

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

RICMIC, LLC,)	
)	
Plaintiff,)	Case No.:
v.)	
)	
SENTRICS, INC., SENTRICS HOLDINGS, LLC, and SILVERSPHERE, LLC,)	DEMAND FOR JURY TRIAL
)	
Defendants.		

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff RICMIC, LLC (“RICMIC” or “Plaintiff”) files this Complaint for Patent Infringement against Defendants Sentric, Inc. and Sentric Holdings, LLC (collectively “Sentrics”) and Silversphere, LLC, (“Silversphere”) (collectively Silversphere and Sentrics may be referred to as “Defendants”) and states as follows:

THE PARTIES

1. Plaintiff RICMIC, LLC is a limited liability company organized and existing under the laws of the State of Oregon, having its principal place of business in Oregon. RICMIC is the owner of the patents asserted herein and for all claims for damages and infringement of each of the patents asserted. Plaintiff incorporates by reference each Exhibit referenced herein.

2. On information and belief, Defendant Sentric, Inc is a corporation organized and existing under the laws of the State of Delaware, having a place of

business at 265 Clyde Morris Blvd, Suite 100, Ormond Beach Florida. On information and belief, its principal place of business is in Florida. Sentric, Inc. has identified its registered agent as The Corporation Trust Company, Corporation Trust Center 1209 Orange St., Wilmington Delaware, 19801. Sentric can be served with process by serving its Chief Operating Officer, Brian Dawson, at 265 Clyde Morris Blvd, Suite 100, Ormond Beach Florida, 32174.

3. On information and belief, Defendant Sentric Holdings, LLC is a limited liability company organized and existing under the laws of the State of Delaware, having a place of business at 265 Clyde Morris Blvd, Suite 100, Ormond Beach Florida. On information and belief, its principal place of business is in Florida. Sentric Holdings, LLC has identified its registered agent as The Corporation Trust Company, Corporation Trust Center 1209 Orange St., Wilmington Delaware, 19801. Sentric can be served with process by serving its Chief Operating Officer, Brian Dawson, at 265 Clyde Morris Blvd, Suite 100, Ormond Beach Florida, 32174.

4. On information and belief, Defendant Silversphere is a corporation organized and existing under the laws of the State of Delaware, having a place of business at 265 Clyde Morris Blvd, Suite 100, Ormond Beach Florida, 32174. Silversphere can be served by serving its registered agent Brian Dawson at 265 Clyde Morris Blvd, Suite 100, Ormond Beach Florida, 32174.

JURISDICTION AND VENUE

5. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code. This action seeks damages and

other relief arising out of infringement by Defendants of U.S. Patent No. 9,305,450 B2 (“the ‘450 patent”), U.S. Patent No. 10,311,707 (“the ‘707 patent”) and U.S. Patent No. 10,380,873 B1 (“the ‘873 patent”) (collectively, the “Asserted Patents”), which disclose an "Interactive Wireless Life Safety Communications System."

6. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§1331 and 1338 because the claims arise under the patent laws of the United States, 35 U.S.C. §§1, et seq.

7. This Court has personal jurisdiction over Sentric because Sentric maintains a place of business within this judicial district, has a continuous, systematic, and substantial presence within this judicial district, and has committed acts of patent infringement in this judicial district, including but not limited to making and using systems, and/or performing methods, that infringe the asserted patents directly and/or indirectly, which acts form a substantial part of the events giving rise to this action. Sentric also imports, makes, sells, offers to sell and/or otherwise markets and/or uses the infringing products, systems, and methods at issue in this case, within this judicial district and elsewhere. Further, Sentric induces its customers' use of, and/or contributes to its customers' use of the infringing products and systems at issue in this case and performance of one or more patented methods of the Asserted Patents in this judicial district.

8. This Court has personal jurisdiction over Silversphere because Silversphere maintains a place of business within this judicial district, has a continuous, systematic, and substantial presence within this judicial district, and has

committed acts of patent infringement in this judicial district, including but not limited to making and using systems, and performing methods, that infringe the asserted patents directly and/or indirectly, which acts form a substantial part of the events giving rise to this action. Silversphere also imports, makes, sells, offers to sell and/or otherwise markets and/or uses the infringing products, systems, and methods at issue in this case, within this judicial district and elsewhere. Further, Silversphere induces its customers' use of, and/or contributes to its customers' use of, the infringing products and systems at issue in this case and performance of one or more patented methods of the Asserted Patents in this judicial district.

9. Venue is proper within this judicial district under 28 U.S.C. §1400(b) because Defendants have committed acts of infringement in this judicial district and have a regular and established place of business within this judicial district, including 265 Clyde Morris Blvd, Suite 100, Ormond Beach Florida, 32174.

BACKGROUND

10. The “Interactive Wireless Life Safety Communications System” technology described in the Asserted Patents generally disclose a new, useful, and improved emergency call communication system among residents (via resident associated alerting devices), caregivers and administrators, typically deployed in an assisted living or memory care facility – and commonly referred to as “emergency call, nurse call” systems. One embodiment of the invention comprises a network of resident life safety “alerting” devices (such as pendants, pull cords, smoke alarms and door sensors) connected to a central communications server over a first communications

network, and caregiver devices (such as tablets or smart phones) having an interactive mobile app connected to the central server over a different, second communications network, whereby alarm signals originating at resident alerting devices in response to detection of alarm conditions are received by the central server, recorded and broadcasted by the central server as alarm notifications to specific caregiver devices with information about the alarm condition and variably about the resident. The invention enables caregivers to respond to the alarm notifications via an “action status response” (e.g., selecting “Responding Now” and “Not Responding”) and to communicate with other caregivers, residents and administrators via the central server, thereby providing feedback and alert response status updates to administrators and other caregivers, and also enables coordinated caregiver response to the emergency alert, resulting in enhanced resident safety, all of which are improvements over existing nurse call systems that lack the above-described interaction, information exchange and bi-directional communication described in Plaintiff’s inventions. The patented inventions provide substantial information delivery benefits, logging, recording, and reporting functionality, and overcomes other functional and technical limitations inherent in one-way pager, two-way radio and cellular phone “nurse call” alert systems used in assisted living facilities.

11. On April 5, 2016, the ‘450 patent, titled “Interactive Wireless Life Safety Communications System,” was duly and lawfully issued by the United States Patent and Trademark Office (“USPTO”). The entire right, title, and interest in and to the ‘450 patent, including all rights to past damages, has been assigned to Plaintiff

RICMIC LLC. A true and correct copy of the '450 patent is attached to this complaint as Exhibit A.

12. On June 4, 2019, the '707 patent, titled "Interactive Wireless Life Safety Communications System," was duly and lawfully issued by the United States Patent and Trademark Office ("USPTO"). The entire right, title, and interest in and to the '707 patent, including all rights to past damages, has been assigned to Plaintiff RCMIC LLC. A true and correct copy of the '707 patent is attached to this complaint as Exhibit B.

13. On August 13, 2019, the '873 patent, titled "Interactive Wireless Life Safety Communications System," was duly and lawfully issued by the United States Patent and Trademark Office ("USPTO"). The entire right, title, and interest in and to the '873 patent, including all rights to past damages, has been assigned to Plaintiff RCMIC LLC. A true and correct copy of the '873 patent is attached to this complaint as Exhibit C.

14. RCMIC and its licensees have fully complied with the requirements of 35 U.S.C. §287(a) by affixing the word "patent" or the abbreviation "pat." together with the number of the patent on all apparatuses manufactured or sold by RCMIC and its licensees that practice the patented inventions disclosed by the Asserted Patents. On information and belief, the marking requirements of 35 U.S.C. §287(a) have also been satisfied through but not limited to Defendants' actual knowledge of the Asserted Patents and its infringement of the Asserted Patents.

15. Defendants, and/or their parent, divisions, subsidiaries, officers, directors, managers and/or agents are engaged in the business of importing, making, using, offering for sale and/or selling emergency nurse call systems that employ an interactive mobile app alert notification supplied by Defendants which embody the patented inventions disclosed and claimed in the Asserted Patents as further described herein and the attachments to this complaint. A preliminary identification of these systems include without limitation, the systems (configured with the mobile apps) identified below, such as Silversphere Wireless Nurse Call System, Silversphere Companion One or Silversphere ATMOS Wireless Nurse Call (including the ATMOS mobile app), and the Sentric's Ensure 360 nurse call system (including the Act mobile app). Collectively these systems may be referred to as the "Accused Systems."

16. Silversphere manufactures, markets, services and/or sells products, systems and software and provides services to the senior living industry. Silversphere has made, used, serviced, provided and/or sold systems referred to as the Silversphere Wireless Nurse Call System, Silversphere Companion One or Silversphere ATMOS Wireless Nurse Call, including the ATMOS mobile app. This system forms an interactive wireless life safety communication system that is asserted to infringe the Asserted Patents.

17. The Silversphere wireless nurse call system is illustrated in Silversphere literature with wireless call stations, networks and the ATMOS mobile app/device in a document entitled "How Silversphere's Wireless Nurse Call Systems Work":



18. On information and belief, Sentricis acquired Silversphere in 2019. Sentricis manufactures, markets, operates, uses, services and/or sells products, systems, and software, and provides services to the senior living industry itself, through its subsidiaries and/or under the brands of the companies that Sentricis has acquired, such as Silversphere. Sentricis has continued to manufacture, market, operate, use, service and/or sell products, systems, and software, and provides services to the senior living industry related to the accused Silversphere system subsequent to Sentricis' acquisition of Silversphere.

19. The afore-mentioned Silversphere system, on information and belief, is incorporated in the Sentricis' Ensure 360 suite.

20. Sentricis has described the Silversphere system as "foundational" to the Sentricis 360 suite, "critical," and a "key part" of the Sentricis 360 suite.

21. In Sentricis' promotion of the accused Ensure 360 system in 2022, Sentricis identified the mobile app as a "must-have" capability.

22. Sentricis by and/or through itself, its divisions, subsidiaries, officers, directors, managers and/or agents has had knowledge of some or all of the Asserted

Patents (and/or applications from which the Asserted Patents issued) at least as early as October 2019.

23. Sentrics' promotes Silversphere as "Sophisticated Silversphere life safety and emergency call systems help senior living developers and operators run a better business and maximize the quality of life for their residents through technology." Sentrics represents that the Ensure 360 system is "powered by" Silversphere and "ensures resident safety." Sentrics' Ensure 360 system includes wearable pendants, pull cords, motion sensors, and a mobile app. The Ensure 360 system is an interactive life safety system. Sentrics provides information related to the Ensure 360 nurse call system and Silversphere, through, among other avenues, the Sentrics website and restricted access information for its customers.

24. Defendants offer its customers, such as senior living facilities (and their employees) the aforementioned mobile apps (the ATMOS app and the Act Mobile app) with functionality to operate as component of the Accused Systems.

25. Defendants' customers are instructed to go through a process to set up the aforementioned apps and login to the apps and/or Accused Systems to provide care to residents at customer facilities which establishes the manner of a customer's use of the app and Accused Systems. Defendants also provide its customers with additional instructions and information that encourages customers to use, and how to use, the Accused Systems. As a result of the nature of the communications between a customer's (including their employee's) devices with the afore-mentioned apps and

Defendant's systems, Defendants establish the manner and timing of the use of the Accused System and methods of use of the Accused Systems.

26. Plaintiff will rely on a reasonable opportunity for discovery of information regarding reasonably similar systems that Defendants make, use, sell, offer for sale and/or import in the U.S.

**FIRST CLAIM FOR RELIEF PATENT INFRINGEMENT
(Infringement of the '450 Patent)**

27. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1 through 26 as though fully set forth in this paragraph.

28. This cause of action arises under the patent laws of the United States and, in particular, under 35 U.S.C. §§ 271, *et seq.*

29. Plaintiff is the owner by assignment of the '450 patent with sole rights to enforce the '450 patent and sue infringers.

30. The '450 patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

31. Defendants are providers of interactive wireless life safety communication systems, such as emergency nurse call systems, to the senior living and healthcare markets and industries. On information and belief, Defendants make, use, sell, offer to sell, and/or import, and otherwise market, design, recommend, install, maintain and service the Accused Systems.

32. The Accused Systems are comprised of each of the elements of Claim 1 and other claims in the '450 patent, literally or by equivalents including resident alert

transmitting devices on a first communications network connected to a central communications server, and a second wireless network different from the first communications network over which smart phone-like wireless caregiver devices are connected to a central server to effect and practice the systems and methods claimed in the '450 patent, including, for example, bi-directional communications, real time coordination of caregiver services, logging and reporting of alerts and alert notifications to designated caregivers and groups, transmitting caregiver action status and other responses to all or selected caregiver devices, transmittal of alert and resident identification and location to caregivers, progressive escalation of an alarm signal, reset of the alert transmitting devices, and text and/or voice communications as claimed in the '450 patent, all of which are significant improvements over and exceed the capabilities of nurse call systems based on one-way pagers, two-way radios and cellphones used in nurse call systems that do not practice RICMIC's invention as disclosed in the Asserted Patents.

33. Among the improvements over prior art are that the '450 Patent: (1) solves the problem of knowing which caregiver, if any, is responding to an alarm signal; (2) prevents "alarm fatigue" among caregivers and ensures attention to the alarm condition, thereby enhancing resident safety; (3) provides substantially more information to caregivers about resident safety conditions; (4) improves interactivity between alert events and caregiver responses; (5) improves interactivity between administrators, managers, caregiver and service staff; (6) avoids technological limitations presented by prior art systems such as interference with life-critical

equipment, unreliable network coverage, limited audio fidelity, disruptive volume levels and unintentional disclosure of confidential information; and (7) avoids wasting personnel resources by multiple staff needlessly responding to alarm signals.

34. Exhibit D to this Complaint describes a non-limiting example of Defendants' infringement of Claim 1 of the '450 patent, based on plaintiff RICMIC's current information and belief. RICMIC makes this preliminary and exemplary identification of infringement without the benefit of discovery or claim construction in this action, and expressly reserves the right to augment, supplement, and revise its contentions based on additional information obtained through discovery or otherwise, pursuant to the Federal Rules of Civil Procedure, to this Court's Local Rules and any applicable local patent rules and procedures, and/or as is otherwise appropriate.

35. Defendants' import, making, selling and/or offering for sale and use of the Accused Systems, literally and/or through the doctrine of equivalents, infringes at least Claims 1, 11, and/or 14 of the '450 patent under 35 U.S.C. §271(a), and Defendants will continue to infringe unless enjoined by this Court.

36. Defendants through their agents, employees and/or servants, either alone or in conjunction with others, have infringed and continue to infringe literally and/or under the doctrine of equivalents at least Claims 1, 11 and/or 14 of the '450 patent by making, selling, offering to sell, and using the Accused Systems covered by the '450 patent.

37. On information and belief, Defendants, either alone or in conjunction with others, infringe, directly and/or indirectly (inducing infringement and/or

contributing to infringement), at least Claims 1, 11 and/or 14 of the '450 patent by making, using, selling, and/or offering to sell and/or causing others to make and/or use in this judicial district and/or elsewhere in the United States, the Accused Systems that in use are covered by such claims of the '450 patent.

38. On information and belief, Defendants' customers use Defendants' Accused Systems and are instructed and/or encouraged by Defendants to use such Accused Systems that infringe at least Claims 1, 11 and/or 14 of the '450 patent.

39. On information and belief, Defendants provide and will continue to provide encouragement and/or instructions, such as a system, components and/or an app, installation, instructions (including information and instructions requiring login in credentials to Defendants' website(s)) and/or services, that encourage and/or instruct their customers to use, and use in the future, the Accused Systems in an infringing manner, specifically intending such customers will operate the Accused Systems in such a manner, and knowing of such actions, which constitutes infringement of one or more claims of the '450 patent.

40. On information and belief, Defendants indirectly infringe one or more claims of the '450 patent in violation of 35 U.S.C. 271(b) by inducing their customers to use the Accused Systems to directly infringe one or more claims of the '450 patent in accordance with Defendants' encouragement and/or instructions.

41. For example, on information and belief, Defendants induce direct infringement of the '450 patent by encouraging and instructing customers for the Accused Systems via Defendants' app, installation, instructions and/or trouble

shooting services, that encourage and/or instruct customers to use the Accused Systems such that, by following Defendants' encouragement and/or instructions, Defendants' customers directly infringe one or more claims of the '450 patent. Defendants engage in such inducement knowingly and, at least as early as 2020, have done so with knowledge that such activity encourages and/or instructs customers of their Accused Systems to directly infringe the '450 patent.

42. Defendants indirectly infringe at least Claims 1, 11 and/or 14 of the '450 patent in violation of 35 U.S.C. 271(c) as a contributory infringer by selling, offering to sell, directly or indirectly, and/or importing into the United States one or more components of the Accused Systems with knowledge of the '450 patent, at least as early as 2020, and knowledge that the Accused Systems, including such components, as used is an infringement of the '450 patent claims, and knowing that such components of the Accused Systems are especially made or especially adapted for use in an infringement and are not a staple article of commodity of commerce suitable for substantial non-infringing use. For example, the mobile app of the Accused Systems is made and/or adapted for use to interactively receive alarm notifications and transmit a response that is received by the central server and other caregivers in an infringing manner and has no substantial non-infringing use.

43. Defendants have infringed the '450 patent without permission or license from Plaintiff and continue to infringe the '450 patent in violation of 35 U.S.C. § 271. Defendants are liable for infringement of the '450 patent pursuant to 35 U.S.C. § 271.

44. Defendants' acts of infringement have caused damage to Plaintiff, and Plaintiff is entitled to recover from Defendants the damages sustained by Plaintiff as a result of Defendants' wrongful acts in an amount subject to proof at trial.

45. Defendants' infringement of the '450 patent is willful, and Plaintiff is accordingly entitled to enhanced damages pursuant to 35 U.S.C. § 284.

46. This is an exceptional case such that Defendants should be required to pay Plaintiff's reasonable attorneys' fees in accordance with 35 U.S.C. § 285.

47. Defendants' continuing infringement has caused and will continue to cause Plaintiff irreparable harm for which there is no adequate legal remedy because without an injunction RICMIC is unable to exercise its fundamental right to exclude others from practicing the Asserted Patents. These infringing acts have caused and will continue to cause immediate and irreparable harm for which there is no adequate remedy at law. Plaintiff is entitled to an injunction to prevent further infringement pursuant to 35 U.S.C. § 283.

**SECOND CLAIM FOR RELIEF
PATENT INFRINGEMENT
(Infringement of the '707 Patent)**

48. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1 through 47 as though fully set forth in this paragraph.

49. This cause of action arises under the patent laws of the United States and, in particular, under 35 U.S.C. §§ 271, *et seq.*

50. Plaintiff is the owner by assignment of the '707 patent with sole rights to enforce the '707 patent and sue infringers.

51. The '707 patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

52. The Accused Systems are comprised of each of the elements of Claim 1 and other claims in the '707 patent, literally or by equivalents, including resident alert transmitting devices on a first communications network connected to a central communications server, and a second wireless network different from the first communications network over which smart phone-like wireless caregiver devices are connected to the central server to effect and practice the systems and methods claimed in the '707 patent; including, for example, bi-directional communications, real time coordination of caregiver services including a caregiver selectable response to and acceptance of responsibility for an active alert, logging and reporting of alerts and alert notifications to all designated caregivers and groups, transmitting caregiver action status and other responses to all or selected caregiver devices, transmittal of alert and resident information, escalation of an alarm signal, reset of the alert transmitting device, and text and/or voice communications as claimed in the '707 patent, all of which are significant improvements over and exceed the capabilities of nurse call systems based on one-way pagers, two-way radios and cellphones used in nurse call systems that do not practice RICMIC's invention as disclosed in the Asserted Patents.

53. Among improvements over prior art are that the '707 Patent: (1) solves the problem of knowing which caregiver, if any, is responding to an alarm signal; (2) prevents "alarm fatigue" among caregivers and ensures attention to the alarm condition, thereby enhancing resident safety; (3) provides substantially more

information to caregivers about resident safety conditions; (4) improves interactivity between alert events and caregiver responses; (5) improves interactivity between administrators, managers, caregiver and service staff; (6) avoids technological limitations presented by prior art systems such as interference with life-critical equipment, unreliable network coverage, limited audio fidelity, disruptive volume levels and unintentional disclosure of confidential information; and (7) avoids wasting personnel resources by multiple staff needlessly responding to alarm signals.

54. Exhibit E to this Complaint describes a non-limiting example of Defendants' infringement of Claim 1 of the 707 Patent, based on plaintiff RICMIC's current information and belief. RICMIC makes this preliminary and exemplary identification of infringement without the benefit of discovery or claim construction in this action, and expressly reserves the right to augment, supplement, and revise its contentions based on additional information obtained through discovery or otherwise, pursuant to the Federal Rules of Civil Procedure, to this Court's Local Rules and any applicable local patent rules and procedures, and/or as is otherwise appropriate.

55. Defendants' import, making, sales and use of the Accused Systems as alleged literally and/or through the doctrine of equivalents, infringes at least Claims 1, 12 and/or 16 embodied in the '707 patent under 35 U.S.C. §271(a), and Defendants will continue to infringe unless enjoined by this Court.

56. Defendants through their agents, employees and/or servants, either alone or in conjunction with others, have infringed and continue to infringe literally and/or under the doctrine of equivalents one or more claims, including at least Claims

1, 12 and/or 16 of the '707 patent by making, selling, offering to sell, and using the Accused Systems covered by the '707 patent.

57. On information and belief, Defendants, either alone or in conjunction with others, infringe, directly and/or indirectly (inducing infringement and/or contributing to infringement), at least Claims 1, 12 and/or 16 of the '707 patent by making, using, selling, and/or offering to sell and/or causing others to make and/or use in this judicial district and/or elsewhere in the United States, the Accused Systems that in use are covered by such claims of the '707 patent.

58. On information and belief, Defendants' customers use Defendants' Accused Systems and are instructed and/or encouraged by Defendants to use such Accused Systems that infringe at least Claims 1, 12 and/or 16 of the '707 patent.

59. On information and belief, Defendants provide and will continue to provide encouragement and/or instructions, such as a system, components and/or an app, installation, instructions (including information and instructions requiring login in credentials to Defendants' website(s)) and/or services, that encourage and/or instruct their customers to use, and use in the future, the Accused Systems in an infringing manner, specifically intending such customers will operate the Accused Systems in such a manner, and knowing of such actions, which constitutes infringement of one or more claims of the '707 patent.

60. On information and belief, Defendants indirectly infringe one or more claims of the '707 patent in violation of 35 U.S.C. 271(b) by inducing their customers

to use the Accused Systems to directly infringe one or more claims of the '707 patent in accordance with Defendants' encouragement and/or instructions.

61. For example, on information and belief, Defendants induce direct infringement of the '707 patent by encouraging and instructing customers for the Accused Systems via Defendants' app, installation, instructions and/or trouble shooting services, that encourage and/or instruct customers to use the Accused Systems such that, by following Defendants' encouragement and/or instructions, Defendants' customers directly infringe one or more claims of the '707 patent. Defendants engage in such inducement knowingly and, at least as early as 2020, have done so with knowledge that such activity encourages and/or instructs customers of their Accused Systems to directly infringe the '707 patent.

62. Defendants indirectly infringe at least Claim 1, 12 and/or 16 of the '707 patent in violation of 35 U.S.C. 271(c) as a contributory infringer by selling, offering to sell, directly or indirectly, and/or importing into the United States one or more components of the Accused Systems with knowledge of the '707 patent, at least as early as 2020, and knowledge that the Accused Systems, including such components, as used is an infringement of the '707 patent claims, and knowing that such components of the Accused Systems are especially made or especially adapted for use in an infringement and are not a staple article of commodity of commerce suitable for substantial non-infringing use. For example, the mobile app of the Accused Systems is made and/or adapted for use to interactively receive alarm notifications and

transmit a response that is received by the central server and other caregivers in an infringing manner and has no substantial non-infringing use.

63. Defendants have infringed the '707 patent without permission or license from Plaintiff and continue to infringe the '707 patent in violation of 35 U.S.C. § 271. Defendants are liable for infringement of the '707 patent pursuant to 35 U.S.C. § 271.

64. Defendants' acts of infringement have caused damage to Plaintiff, and Plaintiff is entitled to recover from Defendants the damages sustained by Plaintiff as a result of Defendants' wrongful acts in an amount subject to proof at trial.

65. Defendants' infringement of the '707 patent is willful, and Plaintiff is accordingly entitled to enhanced damages pursuant to 35 U.S.C. § 284.

66. This is an exceptional case such that Defendants should be required to pay Plaintiff's reasonable attorneys' fees in accordance with 35 U.S.C. § 285.

67. Defendants' continuing infringement has caused and will continue to cause Plaintiff irreparable harm for which there is no adequate legal remedy because without an injunction RICMIC is unable to exercise its fundamental right to exclude others from practicing the Asserted Patents. These infringing acts have caused and will continue to cause immediate and irreparable harm for which there is no adequate remedy at law. Plaintiff is entitled to an injunction to prevent further infringement pursuant to 35 U.S.C. § 283.

**THIRD CLAIM FOR RELIEF
PATENT INFRINGEMENT
(Infringement of the '873 Patent)**

68. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1 through 67 as though fully set forth in this paragraph.

69. This cause of action arises under the patent laws of the United States and, in particular, under 35 U.S.C. §§ 271, *et seq.*

70. Plaintiff is the owner by assignment of the '873 patent with sole rights to enforce the '873 patent and sue infringers.

71. The '873 patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

72. The Accused Systems are comprised of each of the elements of Claim 1 and other claims in the '873 patent, literally or by equivalents, including resident alert transmitting devices on a first communications network connected to a central communications server, and a second wireless network different from the first communications network over which smart phone-like wireless caregiver devices are connected to the central server to effect and practice the systems and methods claimed in the '873 patent; including, for example, bi-directional communications, real time coordination of caregiver services including a caregiver selectable response to and acceptance of responsibility for an active alert, logging and reporting of alerts and alert notifications to all designated caregivers and groups, transmitting caregiver action status and other responses to all or selected caregiver devices, transmittal of alert and resident information, escalation of an alarm signal, reset of the alert transmitting

device, and text and/or voice communications as claimed in the '873 patent, all of which are significant improvements over and exceed the capabilities of nurse call systems based on one-way pagers, two-way radios and cellphones used in nurse call systems that do not practice RICMIC's invention as disclosed in the Asserted Patents.

73. Among improvements over prior art are that the '873 Patent: (1) solves the problem of knowing which caregiver, if any, is responding to an alarm signal; (2) prevents "alarm fatigue" among caregivers and ensures attention to the alarm condition, thereby enhancing resident safety; (3) provides substantially more information to caregivers about resident safety conditions; (4) improves interactivity between alert events and caregiver responses; (5) improves interactivity between administrators, managers, caregiver and service staff; (6) avoids technological limitations presented by prior art systems such as interference with life-critical equipment, unreliable network coverage, limited audio fidelity, disruptive volume levels and unintentional disclosure of confidential information; and (7) avoids wasting personnel resources by multiple staff needlessly responding to alarm signals.

74. Exhibit F to this Complaint describes a non-limiting example of Defendants' infringement of Claim 1 of the 873 Patent, based on plaintiff RICMIC's current information and belief. RICMIC makes this preliminary and exemplary identification of infringement without the benefit of discovery or claim construction in this action, and expressly reserves the right to augment, supplement, and revise its contentions based on additional information obtained through discovery or otherwise, pursuant to the Federal Rules of Civil Procedure, to this Court's Local

Rules and any applicable local patent rules and procedures, and/or as is otherwise appropriate.

75. Defendants' import, making, sales and use of the Accused Systems as alleged literally and/or through the doctrine of equivalents, infringes at least Claims 1, 14 and/or 15 of the '873 patent under 35 U.S.C. §271(a), and Defendants will continue to infringe unless enjoined by this Court.

76. Defendants through their agents, employees and/or servants, either alone or in conjunction with others, have infringed and continue to infringe literally and/or under the doctrine of equivalents one or more claims, including at least Claims 1, 14 and/or 15 of the '873 patent by making, selling, offering to sell, and using the Accused Systems covered by the '873 patent.

77. On information and belief, Defendants, either alone or in conjunction with others, infringe, directly and/or indirectly (inducing infringement and/or contributing to infringement), at least Claims 1, 14 and/or 15 of the '873 patent by making, using, selling, and/or offering to sell and/or causing others to make and/or use in this judicial district and/or elsewhere in the United States, the Accused Systems that in use are covered by such claims of the '873 patent.

78. On information and belief, Defendants' customers use Defendants' Accused Systems and are instructed and/or encouraged by Defendants to use such Accused Systems that infringe at least Claims 1, 14 and/or 15 of the '873 patent.

79. On information and belief, Defendants provide and will continue to provide encouragement and/or instructions, such as a system, components and/or an

app, installation, instructions (including information and instructions requiring login in credentials to Defendants' website(s)) and/or services, that encourage and/or instruct their customers to use, and use in the future, the Accused Systems in an infringing manner, specifically intending such customers will operate the Accused Systems in such a manner, and knowing of such actions, which constitutes infringement of one or more claims of the '873 patent.

80. On information and belief, Defendants indirectly infringe one or more claims of the '873 patent in violation of 35 U.S.C. 271(b) by inducing their customers to use the Accused Systems to directly infringe one or more claims of the '873 patent in accordance with Defendants' encouragement and/or instructions.

81. For example, on information and belief, Defendants induce direct infringement of the '873 patent by encouraging and instructing customers for the Accused Systems via Defendants' app, installation, instructions and/or trouble shooting services, that encourage and/or instruct customers to use the Accused Systems such that, by following Defendants' encouragement and/or instructions, Defendants' customers directly infringe one or more claims of the '873 patent. Defendants engage in such inducement knowingly and, at least as early as 2020, have done so with knowledge that such activity encourages and/or instructs customers of their Accused Systems to directly infringe the '873 patent.

82. Defendants indirectly infringe at least Claim 1 of the '873 patent in violation of 35 U.S.C. 271(c) as a contributory infringer by selling, offering to sell, directly or indirectly, and/or importing into the United States one or more

components of the Accused Systems with knowledge of the '873 patent, at least as early as 2020, and knowledge that the Accused Systems, including such components, as used is an infringement of the '873 patent claims, and knowing that such components of the Accused Systems are especially made or especially adapted for use in an infringement and are not a staple article of commodity of commerce suitable for substantial non-infringing use. For example, the mobile app of the Accused Systems is made and/or adapted for use to interactively receive alarm notifications and transmit a response that is received by the central server and other caregivers in an infringing manner and has no substantial non-infringing use.

83. Defendants have infringed the '873 patent without permission or license from Plaintiff and continue to infringe the '873 patent in violation of 35 U.S.C. § 271. Defendants are liable for infringement of the '873 patent pursuant to 35 U.S.C. § 271.

84. Defendants' acts of infringement have caused damage to Plaintiff, and Plaintiff is entitled to recover from Defendants the damages sustained by Plaintiff as a result of Defendants' wrongful acts in an amount subject to proof at trial.

85. Defendants' infringement of the '873 patent is willful, and Plaintiff is accordingly entitled to enhanced damages pursuant to 35 U.S.C. § 284.

86. This is an exceptional case such that Defendants should be required to pay Plaintiff's reasonable attorneys' fees in accordance with 35 U.S.C. § 285.

87. Defendants' continuing infringement has caused and will continue to cause Plaintiff irreparable harm for which there is no adequate legal remedy because without an injunction RICMIC is unable to exercise its fundamental right to exclude

others from practicing the Asserted Patents. These infringing acts have caused and will continue to cause immediate and irreparable harm for which there is no adequate remedy at law. Plaintiff is entitled to an injunction to prevent further infringement pursuant to 35 U.S.C. § 283.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment in its favor and against Defendants, including but not limited to, the following relief:

1. An Order adjudging Defendants to have infringed the Asserted Patents under 35 U.S.C. § 271;
2. A preliminary and permanent injunction enjoining Defendants, their respective officers, directors, agents, servants, employees and attorneys, and those persons in active concert or participation with Defendants, from infringing each of the Asserted Patents in violation of 35 U.S.C. § 271;
3. An Order requiring Defendants to account for all gains, profits, and advantages derived by Defendants' infringement of the each of the Asserted Patents in violation of 35 U.S.C. § 271, and requiring Defendants to pay to Plaintiff all damages suffered by Plaintiff and at least a reasonable royalty;
4. An Order enhancing damages pursuant to 35 U.S.C. § 284;
5. An Order adjudging that this is an exceptional case;
6. An award to Plaintiff of the attorneys' fees and costs incurred by Plaintiff in connection with this action pursuant to 35 U.S.C. § 285;

7. An award of pre-judgment and post-judgment interest against Defendants; and

8. Such other and further relief as this Court may deem just and proper.

JURY DEMAND

Pursuant to Fed. R. Civ. P. 38(b), Plaintiff demands a trial by jury of all issues raised by this Complaint that are triable by jury.

Respectfully submitted,

Dated: May 10, 2024

By: /s/ Richard E. Fee
Richard E. Fee
Florida Bar No. 813680
Kathleen M. Wade
Florida Bar No. 127965
FEE & JEFFRIES, P.A.
1227 N. Franklin Street
Tampa, Florida 33602
(813) 229-8008
(813) 229-0046 (Facsimile)
rfee@feejeffries.com
kwade@feejeffries.com
bszabo@feejeffries.com
valeshire@feejeffries.com

and

John T. Polasek
(pro hac forthcoming)
Texas Bar. No. 16088590
ted@polaseklaw.com
The Polasek Law Firm, PLLC
6750 West Loop South, Suite 920
Bellaire, Texas 77401
Telephone: (832) 485-3580

Attorneys for Plaintiff, RICMIC, LLC