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

Motedata Inc.,	§	
	§	
Plaintiff,	§	**Civil Action No. 2:24-cv-00369**
	§	
v.	§	
	§	
Track What Matters, LLC,	§	**Jury Trial Demanded**
	§	
Defendant.	§	

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Motedata Inc. files this Original Complaint for patent infringement against Defendant Track What Matters, LLC, alleging as follows:

NATURE OF THE SUIT

1.   This is a claim for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.

THE PARTIES

2.   Plaintiff **Motedata Inc. ("Motedata" or "Plaintiff")** is a Delaware Corporation with a principal place of business at 43211 Lucketts Road, Leesburg, VA 20176.

3.   Upon information and belief, Defendant **Track What Matters, LLC ("TWM" or "Defendant")** is a Texas limited liability company with a principal place of business located in this judicial district at 1277 Porter Drive, Flower Mound, Texas 75022. Upon information and belief, TWM is a wholly owned subsidiary of GPS Insight, Inc., which is an indirect wholly owned subsidiary of IMD Topco LLC. TWM may be served via its registered agent for service, Corporation Service Company d/b/a CSC-Lawyers Incorporating Service Company, 211 East 7th Street, Suite 620, Austin, Texas 78701.

4.   On information and belief, TWM makes, uses, sells, and offers to sell fleet management systems and associated systems and devices to consumers throughout the State of Texas, including in this judicial District, and introduce such products and services into the stream of commerce knowing and intending that they would be extensively used in the State of Texas and this judicial District. On information and belief, TWM specifically targets customers in the State of Texas and this judicial District, including through its website at https://www.rhinofleettracking.com and through the Rhino Fleet Tracking system and mobile application.

JURISDICTION AND VENUE

5.   This action arises under the patent laws of the United States, 35 U.S.C. § 101, *et seq*. This Court's jurisdiction over this action is proper under the above statutes, including 35 U.S.C. § 271, *et seq*., 28 U.S.C. § 1331 (federal question jurisdiction), and 28 U.S.C. § 1338 (jurisdiction over patent actions).

6.   TWM is subject to personal jurisdiction in this Court. In particular, this Court has personal jurisdiction over TWM because TWM has engaged in continuous, systematic, and substantial activities within this State, including substantial marketing, offers to sell, and sales of products and services within this State and this District. Furthermore, upon information and belief, this Court has personal jurisdiction over TWM because TWM has committed acts giving rise to Plaintiff's claims for patent infringement within and directed to this District.

7.   Upon information and belief, TWM has committed acts of infringement in this District and has one or more regular and established places of business within this District under the language of 28 U.S.C. § 1400(b). Thus, venue is proper in this District under 28 U.S.C. § 1400(b).

8.   TWM maintains a permanent and physical presence within the Eastern District of Texas, conducting business from at least its locations at 1277 Porter Drive, Flower Mound, Texas 75022; 2024 East Hickory Hill Road, Argyle, Texas 76226; and 308 FM 1830, Building 6, Suite A, Argyle, Texas 76227.

9.   Upon information and belief, TWM has conducted and does conduct substantial business in this forum, directly and/or through subsidiaries, agents, representatives, or intermediaries, such substantial business including but not limited to: (i) at least a portion of the infringements alleged herein; (ii) purposefully and voluntarily placing one or more infringing products into the stream of commerce with the expectation that they will be purchased and/or used by consumers in this forum; and/or (iii) regularly doing or soliciting business, engaging in other persistent courses of conduct, or deriving substantial revenue from goods and services provided to individuals in Texas and in this judicial District.

10.   Venue is proper in the Eastern District of Texas pursuant to 28 U.S.C. § 1391 and 28 U.S.C. § 1400(b).

THE PATENTS-IN-SUIT

11.   This cause of action asserts infringement of United States Patent No. 7,956,742 ("the '742 Patent"), United States Patent No. 8,314,705 ("the '705 Patent), United States Patent No. 8,952,814 ("the '814 Patent"), United States Patent No. 9,218,520 ("the '520 Patent"), United States Patent No. 9,817,870 ("the '870 Patent"), United States Patent No. 10,459,930 ("the '930 Patent"), and United States Patent No. 11,100,118 ("the '118 Patent") (collectively, the "Asserted Patents").

12.   The '742 Patent, entitled "Method and System for Storing, Retrieving, and Managing Data for Tags," duly and legally issued on June 7, 2011, from U.S. Patent Application No. 11/657,895, filed on June 24, 2007, naming Peter Lupoli, Jay P. Kesan, and Peter Cappello as

co-inventors. The '742 Patent is a continuation-in-part of U.S. Patent Application No. 10/952,789, filed on September 30, 2004, and issued as United States Patent No. 7,388,488 ("the '488 Patent") on June 17, 2008. The '742 Patent is subject to a patent term extension under 35 U.S.C. § 154(b) of 1,158 days. A true and correct copy of the '742 Patent is attached hereto as **Exhibit 1** and is incorporated by reference.

13.   The '742 Patent claims patent-eligible subject matter under 35 U.S.C. § 101. *See infra*, ¶¶ 48–60.

14.   Motedata is the owner and assignee of all rights, title, and interest in and under the '742 Patent.

15.   Motedata has standing to sue for infringement of the '742 Patent.

16.   The '705 Patent, entitled "Method and System for Storing, Retrieving, and Managing Data for Tags," duly and legally issued on November 20, 2012, from U.S. Patent Application No. 13/114,139, filed on May 24, 2011, naming Peter Lupoli, Jay P. Kesan, and Peter Cappello as co-inventors. The '705 Patent is a continuation of the '742 Patent. A true and correct copy of the '705 Patent is attached hereto as **Exhibit 2** and is incorporated by reference.

17.   The '705 Patent claims patent-eligible subject matter under 35 U.S.C. § 101. *See infra*, ¶¶ 48–60.

18.   Motedata is the owner and assignee of all rights, title, and interest in and under the '705 Patent.

19.   Motedata has standing to sue for infringement of the '705 Patent.

20.   The '814 Patent, entitled "Method and System for Storing, Retrieving, and Managing Data for Tags," duly and legally issued on February 10, 2015, from U.S. Patent Application No. 13/668,571, filed on November 5, 2012, naming Peter Lupoli, Jay P. Kesan, and

Peter R. Cappello as co-inventors. The '814 Patent is a continuation of the '705 Patent. The '814

Patent is subject to a patent term extension under 35 U.S.C. § 154(b) of 138 days. A true and

correct copy of the '814 Patent is attached hereto as **Exhibit 3** and is incorporated by reference.

21.   The '814 Patent claims patent-eligible subject matter under 35 U.S.C. § 101. *See*

infra, ¶¶ 48–60.

22.   Motedata is the owner and assignee of all rights, title, and interest in and under the

'814 Patent.

23.   Motedata has standing to sue for infringement of the '814 Patent.

24.   The '520 Patent, entitled "Method and System for Storing, Retrieving, and

Managing Data for Tags," duly and legally issued on December 22, 2015, from U.S. Patent

Application No. 14/609,470, filed on January 30, 2015, naming Peter Lupoli, Jay Kesan, and Peter

R. Cappello as co-inventors. The '520 Patent is a continuation of the '814 Patent. The '520 Patent

is subject to a terminal disclaimer. A true and correct copy of the '520 Patent is attached hereto as

Exhibit 4 and is incorporated by reference.

25.   The '520 Patent claims patent-eligible subject matter under 35 U.S.C. § 101. *See*

infra, ¶¶ 48–60.

26.   Motedata is the owner and assignee of all rights, title, and interest in and under the

'520 Patent.

27.   Motedata has standing to sue for infringement of the '520 Patent.

28.   The '870 Patent, entitled "Method and System for Storing, Retrieving, and

Managing Data for Tags," duly and legally issued on November 14, 2017, from U.S. Patent

Application No. 14/977,025, filed on December 21, 2015, naming Peter Lupoli, Jay Kesan, and

Peter R. Cappello as co-inventors. The '870 Patent is a continuation of the '520 Patent. The '870

Patent is subject to a terminal disclaimer. A true and correct copy of the '870 Patent is attached hereto as **Exhibit 5** and is incorporated by reference.

29.   The '870 Patent claims patent-eligible subject matter under 35 U.S.C. § 101. *See infra*, ¶¶ 48–60.

30.   Motedata is the owner and assignee of all rights, title, and interest in and under the '870 Patent.

31.   Motedata has standing to sue for infringement of the '870 Patent.

32.   The '930 Patent, entitled "Method and System for Storing, Retrieving, and Managing Data for Tags," duly and legally issued on October 29, 2019, from U.S. Patent Application No. 15/811,926, filed on November 14, 2017, naming Peter Lupoli, Jay Kesan, and Peter R. Cappello as co-inventors. The '930 Patent is a continuation of the '870 Patent. The '930 Patent is subject to a terminal disclaimer. A true and correct copy of the '930 Patent is attached hereto as **Exhibit 6** and is incorporated by reference.

33.   The '930 Patent claims patent-eligible subject matter under 35 U.S.C. § 101. *See infra*, ¶¶ 48–60.

34.   Motedata is the owner and assignee of all rights, title, and interest in and under the '930 Patent.

35.   Motedata has standing to sue for infringement of the '930 Patent.

36.   The '118 Patent, entitled "Method and System for Storing, Retrieving, and Managing Data for Tags," duly and legally issued on August 24, 2021, from U.S. Patent Application No. 16/665,417, filed on October 28, 2029, naming Peter Lupoli, Jay Kesan, and Peter R. Cappello as co-inventors. The '118 Patent is a continuation of the '930 Patent. The '118 Patent

is subject to a terminal disclaimer. A true and correct copy of the '118 Patent is attached hereto as **Exhibit 7** and is incorporated by reference.

37.   The '118 Patent claims patent-eligible subject matter under 35 U.S.C. § 101. *See infra*, ¶¶ 48–60.

38.   Motedata is the owner and assignee of all rights, title, and interest in and under the '118 Patent.

39.   Motedata has standing to sue for infringement of the '118 Patent.

40.   The Patents-in-Suit generally relate to the use of tags and the association of said tags with individuals or entities to track and manage the individuals or entities.

41.   Around the fall of 2002 and early 2003, Mr. Lupoli and Dr. Kesan, who are long-time friends, began discussing technologies that might be used to track objects by using tags, such as radio frequency identification ("RFID") tags.

42.   Around May 2003, Mr. Lupoli and Dr. Kesan happened to be in Italy at the same time on different matters. Mr. Lupoli was on vacation in Tuscany, and Dr. Kesan (a long-time, distinguished professor of patent law and inventor on several other patents) was there to lecture at a conference in Pisa, Italy. The two friends spent most of their time in Italy working on their idea. Surrounded by the history and architecture of Italy, they recognized a need to track and manage valuable objects such as priceless paintings, rare wine bottles, expensive inventory, vehicles in a fleet, and even more valuable things like soldiers in the military or family members. They discussed their interests and explored potential solutions for tracking objects using hardware and software.

43.   After returning to the United States, Mr. Lupoli and Dr. Kesan continued discussing the capabilities and functionalities of their tracking system, brainstorming additional features and

components, and considering ideas that others might find useful in a variety of industries and potential uses.

44.   In the fall of 2003, Mr. Lupoli and Dr. Kesan formed a company, called "Motedata" (as in "motes" (or specks) of data) to focus their development efforts and to be the owner of their intellectual property. They hired outside patent prosecution counsel and shared their work with them. These efforts led to the filing of the '449 Provisional Application in October of 2003.

45.   Around early 2005, Mr. Lupoli and Dr. Kesan began working with Peter Cappello, who was a Professor of Computer Science at the University of California, Santa Barbara. Mr. Cappello worked with Mr. Lupoli and Dr. Kesan to conceive of and refine certain aspects of their inventions, including the idea of using searches with ranked results to mine tag data. The three inventors continued to expand and refine their thoughts and ideas and developed more detailed solutions. Motedata filed a continuation-in-part (the '742 Patent) naming all three gentlemen as inventors and a series of continuations based on the work of all three inventors.

46.   Motedata has filed and obtained more than 30 U.S. and foreign patents on various aspects of their invention—some of which (including the Asserted Patents) involve contributions by all three inventors and some include only contributions by Mr. Lupoli and Dr. Kesan.

47.   The Asserted Patents describe and claim the core components of the fleet management systems that many companies—including TWM—use to monitor and track valuable assets such as vehicles.

48.   The Asserted Patents describe and claim eligible subject matter under 35 U.S.C. § 101. They describe and claim specialized hardware, such as tags that are associated with objects or entities and used to collect data for management and tracking purposes.

49.   Attached as **Exhibit 15** and incorporated by reference is the Declaration of Gregory J. Gonsalves, Ph.D., J.D., regarding Patentable Subject Matter under 35 U.S.C. § 101 in Support of Complaint by Motedata, Inc. ("Gonsalves Decl.").

50.   The claims of the Asserted Patents are not directed to an abstract idea. *See* Gonsalves Decl., ¶¶ 159–60, 173–74, 188–89, 204–05, 218–19, 233–34, 248–49.

51.   As explained by Dr. Gonsalves, the claimed systems and methods represent "concrete solution[s] for resolving particular problems that first arose with the development of networks hosting wireless devices." Gonsalves Decl., ¶¶ 151, 166, 181, 196, 211, 226, 241. These include: "how to retrieve and organize data associated with one or more wireless tags having sensors, to generate alerts based on the retrieved data, and to generate queries on the data" (*id.*, ¶ 151), "how to retrieve and organize static, dynamic, and temporal data associated with one or more tags having tag identifiers from a plurality of repositories and to query the data" (*id.*, ¶ 166), "how to retrieve and organize data including location data associated with one or more tags having tag identifiers from a plurality of repositories and to query the data" (*id.*, ¶ 181), "how to retrieve and organize data associated with one or more tags having tag identifiers from a plurality of repositories and to query the data (*id.*, ¶¶ 196, 211, 226, 241).

52.   The claimed systems and methods do not threaten to inhibit innovation. Instead, they address problems that only arose with the advent of wireless devices and communication networks. Gonsalves Decl., ¶¶ 153, 168, 183, 198, 213, 228, 243. The patented inventions do not apply to communication generally, but only to the particular problems of how to retrieve and organize specific types of data, generate alerts, organize the data, and respond to queries, for example. *See id.* According to Dr. Gonsalves, there was never a need to address the problems of

retrieving and organizing data and performing the additional claimed processing tasks associated with that data before the proliferation of mobile wireless devices and associated networks. *Id.*

53.   The patented solution is concrete, not abstract. According to Dr. Gonsalves, there are numerous other ways to retrieve, organize, and query data, as described in the claims of the Asserted Patents. "For example, a server could receive a data from a wireless device and simply perform a conventional search. The patent[s] do[] not claim those types of systems or any of the myriad of other communication systems." Gonsalves Decl., ¶¶ 154, 169, 184, 199, 214, 229, 244.

54.   The claimed systems and methods "contain[] many limitations that are not present in a simplistic example of mere communication with a wireless device," including, *inter alia*, tags, tag identifiers, control software, sensors, wireless transceivers, memory, a central authority, and a web interface. Gonsalves Decl., ¶¶ 155, 170, 185, 200, 215, 230, 245.

55.   The claims describe "particular operations to be performed by the system and address[] problems that arise in the realm of computer systems." Gonsalves Decl., ¶¶ 156, 171, 186, 201, 216, 231, 246.

56.   Because the claimed solutions are concrete, not abstract, they do not "threaten to 't[ie] up' a 'building block[] of human ingenuity,' which is the 'concern that drives' the judicial cave-out of 'abstract ideas' from § 101." Gonsalves Decl., ¶¶ 157, 172, 187, 202, 217, 232, 247.

57.   Moreover, even if the claims of the Asserted Patents were determined to be drawn to an abstract idea, they are still patent-eligible because they include an "inventive concept" at least because they are "necessarily rooted in computer technology in order to overcome a problem specifically arising in the realm of computer networks." Gonsalves Decl., ¶¶ 160, 175, 190, 205, 220, 235, 250 (citing *DDR Holdings, LLC v. Hotels.com*, 773 F.3d 1245, 1257 (Fed. Cir. 2014)); *see also* Gonsalves Decl., ¶¶ 164–65, 179–80, 194–95, 209–10, 224–25, 239–40, 254–55.

58.   The claims of the Asserted Patents do not simply recite applying a known business process to a technological environment. Instead, they "address[] problems specific to the new technology of wireless devices" and the problems of how to retrieve and organize certain types of data associated with wireless tags/entities, and to perform additional processing tasks, such as generating alerts based on the retrieved data, organizing the data, ranking data, and querying the data. Gonsalves Decl., ¶¶ 161, 176, 191, 206, 221, 236, 251.

59.   The claims override a routine sequence of events in that they provide a novel system to retrieve and organize data and to perform the additional claimed processing tasks. *See* Gonsalves Decl., ¶¶ 162, 177, 192, 207, 222, 237, 252.

60.   The claims of the Asserted Patents are directed to the inventive combination of computers, processors, data repositories, and tags to track and monitor attributes of individual entities associated with the tags and providing tangible and usable outputs.

61.   The claims of the Asserted Patents improve the functioning of traditional driver monitoring systems. For example, and without limitation, the use of tags, the ability to associate them with objects or entities, and the determination of static, dynamic, and temporal information associated with the objects via the tags, is an improvement over the prior art that was not well-understood, routine, or conventional at the time. The use of intelligent tags to capture data that is then used in a variety of internal functions improves the overall performance and efficiency of the fleet or asset tracking and management system.

62.   TWM has not obtained a license to any of the Asserted Patents.

63.   TWM does not have Motedata's permission to make, use, sell, offer to sell, or import products covered by one or more claims of the Asserted Patents or to perform any methods claimed in the Asserted Patents.

64.   TWM needs to obtain a license to the Asserted Patents and cease its ongoing infringement of Motedata's patent rights.

GENERAL ALLEGATIONS

Rhino Fleet Tracking System & App

65.   Upon information and belief, TWM makes, uses, sells, offers to sell, and/or imports into the United States methods and systems for storing, retrieving, and managing data for tags as claimed in each of the Asserted Patents. For example, and without limitation, TWM provides for its customers the Rhino Fleet Tracking System ("Rhino FTS").

66.   According to TWM, the Rhino FTS provides GPS tracking of trucks, fleet cars, trailers, and equipment:

rhinofleettracking.com/gps-fleet-tracking/

67.   TWM offers a downloadable app to Rhino FTS customers for use on both iOS and

Android mobile devices.

Apple Store Description

Google Play Store Description

68.   According to TWM, fleet elements are monitored with the use of battery-powered

GPS tracking devices:
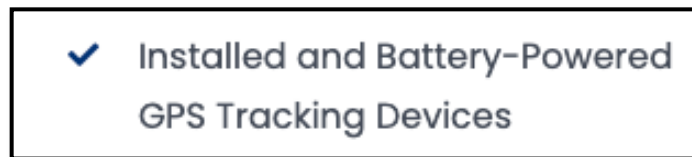
rhinofleettracking.com/gps-fleet-tracking/

69.   According to TWM, the Rhino FTS works with TWM's OBDII devices or with a

wired configuration:
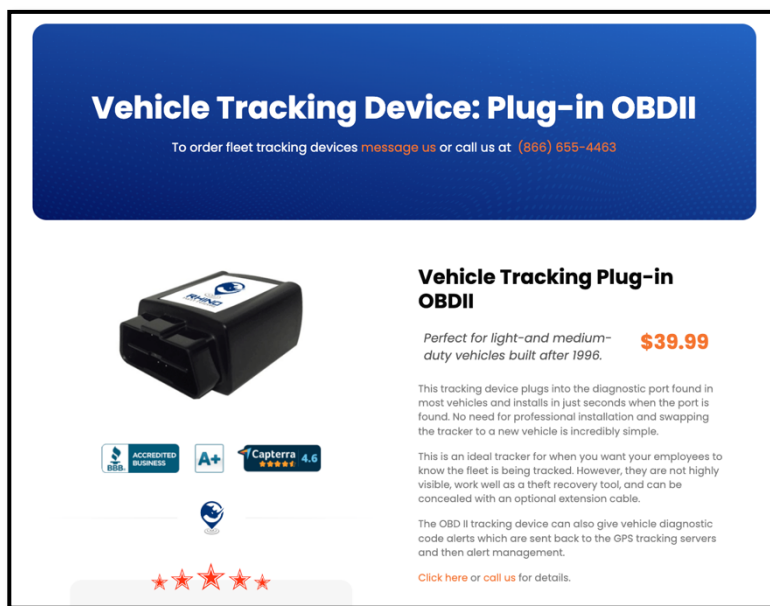
rhinofleettracking.com/vehicle-tracking-device-plug-in-obdii/

rhinofleettracking.com/vehicle-tracking-device-wired-option/

70.   TWM identifies several compatible tracking devices on its website:

rhinofleettracking.com

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rhinofleettracking.com

71.   Upon information and belief, the Rhino FTS allows users to access and organize

tag-related data:

rhinofleettracking.com/gps-fleet-tracking/

72.   According to TWM, the Rhino FTS provides data access via desktop computer or mobile app:

rhinofleettracking.com/gps-fleet-tracking/

rhinofleettracking.com/gps-fleet-tracking/ (annotation added)

73.   According to TWM, the Rhino FTS allows users to view historical data associated with fleet assets that have tags installed or associated with them:

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https://www.youtube.com/watch?v=MXMaXJYysl4
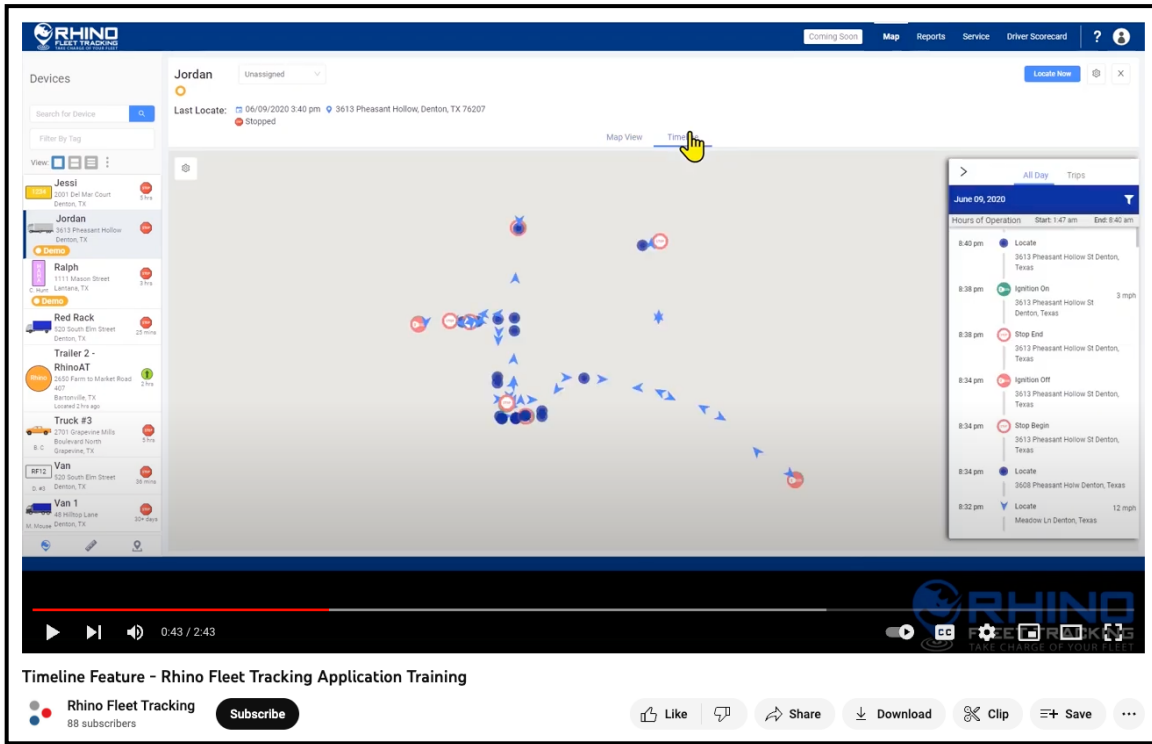
[Audio voiceover: "To view the full day of data for the device, click 'Timeline' at the top of the map. This will display the whole day's data on the map as well as pulling out the list view of all the locates and events for the day."]

74.   According to TWM, the Rhino FTS is a cloud-based system, with "data and reports . . . completely housed in the cloud":

rhinofleettracking.com/gps-fleet-tracking/

75.   Each tag in the Rhino FTS is represented within the user interface by a serial number and an International Mobile Equipment Identifier ("IMEI"), which distinguish each tag from all other tags in the system:

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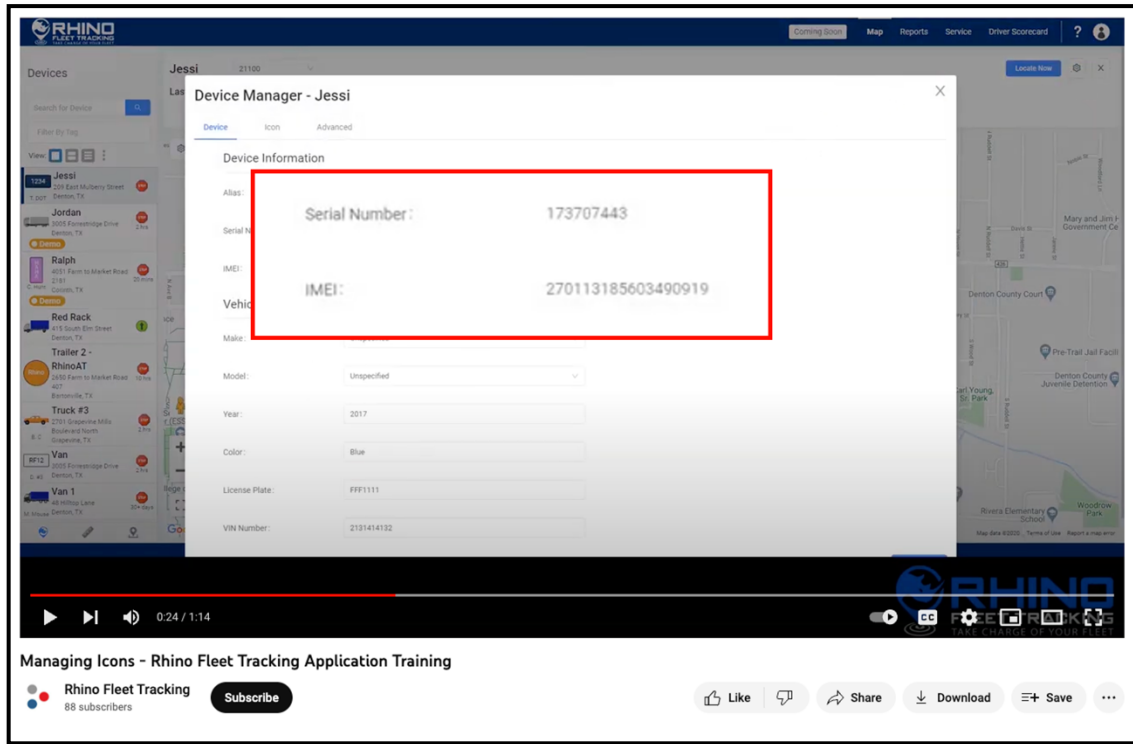
https://www.youtube.com/watch?v=IYd9o21mQ1I (zoomed inset added)

76.   According to TWM, Rhino FTS users can "see where your vehicles are, where they have been, and how long they have stayed":

https://www.youtube.com/watch?v=7Fe817oRreM
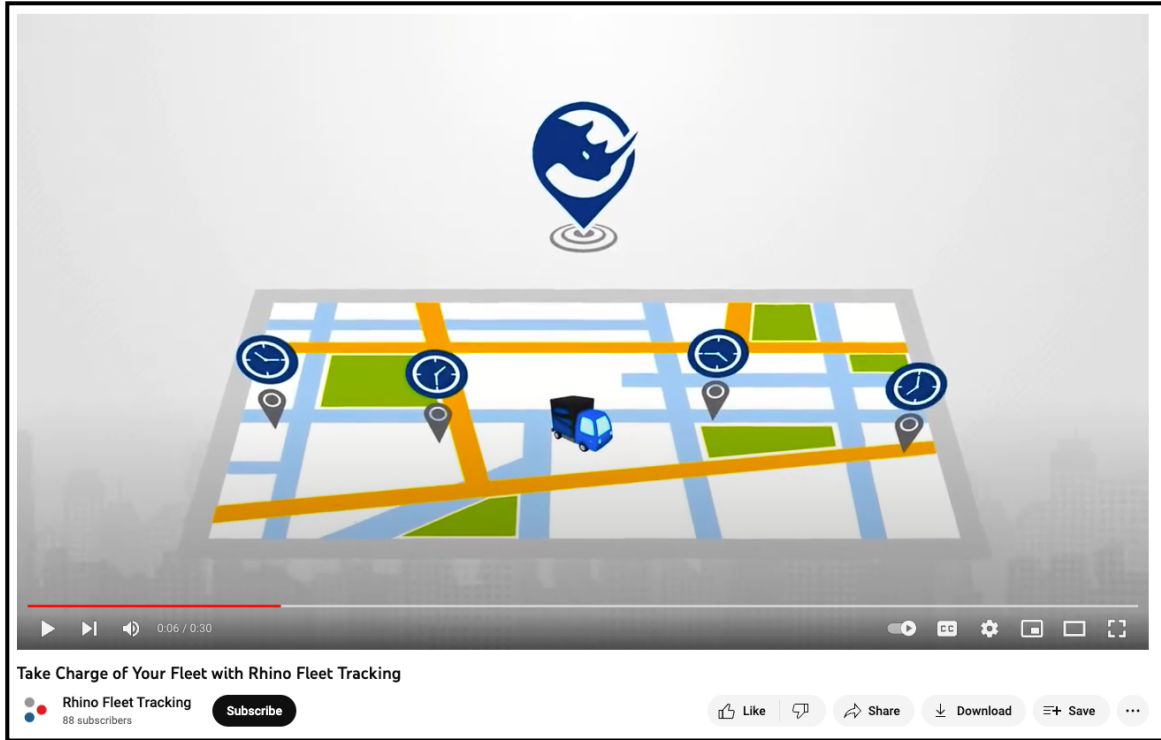
[Audio voiceover: "With Rhino Fleet Tracking, you can see where your vehicles are, where they have been, and how long they have stayed."]

77.   TWM provides Rhino FTS users with reports that include information about current and historical asset location.
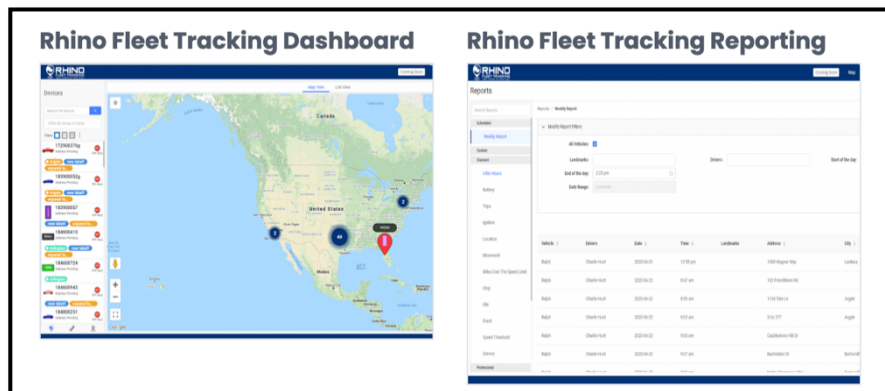
rhinofleettracking.com/gps-fleet-tracking/how-gps-tracking-works/

78.   According to TWM, "GPS fleet tracking systems offer business owners and managers many benefits, but the most significant of all is the significant impact on your bottom line." *See* rhinofleettracking/com/benefits.

79.   According to the Rhino FTS website, some of the benefits the system provides include ongoing customer case, elimination of theft and waste, lower fuel costs, improved safety, lower labor costs, and reduced maintenance costs:
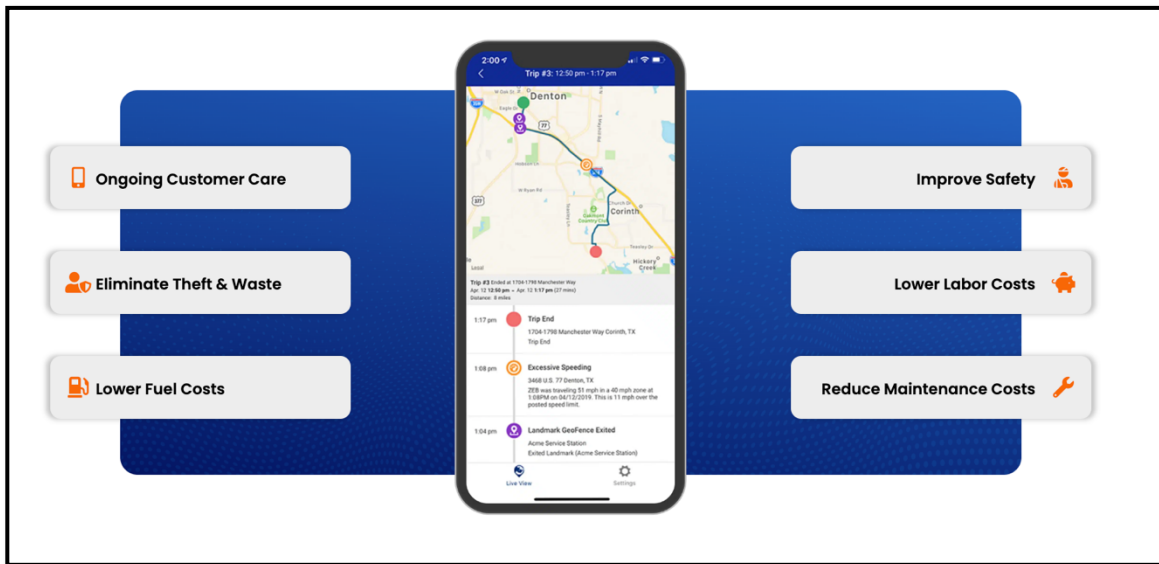
rhinofleettracking.com

80.   The Rhino FTS provides customers with each of the benefits identified above.

Summary of Infringement Allegations

81.   TWM has infringed and continues to infringe (literally and/or under the doctrine of equivalents), directly, and/or through subsidiaries, agents, representatives, or intermediaries, one or more claims of each of the Asserted Patents by making, using, testing, supplying, causing to be supplied, selling, and/or offering for sale in the United States the Rhino FTS, alone or in conjunction with other TWM products, such as the GPS Vehicle Tracking Devices used with the Rhino FTS (*see* rhinofleettracking.com/gps-tracking-devices) and the Drive360 Smart Camera (*see* rhinofleettracking.com/smart-dash-camera/).

82.   Motedata has been and continues to be damaged because of TWM's infringing conduct. TWM is therefore liable to Motedata in an amount that adequately compensates Motedata for TWM's 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.

83.   Additionally, upon information and belief, TWM markets, sells, and/or uses other products and services that are not covered by the claims of the Asserted Patents but that are used or offered with the Rhino FTS and/or that benefit TWM in ways at least attributable in part to the Rhino FTS. Accordingly, Motedata is entitled to collect damages from TWM for convoyed sales of certain non-patented products and services.

84.   TWM failed to obtain permission from Motedata to make, use, sell, offer to sell, and/or import products or services incorporating the inventions claimed in the Asserted Patents.

85.   For each count of infringement listed below, Motedata incorporates and re-states the allegations contained in the preceding paragraphs above, including these General Allegations, as if fully set forth in each count of infringement.

COUNT I – INFRINGEMENT OF THE '742 PATENT

86.   Motedata incorporates by reference the allegations made in paragraphs 1–85.

87.   TWM has been and is now directly infringing the '742 Patent in violation of 35 U.S.C. § 271(a) by making, using, selling, offering for sale, and/or importing into the United States products or systems that are covered by and/or that practice the methods described in one or more claims of the '742 Patent, including but not limited to Claim 10.

88.   For example, the Rhino FTS is a system for retrieving and organizing data that is associated with one or more tags having one or more identifiers from a plurality of repositories. The Rhino FTS is implemented by at least one computer including one or more processors, comprising the elements described in at least Claim 10.

89.   Additionally, TWM is indirectly infringing the '742 Patent in violation of 35 U.S.C. § 271(b) by actively inducing its customers to use products or systems that are covered by and/or that practice the methods described in one or more claims of the '742 Patent, including but not limited to Claim 10. TWM's customers' use of the Rhino FTS constitutes direct infringement of the '742 Patent. TWM has had knowledge of the '742 Patent at least since the filing of this lawsuit, and its ongoing inducement of its customers' use of the Rhino FTS in light of the infringement allegations made herein and in the attached claim charts is therefore with knowledge of the '742 Patent and with the specific intent to induce ongoing infringement of its claims.

90.   An exemplary claim chart comparing TWM's infringing Rhino FTS systems/methods to one or more claims of the '742 Patent is attached as **Exhibit 8** and is incorporated by reference as if fully set forth herein.

91.   As a result of TWM's infringement of the '742 Patent, Motedata has suffered and is owed monetary damages that are adequate to compensate it for the infringement under 35 U.S.C. § 284, but in no event less than a reasonable royalty.

COUNT II – INFRINGEMENT OF THE '705 PATENT

92.   Motedata incorporates by reference the allegations made in paragraphs 1–85.

93.   TWM has been and is now directly infringing the '705 Patent in violation of 35 U.S.C. § 271(a) by making, using, selling, offering for sale, and/or importing into the United States products or systems that are covered by and/or that practice the methods described in one or more claims of the '705 Patent, including but not limited to Claim 15.

94.   For example, the Rhino FTS is a system for retrieving and organizing data that is associated with one or more tags having one or more identifiers from a plurality of repositories. The Rhino FTS is implemented by at least one computer including one or more processors, comprising the elements described in at least Claim 15.

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95.   Additionally, TWM is indirectly infringing the '705 Patent in violation of 35 U.S.C. § 271(b) by actively inducing its customers to use products or systems that are covered by and/or that practice the methods described in one or more claims of the '705 Patent, including but not limited to Claim 15. TWM's customers' use of the Rhino FTS constitutes direct infringement of the '705 Patent. TWM has had knowledge of the '705 Patent at least since the filing of this lawsuit, and its ongoing inducement of its customers' use of the Rhino FTS in light of the infringement allegations made herein and in the attached claim charts is therefore with knowledge of the '705 Patent and with the specific intent to induce ongoing infringement of its claims.

96.   An exemplary claim chart comparing TWM's infringing Rhino FTS systems/methods to one or more claims of the '705 Patent is attached as **Exhibit 9** and is incorporated by reference as if fully set forth herein.

97.   As a result of TWM's infringement of the '705 Patent, Motedata has suffered and is owed monetary damages that are adequate to compensate it for the infringement under 35 U.S.C. § 284, but in no event less than a reasonable royalty.

COUNT III – INFRINGEMENT OF THE '814 PATENT

98.   Motedata incorporates by reference the allegations made in paragraphs 1–85.

99.   TWM has been and is now directly infringing the '814 Patent in violation of 35 U.S.C. § 271(a) by making, using, selling, offering for sale, and/or importing into the United States products or systems that are covered by and/or that practice the methods described in one or more claims of the '814 Patent, including but not limited to Claim 13.

100.   For example, the Rhino FTS is a system for retrieving and organizing data that is associated with one or more tags having one or more identifiers from a plurality of repositories. The Rhino FTS is implemented by at least one computer including one or more processors, comprising the elements described in at least Claim 13.

101.   Additionally, TWM is indirectly infringing the '814 Patent in violation of 35 U.S.C. § 271(b) by actively inducing its customers to use products or systems that are covered by and/or that practice the methods described in one or more claims of the '814 Patent, including but not limited to Claim 13. TWM's customers' use of the Rhino FTS constitutes direct infringement of the '814 Patent. TWM has had knowledge of the '814 Patent at least since the filing of this lawsuit, and its ongoing inducement of its customers' use of the Rhino FTS in light of the infringement allegations made herein and in the attached claim charts is therefore with knowledge of the '814 Patent and with the specific intent to induce ongoing infringement of its claims.

102.   An exemplary claim chart comparing TWM's infringing Rhino FTS systems/methods to one or more claims of the '814 Patent is attached as **Exhibit 10** and is incorporated by reference as if fully set forth herein.

103.   As a result of TWM's infringement of the '814 Patent, Motedata has suffered and is owed monetary damages that are adequate to compensate it for the infringement under 35 U.S.C. § 284, but in no event less than a reasonable royalty.

COUNT IV – INFRINGEMENT OF THE '520 PATENT

104.   Motedata incorporates by reference the allegations made in paragraphs 1–85.

105.   TWM has been and is now directly infringing the '520 Patent in violation of 35 U.S.C. § 271(a) by making, using, selling, offering for sale, and/or importing into the United States products or systems that are covered by and/or that practice the methods described in one or more claims of the '520 Patent, including but not limited to Claim 16.

106.   For example, the Rhino FTS is a system for retrieving and organizing data that is associated with one or more tags having one or more identifiers from a plurality of repositories. The Rhino FTS is implemented by at least one computer including one or more processors, comprising the elements described in at least Claim 16.

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107.   Additionally, TWM is indirectly infringing the '520 Patent in violation of 35 U.S.C. § 271(b) by actively inducing its customers to use products or systems that are covered by and/or that practice the methods described in one or more claims of the '520 Patent, including but not limited to Claim 16. TWM's customers' use of the Rhino FTS constitutes direct infringement of the '520 Patent. TWM has had knowledge of the '520 Patent at least since the filing of this lawsuit, and its ongoing inducement of its customers' use of the Rhino FTS in light of the infringement allegations made herein and in the attached claim charts is therefore with knowledge of the '520 Patent and with the specific intent to induce ongoing infringement of its claims.

108.   An exemplary claim chart comparing TWM's infringing Rhino FTS systems/methods to one or more claims of the '520 Patent is attached as **Exhibit 11** and is incorporated by reference as if fully set forth herein.

109.   As a result of TWM's infringement of the '520 Patent, Motedata has suffered and is owed monetary damages that are adequate to compensate it for the infringement under 35 U.S.C. § 284, but in no event less than a reasonable royalty.

COUNT V – INFRINGEMENT OF THE '870 PATENT

110.   Motedata incorporates by reference the allegations made in paragraphs 1–85.

111.   TWM has been and is now directly infringing the '870 Patent in violation of 35 U.S.C. § 271(a) by making, using, selling, offering for sale, and/or importing into the United States products or systems that are covered by and/or that practice the methods described in one or more claims of the '870 Patent, including but not limited to Claim 1.

112.   For example, the Rhino FTS is a system that performs a method for accessing and organizing tag-related data and is implemented by at least one computer including one or more processors, comprising the elements described in at least Claim 1.

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113.   Additionally, TWM is indirectly infringing the '870 Patent in violation of 35 U.S.C. § 271(b) by actively inducing its customers to use products or systems that are covered by and/or that practice the methods described in one or more claims of the '870 Patent, including but not limited to Claim 1. TWM's customers' use of the Rhino FTS constitutes direct infringement of the '870 Patent. TWM has had knowledge of the '870 Patent at least since the filing of this lawsuit, and its ongoing inducement of its customers' use of the Rhino FTS in light of the infringement allegations made herein and in the attached claim charts is therefore with knowledge of the '870 Patent and with the specific intent to induce ongoing infringement of its claims.

114.   An exemplary claim chart comparing TWM's infringing Rhino FTS systems/methods to one or more claims of the '870 Patent is attached as **Exhibit 12** and is incorporated by reference as if fully set forth herein.

115.   As a result of TWM's infringement of the '870 Patent, Motedata has suffered and is owed monetary damages that are adequate to compensate it for the infringement under 35 U.S.C. § 284, but in no event less than a reasonable royalty.

COUNT VI – INFRINGEMENT OF THE '930 PATENT

116.   Motedata incorporates by reference the allegations made in paragraphs 1–85.

117.   TWM has been and is now directly infringing the '930 Patent in violation of 35 U.S.C. § 271(a) by making, using, selling, offering for sale, and/or importing into the United States products or systems that are covered by and/or that practice the methods described in one or more claims of the '930 Patent, including but not limited to Claim 16.

118.   For example, the Rhino FTS is a system for retrieving and organizing data that is associated with one or more tags having one or more identifiers from a plurality of repositories. The Rhino FTS is implemented by at least one computer including one or more processors, comprising the elements described in at least Claim 16.

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119.   Additionally, TWM is indirectly infringing the '930 Patent in violation of 35 U.S.C. § 271(b) by actively inducing its customers to use products or systems that are covered by and/or that practice the methods described in one or more claims of the '930 Patent, including but not limited to Claim 16. TWM's customers' use of the Rhino FTS constitutes direct infringement of the '930 Patent. TWM has had knowledge of the '930 Patent at least since the filing of this lawsuit, and its ongoing inducement of its customers' use of the Rhino FTS in light of the infringement allegations made herein and in the attached claim charts is therefore with knowledge of the '930 Patent and with the specific intent to induce ongoing infringement of its claims.

120.   An exemplary claim chart comparing TWM's infringing Rhino FTS systems/methods to one or more claims of the '930 Patent is attached as **Exhibit 13** and is incorporated by reference as if fully set forth herein.

121.   As a result of TWM's infringement of the '930 Patent, Motedata has suffered and is owed monetary damages that are adequate to compensate it for the infringement under 35 U.S.C. § 284, but in no event less than a reasonable royalty.

COUNT VII – INFRINGEMENT OF THE '118 PATENT

122.   Motedata incorporates by reference the allegations made in paragraphs 1–85.

123.   TWM has been and is now directly infringing the '118 Patent in violation of 35 U.S.C. § 271(a) by making, using, selling, offering for sale, and/or importing into the United States products or systems that are covered by and/or that practice the methods described in one or more claims of the '118 Patent, including but not limited to Claim 15.

124.   For example, the Rhino FTS is a system for retrieving and organizing data that is associated with one or more tags having one or more identifiers from a plurality of repositories. The Rhino FTS is implemented by at least one computer including one or more processors, comprising the elements described in at least Claim 15.

125.   Additionally, TWM is indirectly infringing the '118 Patent in violation of 35 U.S.C. § 271(b) by actively inducing its customers to use products or systems that are covered by and/or that practice the methods described in one or more claims of the '118 Patent, including but not limited to Claim 15. TWM's customers' use of the Rhino FTS constitutes direct infringement of the '118 Patent. TWM has had knowledge of the '118 Patent at least since the filing of this lawsuit, and its ongoing inducement of its customers' use of the Rhino FTS in light of the infringement allegations made herein and in the attached claim charts is therefore with knowledge of the '118 Patent and with the specific intent to induce ongoing infringement of its claims.

126.   An exemplary claim chart comparing TWM's infringing Rhino FTS systems/methods to one or more claims of the '118 Patent is attached as **Exhibit 14** and is incorporated by reference as if fully set forth herein.

127.   As a result of TWM's infringement of the '118 Patent, Motedata has suffered and is owed monetary damages that are adequate to compensate it for the infringement under 35 U.S.C. § 284, but in no event less than a reasonable royalty.

DEMAND FOR A JURY TRIAL

128.   Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Motedata demands a trial by jury on all issues triable of right by a jury.

PRAYER FOR RELIEF

129.   WHEREFORE, Motedata respectfully requests that this Court enter judgment in its favor and grant the following relief:

      a.   A judgment that TWM has directly infringed one or more claims of each of the Asserted Patents;

      b.   A judgment that TWM has indirectly infringed one or more claims of each of the Asserted Patents;

c.   A judgment and order requiring TWM to pay Motedata past and future damages under 35 U.S.C. § 284, including for supplemental damages arising from any continuing post-verdict infringement for the time between trial and entry of the final judgment with an accounting, as needed, as provided by 35 U.S.C. § 284;

d.   A judgment and order requiring TWM to pay Motedata reasonable ongoing royalties on a going-forward basis after final judgment;

e.   A judgment and order requiring TWM to pay Motedata pre-judgment and post-judgment interest on the damages award;

f.   A judgment and order requiring TWM to pay Motedata's costs; and

g.   Such other and further relief as the Court may deem just and proper.

Dated: May 17, 2024   Respectfully submitted,

 /s/ Shawn A. Latchford
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