the notice requirements of Rule 8(a)(2) of the Federal Rule of Civil Procedure. No part of the claim chart construes, or is intended to construe, the claims, specification, or prosecution history of the '937 patent. The claim chart does not represent PerDiem's preliminary or final infringement contentions, and PerDiem reserves the right to modify its infringement positions as discovery progresses in this case. The claim chart does not limit, and is not intended to limit, PerDiem's positions or contentions on claim construction, infringement, or validity.

COUNT X – INFRINGEMENT OF THE '595 PATENT

279. Paragraphs 1 through 125 are incorporated by reference as if fully set forth herein.

280. On information and belief, Defendant directly infringes and continues to directly infringe under 35 U.S.C. § 271(a) at least one or more claims of the '595 patent, literally and/or under the doctrine of equivalents.

281. On information and belief, Defendant has in the past and continues to make, provide, use, test, distribute, sell, offer to sell, advertise, and/or import the Accused Instrumentalities in the United States.

282. An exemplary claim chart attached hereto as Exhibit B-10 and incorporated by reference herein details the correspondence of every element of claim 1 of the '595 patent with features of the Accused Instrumentalities.

283. On information and belief, Defendant's employees, agents, partners, customers, users, and/or suppliers directly infringe and continue to directly infringe at least one or more claims of the '595 patent, literally and/or under the doctrine of equivalents.

284. On information and belief, Defendant's employees, agents, partners, customers, users, and/or suppliers have in the past and continue to make, provide, use, test, distribute, sell, offer to sell, advertise, and/or import the Accused Instrumentalities in the United States.

285. On information and belief, Defendant had actual knowledge of the Patents-in-Suit or was at least willfully blind as to their existence, and also had actual knowledge or was at least willfully blind that its actions would cause its employees, agents, partners, customers, users, and/or suppliers to infringe, by no later than January 2019. Defendant was also made aware of the '585 patent and its infringement through the filing and service of this Complaint.

286. On information and belief, since the date of issuance of the patent, and by no later than the filing and service of this Complaint, Defendant has induced infringement and continues to induce infringement of the '595 patent under 35 U.S.C. § 271(b).

287. On information and belief, Defendant makes, provides, uses, tests, distributes, sells, offers to sell, advertises, and/or imports the Accused Instrumentalities as part of Defendant's knowing and intentional inducement of Defendant's employees, agents, partners, customers, users, and/or suppliers to directly infringe one or more of the asserted claims of the '595 patent by directing, encouraging, instructing, supporting, and aiding those persons to make, use, sell, or offer to sell the Accused Instrumentalities in a manner that infringes. On information and belief, Defendant acted with intent to cause direct infringement. Specifically, Defendant had actual knowledge of the Patents-in-Suit or was at least willfully blind as to their existence, and also had

actual knowledge or was at least willfully blind that its actions would cause its employees, agents, partners, customers, users, and/or suppliers to directly infringe.

288. On information and belief, Defendant has taken active steps to induce infringement of the asserted claims of the '595 patent, such as the providing of instruction materials, engineering support, customer support, customer training, and other services for Defendant's employees, agents, partners, customers, users, and/or suppliers regarding the features, functions, operation, and use of the Accused Instrumentalities. As examples, Defendant provides User Guides for the Accused Instrumentalities on the PowerFleet website, as referenced above, and provides the product literature described and cited in the claim chart attached hereto as Exhibit B-10.

289. On information and belief, since the date of issuance of the patent, and by no later than the filing and service of this Complaint, Defendant has contributed to and continues to contribute to infringement of the '595 patent under 35 U.S.C. § 271(c).

290. On information and belief, Defendant makes, provides, uses, tests, distributes, sells, offers to sell, advertises, and/or imports components of a location tracking system that constitute a material part of the invention claimed in the '595 patent, knowing the same to be especially made or especially adapted for use in an infringement of the patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

291. PerDiem has been and continues to be damaged by Defendant's infringement of the '595 patent.

292. On information and belief, since the date of issuance of the patent, and by no later than the filing and service of this Complaint, Defendant has willfully infringed the '595 patent.

293. On information and belief, the conduct by Defendant in infringing the '595 patent renders this case exceptional within the meaning of 35 U.S.C. § 285.

294. On information and belief, Defendant has had at least the following policies or practices that make its infringement of the '595 patent willful and make this an exceptional case: (1) not substantively investigating or responding to written notices of patent infringement; (2) not conducting sufficient due diligence to determine whether a company, business, and product line it was acquiring was infringing or had been accused of infringement; and (3) continuing with infringing acts if products or components used by Defendant to infringe were supplied to it by a third party.

295. The claim chart for the '595 patent (Exhibit B-10) is provided solely for the purpose of satisfying the notice requirements of Rule 8(a)(2) of the Federal Rule of Civil Procedure. No part of the claim chart construes, or is intended to construe, the claims, specification, or prosecution history of the '595 patent. The claim chart does not represent PerDiem's preliminary or final infringement contentions, and PerDiem reserves the right to modify its infringement positions as discovery progresses in this case. The claim chart does not limit, and is not intended to limit, PerDiem's positions or contentions on claim construction, infringement, or validity.

COUNT XI – INFRINGEMENT OF THE '662 PATENT

296. Paragraphs 1 through 125 are incorporated by reference as if fully set forth herein.

297. On information and belief, Defendant directly infringes and continues to directly infringe under 35 U.S.C. § 271(a) at least one or more claims of the '662 patent, literally and/or under the doctrine of equivalents.

298. On information and belief, Defendant has in the past and continues to make, provide, use, test, distribute, sell, offer to sell, advertise, and/or import the Accused Instrumentalities in the United States.

299. An exemplary claim chart attached hereto as Exhibit B-11 and incorporated by reference herein details the correspondence of every element of claim 1 of the '662 patent with features of the Accused Instrumentalities.

300. On information and belief, Defendant's employees, agents, partners, customers, users, and/or suppliers directly infringe and continue to directly infringe at least one or more claims of the '662 patent, literally and/or under the doctrine of equivalents.

301. On information and belief, Defendant's employees, agents, partners, customers, users, and/or suppliers have in the past and continue to make, provide, use, test, distribute, sell, offer to sell, advertise, and/or import the Accused Instrumentalities in the United States.

302. On information and belief, Defendant had actual knowledge of the Patents-in-Suit or was at least willfully blind as to their existence, and also had actual knowledge or was at least willfully blind that its actions would cause its employees, agents, partners, customers, users, and/or suppliers to infringe, by no later than January 2019. Defendant was also made aware of the '662 patent and its infringement through the filing and service of this Complaint.

303. On information and belief, since the date of issuance of the patent, and by no later than the filing and service of this Complaint, Defendant has induced infringement and continues to induce infringement of the '662 patent under 35 U.S.C. § 271(b).

304. On information and belief, Defendant makes, provides, uses, tests, distributes, sells, offers to sell, advertises, and/or imports the Accused Instrumentalities as part of Defendant's knowing and intentional inducement of Defendant's employees, agents, partners, customers, users, and/or suppliers to directly infringe one or more of the asserted claims of the '662 patent by directing, encouraging, instructing, supporting, and aiding those persons to make, use, sell, or offer to sell the Accused Instrumentalities in a manner that infringes. On information and belief,

Defendant acted with intent to cause direct infringement. Specifically, Defendant had actual knowledge of the Patents-in-Suit or was at least willfully blind as to their existence, and also had actual knowledge or was at least willfully blind that its actions would cause its employees, agents, partners, customers, users, and/or suppliers to directly infringe.

305. On information and belief, Defendant has taken active steps to induce infringement of the asserted claims of the '662 patent, such as the providing of instruction materials, engineering support, customer support, customer training, and other services for Defendant's employees, agents, partners, customers, users, and/or suppliers regarding the features, functions, operation, and use of the Accused Instrumentalities. As examples, Defendant provides User Guides for the Accused Instrumentalities on the PowerFleet website, as referenced above, and provides the product literature described and cited in the claim chart attached hereto as Exhibit B-11.

306. On information and belief, since the date of issuance of the patent, and by no later than the filing and service of this Complaint, Defendant has contributed to and continues to contribute to infringement of the '662 patent under 35 U.S.C. § 271(c).

307. On information and belief, Defendant makes, provides, uses, tests, distributes, sells, offers to sell, advertises, and/or imports components of a location tracking system that constitute a material part of the invention claimed in the '662 patent, knowing the same to be especially made or especially adapted for use in an infringement of the patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

308. PerDiem has been and continues to be damaged by Defendant's infringement of the '662 patent.

309. On information and belief, since the date of issuance of the patent, and by no later than the filing and service of this Complaint, Defendant has willfully infringed the '662 patent.

310. On information and belief, the conduct by Defendant in infringing the '662 patent renders this case exceptional within the meaning of 35 U.S.C. § 285.

311. On information and belief, Defendant has had at least the following policies or practices that make its infringement of the '662 patent willful and make this an exceptional case: (1) not substantively investigating or responding to written notices of patent infringement; (2) not conducting sufficient due diligence to determine whether a company, business, and product line it was acquiring was infringing or had been accused of infringement; and (3) continuing with infringing acts if products or components used by Defendant to infringe were supplied to it by a third party.

312. The claim chart for the '662 patent (Exhibit B-11) is provided solely for the purpose of satisfying the notice requirements of Rule 8(a)(2) of the Federal Rule of Civil Procedure. No part of the claim chart construes, or is intended to construe, the claims, specification, or prosecution history of the '662 patent. The claim chart does not represent PerDiem's preliminary or final infringement contentions, and PerDiem reserves the right to modify its infringement positions as discovery progresses in this case. The claim chart does not limit, and is not intended to limit, PerDiem's positions or contentions on claim construction, infringement, or validity.

COUNT XII – INFRINGEMENT OF THE '689 PATENT

313. Paragraphs 1 through 125 are incorporated by reference as if fully set forth herein.

314. On information and belief, Defendant directly infringes and continues to directly infringe under 35 U.S.C. § 271(a) at least one or more claims of the '689 patent, literally and/or under the doctrine of equivalents.

315. On information and belief, Defendant has in the past and continues to make, provide, use, test, distribute, sell, offer to sell, advertise, and/or import the Accused Instrumentalities in the United States.

316. An exemplary claim chart attached hereto as Exhibit B-12 and incorporated by reference herein details the correspondence of every element of claim 1 of the '689 patent with features of the Accused Instrumentalities.

317. On information and belief, Defendant's employees, agents, partners, customers, users, and/or suppliers directly infringe and continue to directly infringe at least one or more claims of the '689 patent, literally and/or under the doctrine of equivalents.

318. On information and belief, Defendant's employees, agents, partners, customers, users, and/or suppliers have in the past and continue to make, provide, use, test, distribute, sell, offer to sell, advertise, and/or import the Accused Instrumentalities in the United States.

319. On information and belief, Defendant had actual knowledge of the Patents-in-Suit or was at least willfully blind as to their existence, and also had actual knowledge or was at least willfully blind that its actions would cause its employees, agents, partners, customers, users, and/or suppliers to infringe, by no later than January 2019. Defendant was also made aware of the '689 patent and its infringement through the filing and service of this Complaint.

320. On information and belief, since the date of issuance of the patent, and by no later than the filing and service of this Complaint, Defendant has induced infringement and continues to induce infringement of the '689 patent under 35 U.S.C. § 271(b).

321. On information and belief, Defendant makes, provides, uses, tests, distributes, sells, offers to sell, advertises, and/or imports the Accused Instrumentalities as part of Defendant's knowing and intentional inducement of Defendant's employees, agents, partners, customers, users, and/or suppliers to directly infringe one or more of the asserted claims of the '689 patent by directing, encouraging, instructing, supporting, and aiding those persons to make, use, sell, or offer to sell the Accused Instrumentalities in a manner that infringes. On information and belief,

Defendant acted with intent to cause direct infringement. Specifically, Defendant had actual knowledge of the Patents-in-Suit or was at least willfully blind as to their existence, and also had actual knowledge or was at least willfully blind that its actions would cause its employees, agents, partners, customers, users, and/or suppliers to directly infringe.

322. On information and belief, Defendant has taken active steps to induce infringement of the asserted claims of the '689 patent, such as the providing of instruction materials, engineering support, customer support, customer training, and other services for Defendant's employees, agents, partners, customers, users, and/or suppliers regarding the features, functions, operation, and use of the Accused Instrumentalities. As examples, Defendant provides User Guides for the Accused Instrumentalities on the PowerFleet website, as referenced above, and provides the product literature described and cited in the claim chart attached hereto as Exhibit B-12.

323. On information and belief, since the date of issuance of the patent, and by no later than the filing and service of this Complaint, Defendant has contributed to and continues to contribute to infringement of the '689 patent under 35 U.S.C. § 271(c).

324. On information and belief, Defendant makes, provides, uses, tests, distributes, sells, offers to sell, advertises, and/or imports components of a location tracking system that constitute a material part of the invention claimed in the '689 patent, knowing the same to be especially made or especially adapted for use in an infringement of the patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

325. PerDiem has been and continues to be damaged by Defendant's infringement of the '689 patent.

326. On information and belief, since the date of issuance of the patent, and by no later than the filing and service of this Complaint, Defendant has willfully infringed the '689 patent.

327. On information and belief, the conduct by Defendant in infringing the '689 patent renders this case exceptional within the meaning of 35 U.S.C. § 285.

328. On information and belief, Defendant has had at least the following policies or practices that make its infringement of the '689 patent willful and make this an exceptional case: (1) not substantively investigating or responding to written notices of patent infringement; (2) not conducting sufficient due diligence to determine whether a company, business, and product line it was acquiring was infringing or had been accused of infringement; and (3) continuing with infringing acts if products or components used by Defendant to infringe were supplied to it by a third party.

329. The claim chart for the '689 patent (Exhibit B-12) is provided solely for the purpose of satisfying the notice requirements of Rule 8(a)(2) of the Federal Rule of Civil Procedure. No part of the claim chart construes, or is intended to construe, the claims, specification, or prosecution history of the '689 patent. The claim chart does not represent PerDiem's preliminary or final infringement contentions, and PerDiem reserves the right to modify its infringement positions as discovery progresses in this case. The claim chart does not limit, and is not intended to limit, PerDiem's positions or contentions on claim construction, infringement, or validity.

COUNT XIII – INFRINGEMENT OF THE '966 PATENT

330. Paragraphs 1 through 125 are incorporated by reference as if fully set forth herein.

331. On information and belief, Defendant directly infringes and continues to directly infringe under 35 U.S.C. § 271(a) at least one or more claims of the '966 patent, literally and/or under the doctrine of equivalents.

332. On information and belief, Defendant has in the past and continues to make, provide, use, test, distribute, sell, offer to sell, advertise, and/or import the Accused Instrumentalities in the United States.

333. An exemplary claim chart attached hereto as Exhibit B-13 and incorporated by reference herein details the correspondence of every element of claim 1 of the '966 patent with features of the Accused Instrumentalities.

334. On information and belief, Defendant's employees, agents, partners, customers, users, and/or suppliers directly infringe and continue to directly infringe at least one or more claims of the '966 patent, literally and/or under the doctrine of equivalents.

335. On information and belief, Defendant's employees, agents, partners, customers, users, and/or suppliers have in the past and continue to make, provide, use, test, distribute, sell, offer to sell, advertise, and/or import the Accused Instrumentalities in the United States.

336. On information and belief, Defendant had actual knowledge of the Patents-in-Suit or was at least willfully blind as to their existence, and also had actual knowledge or was at least willfully blind that its actions would cause its employees, agents, partners, customers, users, and/or suppliers to infringe, by no later than January 2019. Defendant was also made aware of the '966 patent and its infringement through the filing and service of this Complaint.

337. On information and belief, since the date of issuance of the patent, and by no later than the filing and service of this Complaint, Defendant has induced infringement and continues to induce infringement of the '966 patent under 35 U.S.C. § 271(b).

338. On information and belief, Defendant makes, provides, uses, tests, distributes, sells, offers to sell, advertises, and/or imports the Accused Instrumentalities as part of Defendant's knowing and intentional inducement of Defendant's employees, agents, partners, customers, users, and/or suppliers to directly infringe one or more of the asserted claims of the '966 patent by directing, encouraging, instructing, supporting, and aiding those persons to make, use, sell, or offer to sell the Accused Instrumentalities in a manner that infringes. On information and belief,

Defendant acted with intent to cause direct infringement. Specifically, Defendant had actual knowledge of the Patents-in-Suit or was at least willfully blind as to their existence, and also had actual knowledge or was at least willfully blind that its actions would cause its employees, agents, partners, customers, users, and/or suppliers to directly infringe.

339. On information and belief, Defendant has taken active steps to induce infringement of the asserted claims of the '966 patent, such as the providing of instruction materials, engineering support, customer support, customer training, and other services for Defendant's employees, agents, partners, customers, users, and/or suppliers regarding the features, functions, operation, and use of the Accused Instrumentalities. As examples, Defendant provides User Guides for the Accused Instrumentalities on the PowerFleet website, as referenced above, and provides the product literature described and cited in the claim chart attached hereto as Exhibit B-13.

340. On information and belief, since the date of issuance of the patent, and by no later than the filing and service of this Complaint, Defendant has contributed to and continues to contribute to infringement of the '966 patent under 35 U.S.C. § 271(c).

341. On information and belief, Defendant makes, provides, uses, tests, distributes, sells, offers to sell, advertises, and/or imports components of a location tracking system that constitute a material part of the invention claimed in the '966 patent, knowing the same to be especially made or especially adapted for use in an infringement of the patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

342. PerDiem has been and continues to be damaged by Defendant's infringement of the '966 patent.

343. On information and belief, since the date of issuance of the patent, and by no later than the filing and service of this Complaint, Defendant has willfully infringed the '966 patent.

344. On information and belief, the conduct by Defendant in infringing the '966 patent renders this case exceptional within the meaning of 35 U.S.C. § 285.

345. On information and belief, Defendant has had at least the following policies or practices that make its infringement of the '966 patent willful and make this an exceptional case: (1) not substantively investigating or responding to written notices of patent infringement; (2) not conducting sufficient due diligence to determine whether a company, business, and product line it was acquiring was infringing or had been accused of infringement; and (3) continuing with infringing acts if products or components used by Defendant to infringe were supplied to it by a third party.

346. The claim chart for the '966 patent (Exhibit B-13) is provided solely for the purpose of satisfying the notice requirements of Rule 8(a)(2) of the Federal Rule of Civil Procedure. No part of the claim chart construes, or is intended to construe, the claims, specification, or prosecution history of the '966 patent. The claim chart does not represent PerDiem's preliminary or final infringement contentions, and PerDiem reserves the right to modify its infringement positions as discovery progresses in this case. The claim chart does not limit, and is not intended to limit, PerDiem's positions or contentions on claim construction, infringement, or validity.

JURY DEMAND

347. Pursuant to Rule 38 of the Federal Rules of Civil Procedure, PerDiem demands a trial by jury on all issues triable as such.

PRAYER FOR RELIEF

WHEREFORE, PerDiem demands judgment for itself and against Defendant as follows:

- A. An adjudication that Defendant has infringed each of the Patents-in-Suit;
- B. An award of damages under 35 U.S.C. § 284 adequate to compensate PerDiem for Defendant's past infringement and any continuing or future infringement, including pre-judgment

and post-judgment interest, costs, expenses, and an accounting;

C. An adjudication that Defendant's past infringement was willful, and that Defendant's continued infringement is willful;

D. An award of enhanced damages by reason of Defendant's willful infringement;

E. A declaration that this case is exceptional under 35 U.S.C. § 285;

F. An award of reasonable attorney fees to PerDiem;

G. An injunction against Defendant from making, using, selling, offering to sell, or importing any products or services that infringe; and

H. An award to PerDiem of such further relief at law or in equity as the Court deems just and proper.

Dated: February 29, 2024

Respectfully submitted,

/s/ James D. Berquist

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