

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

OBD SENSOR SOLUTIONS LLC,

Plaintiff,

v.

FIXD AUTOMOTIVE, INC.,

Defendant.

CIVIL ACTION NO. \_\_\_\_\_

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff OBD Sensor Solutions LLC (“OBD Sensor Solutions” or “Plaintiff”) files this complaint against Defendant FIXD Automotive, Inc. (“FIXD Automotive” or “Defendant”) alleging, based on its own knowledge as to itself and its own actions, and based on information and belief as to all other matters, as follows:

**NATURE OF THE ACTION**

1. This is a patent infringement action to stop Defendant’s infringement of the following United States Patent (the “Asserted Patent”):

<b>U.S. Patent No.</b>	<b>Title</b>	<b>Available at</b>
7,146,346	Fuzzy-Logic On Board Device For Monitoring And Processing Motor Vehicle Operating Data	USPTO.GOV, <a href="https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/7146346">https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/7146346</a> .

2. OBD Sensor Solutions seeks monetary damages.

## **PARTIES**

3. OBD Sensor Solutions is a limited liability company organized under the laws of the State of Texas, with a place of business at 815 Brazos Street, Suite 500, Austin, Texas 78701-2509 (Travis County).

4. Defendant is a corporation organized under the laws of Delaware with its principal place of business at 999 Peachtree St, NE Suite 840, Atlanta, GA 30309.

5. Defendant may be served at 999 Peachtree St, NE Suite 840, Atlanta, GA 30309; or through its registered agent for service, Corporation Service Company, located at 251 Little Falls Drive, Wilmington, DE 19808 (New Castle).

## **JURISDICTION AND VENUE**

6. OBD Sensor Solutions repeats and re-alleges the allegations in the Paragraphs above as though fully set forth in their entirety.

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

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

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

10. Specifically, Defendant intends to do and did business in and has committed acts of infringement in this District directly, through intermediaries, by contributing to and through its inducement of third parties, and offers its products or services, including those accused of infringement here, to customers and potential customers located in this District.

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

12. Upon information and belief and based upon public information, Defendant owns, operates, manages, conducts business, directs and controls the operations of, and has employees that work from and out of, facilities at locations in this District.

13. Defendant has committed acts of infringement in this District and from its location in this District, including, but not limited to, selling, offering for sale, and

using the Accused Products.

14. Defendant has committed acts of induced infringement in this District, including, but not limited to inducement of infringement by its parents, subsidiaries, partners, affiliates, and end-users to use the Accused Products.

15. Defendant has committed acts of contributory infringement in this District, including, but not limited to contributing to infringement by its parents, subsidiaries, partners, affiliates, and end-users through their use of the Accused Products.

### **THE ACCUSED PRODUCTS**

16. OBD Sensor Solutions repeats and re-alleges the allegations in the Paragraphs above as though fully set forth in their entirety.

17. Based upon public information, Defendant makes, uses, sells and/or offers for sale its “FIXD” vehicle tracking devices along with associated software and applications, which monitor and process information and/or data related to the use and functioning of motor vehicles through use of an on-board diagnostic computer and associated inner network connecting vehicle sensors (the “Accused Products”).

*See generally* **Figures 1–5**; <https://www.fixd.com/>.



**Figure 1**

Source: FIXD.COM, <https://www.fixd.com/>.



**Figure 2**

Source: Screenshot of the FIXD OBD II device.



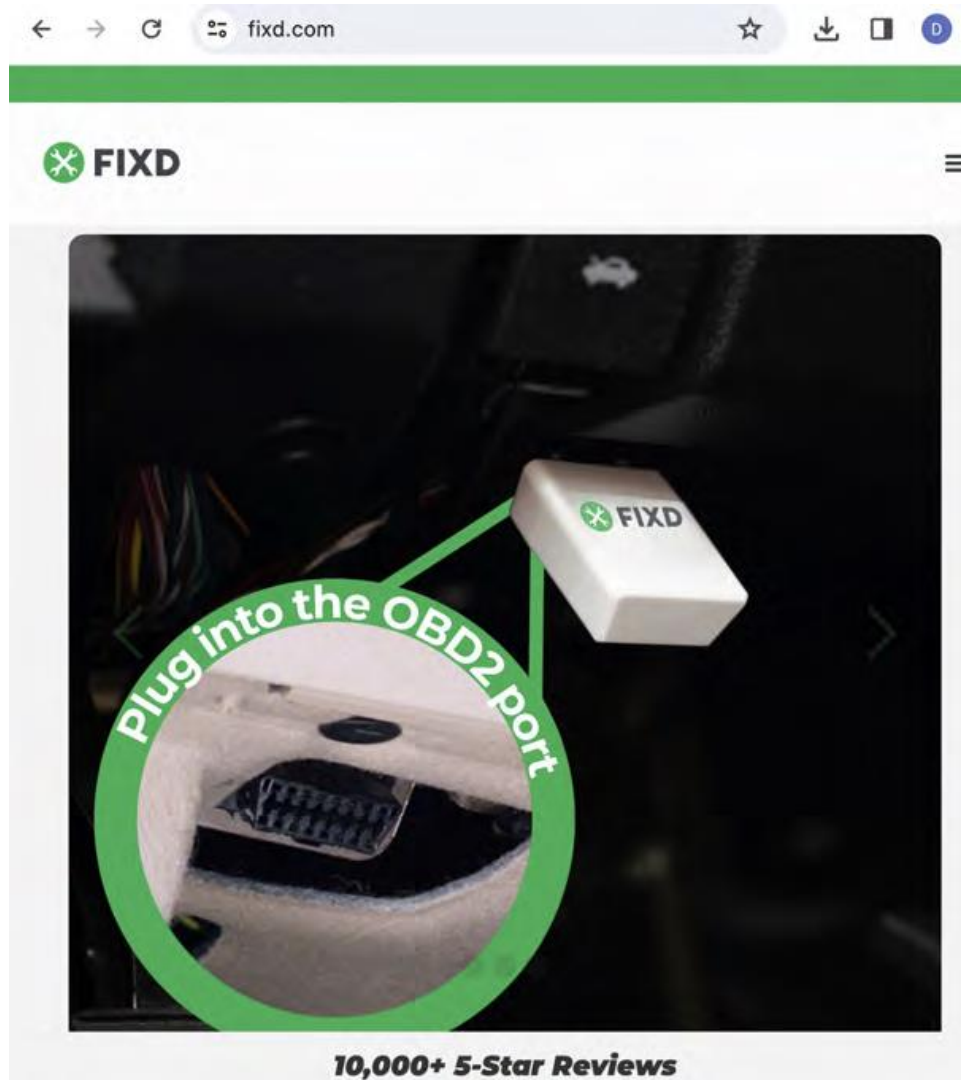
**Figure 3**

Source: Screenshot of the FIXD OBD II device.



**Figure 4**

Source: FIXD.COM, <https://www.fixd.com/>.



**Figure 5**

Source: FIXD.COM, <https://www.fixd.com/>.

18. Defendant owns, operates, advertises, and/or controls at least the websites <https://www.fixd.com/> through which it advertises, sells, offers to sell, promotes, provides and/or educates customers about its products, including the Accused Products.

**COUNT I: INFRINGEMENT OF U.S. PATENT NO. 7,146,346**

19. OBD Sensor Solutions repeats and re-alleges the allegations in the Paragraphs above as though fully set forth in their entirety.

20. The USPTO duly issued U.S. Patent No. 7,146,346 (the “’346 patent”) on December 5, 2006, after full and fair examination of Application No. 10/172,145, which was filed on June 14, 2002. *See* ’346 patent at 1.

21. The ’346 patent is entitled “Fuzzy-Logic On Board Device For Monitoring And Processing Motor Vehicle Operating Data.” *See id.*

22. OBD Sensor Solutions is the exclusive licensee of the ’346 patent, with the sole and exclusive right to prosecute this action and enforce the ’346 patent against infringers, and to collect damages for all relevant times.

23. The claims of the ’346 patent are not directed to an abstract idea and are not limited to well-understood, routine, or conventional activity. Rather, the claimed inventions include inventive components that improve upon the function and operation of electronic built-in on-board devices and methods for monitoring and processing motor vehicle operating data.

24. The written description of the ’346 patent describes in technical detail each limitation of the claims, allowing a skilled artisan to understand the scope of the claims and how the non-conventional and non-generic combination of claim



limitations is patently distinct from and improved upon what may have been considered conventional or generic in the art at the priority date. The '346 patent also identifies and circumscribes all information necessary for a skilled artisan to perform each limitation in the claims in light of that which was known in the art at the priority date.

25. Defendant has infringed the '346 patent by making, using, providing, supplying, selling, offering for sale, or distributing the Accused Products.

26. Defendant has directly infringed, either literally or under the doctrine of equivalents, at least claim 1 of the '346 patent.

27. For example, the Accused Products, when used by Defendant or a customer, provide an electronic device for monitoring and processing information data related to the use and functioning of motor vehicles through an inner network connecting vehicle sensors, said device comprising, a central processing unit; an integrated data storage connected to the central processing unit; and a network connector operatively connected to the central processing unit and configured to be connected to an inner network of a motor vehicle through a connector used by motor vehicle makers for accessing a vehicle on-board electric system with a diagnostic unit, said device being a stand-alone device cooperating with the vehicle electronic dedicated control units, via said network connector and through said inner network,

and processing information data related to use and functioning of the motor vehicle received through said network connector and the inner network from connected vehicle sensors, said data received through said inner network being processed by said central processing unit and performed analysis being stored into said storage; an interface connector providing connection to one of a radio transmitter and a wireless unit; and a front-end device and a bus connecting said network connector to said central processing unit; and a further bus connecting said central processing unit to said storage, wherein said device is coupled, through said on-board network connector, with one of an OBD- and an EOBD connector for interfacing the motor vehicle inner networks with an outside network of said motor vehicle.

28. Since at least March 11, 2024, when Defendant was notified of its infringement by Plaintiff, Defendant also indirectly infringed the '346 patent by inducing others to directly infringe the '346 patent. Defendant has induced its parents, subsidiaries, partners, affiliates, and end-users, including Defendant's personnel, customers, potential customers, and other end users, to directly infringe, either literally or under the doctrine of equivalents, one or more claims of the '346 patent to use the Accused Products. Defendant took active steps, directly or through contractual relationships with others, with the specific intent to cause them to use the Accused Products in a manner that infringes one or more claims of the '346

patent, including, for example, claim 1 of the '346 patent. Such steps by Defendant included, among other things, advising or directing its parents, subsidiaries, partners, affiliates, and end-users, including Defendant's personnel, customers, potential customers, and other end users, to make or use the Accused Products in an infringing manner; advertising and promoting the use of the Accused Products in an infringing manner; or distributing instructions that guide users to use the Accused Products in an infringing manner. Defendant performed these steps, which constitutes induced infringement with the knowledge of the '346 patent and with the knowledge that the induced acts constitute infringement. Defendant is aware that the normal and customary use of the Accused Products by others would infringe the '346 patent.

29. Since at least March 11, 2024, when Defendant was notified of its infringement by Plaintiff, Defendant has also indirectly infringed by contributing to the infringement of the '346 patent. Defendant has contributed to the direct infringement of the '346 patent by its parents, subsidiaries, partners, affiliates, and end-users, including Defendant's personnel, customers, potential customers, and other end users to directly infringe by encouraging them to use the Accused Products to perform the steps of the patented process as described in one or more claims of the '346 patent, which constitutes either literal infringement or infringement under the doctrine of equivalents, The Accused Products have special features that are

specially designed to be used in an infringing way and that have no substantial uses other than ones that infringe one or more claims of the '346 patent, including, for example, claim 1 of the '346 patent. The special features include, for example, the method recited in claim 1, including all the intermediary steps, that allows the claimed method of monitoring user usage patterns of a system. The special features constitute a material part of the invention of one or more of the claims of the '346 patent and are not staple articles of commerce suitable for substantial non-infringing use.

30. Defendant has had knowledge of the '346 patent at least as of March 11, 2024, when Defendant was notified of its infringement by Plaintiff.

31. Furthermore, on information and belief, Defendant has a policy or practice of not reviewing the patents of others (including instructing its employees to not review the patents of others), and thus has been willfully blind of Plaintiff's patent rights.

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

33. Since at least March 11, 2024, when Defendant was notified of its infringement by Plaintiff, Defendant's direct and indirect infringement of the '346

patent was willful, intentional, deliberate, or in conscious disregard of Plaintiff's rights under the patent.

34. OBD Sensor Solutions or its predecessors-in-interest have satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of the '346 patent.

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

### **JURY DEMAND**

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

### **PRAYER FOR RELIEF**

37. WHEREFORE, OBD Sensor Solutions requests that the Court find in its favor and against Defendant, and that the Court grant OBD Sensor Solutions the following relief:

- a. Judgment that one or more claims of the Asserted Patent has been infringed, either literally or under the doctrine of equivalents, by Defendant or all others acting in concert therewith;

- b. Judgment that Defendant has induced infringement of one or more claims of the Asserted Patent, either literally or under the doctrine of equivalents, by its parents, subsidiaries, partners, affiliates, and end-users, including Defendant's personnel, customers, potential customers, and/or other end users;
- c. Judgment that Defendant has contributed to the infringement of one or more claims of the Asserted Patent, either literally or under the doctrine of equivalents, by its parents, subsidiaries, partners, affiliates, and end-users, including Defendant's personnel, customers, potential customers, and/or other end users;
- d. An award of a reasonable royalty for infringement of the '346 patent by Defendant and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in concert therewith;
- e. Judgment that Defendant account for and pay to OBD Sensor Solutions all damages to and costs incurred by OBD Sensor Solutions because of Defendant's infringing activities and other conduct complained of herein;
- f. Judgment that Defendant's infringement of the '346 patent be found willful, and that the Court award treble damages for the period of such

willful infringement pursuant to 35 U.S.C. § 284;

- g. Pre-judgment and post-judgment interest on the damages caused by Defendant's infringing activities and other conduct complained of herein;
- h. That this Court declare this an exceptional case and award OBD Sensor Solutions its reasonable attorneys' fees and costs in accordance with 35 U.S.C. § 285; and
- i. All other and further relief as the Court may deem just and proper under the circumstances.

Dated: April 16, 2024

Respectfully submitted,

By: /s/ James F. McDonough, III

James F. McDonough, III (GA 117088)\*

Jonathan Miller (GA 507179)\*

**ROZIER HARDT MCDONOUGH PLLC**

659 Auburn Avenue, Suite 254

Atlanta, Georgia 30339

Telephone: (404) 564-1866, -1863

Email: jim@rhmtrial.com

Email: miller@rhmtrial.com

*Attorneys for Plaintiff OBD SENSOR SOLUTIONS LLC*

\* Admitted to the Northern District of Georgia

\*\* Admission *pro hac vice* anticipated

**CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 5.1**

The undersigned hereby certifies that the foregoing document has been prepared in accordance with the font type and margin requirements of Local Rule 5.1 of the Northern District of Georgia, using a font type of Times New Roman and a point size of 14.

Dated: April 16, 2024

By: /s/ James F. McDonough, III

James F. McDonough, III



**List Of Supportive Links**

1. U.S. Patent No. 7,146,346, USPTO.GOV, <https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/7146346>.
2. FIXD.COM, <https://www.fixd.com/>.