

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

ADVANCED METER SYSTEMS, LLC,

Plaintiff,

v.

SCHNEIDER ELECTRIC USA, INC.

Defendant.

CIVIL ACTION NO.: 4:24-cv-489

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

1. This is an action under the patent laws of the United States, Title 35 of the United States Code, for patent infringement, in which Advanced Meter Systems, LLC (“Advanced Meter” or “Plaintiff”) makes the following allegations against Schneider Electric USA, Inc. (“Schneider Electric,” or “Defendant”).

PARTIES

2. Plaintiff Advanced Meter Systems, LLC is a Texas limited liability company having its primary office at 2509 Lusitano Lane, Celina, Texas 75009-4675. Plaintiff’s owner and manager is Rochelle T. Burns.

3. On information and belief, Defendant Schneider Electric is a Delaware corporation having a principal place of business at One Boston Place, Suite 2700, Boston, Massachusetts, 02108.

4. On information and belief, the registered agent for service of process in Texas for Schneider is Corporation Service Company D/B/A CSC-Lawyers Incorporating Service Company, having an address of 211 E. 7th Street Suite 620 Austin, Texas 78701.

JURISDICTION AND VENUE

5. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

6. On information and belief, Schneider Electric maintains at least one regular place of business within this Judicial District at 911 NW Loop 281, Suite 317, Longview, Texas, 75604.

7. Venue is proper in this district under 28 U.S.C. §§ 1391(c), generally, and under 1400(b), specifically, as Defendant maintain at least one regular and established place of business in this Judicial District and has committed acts of patent infringement in this Judicial District by using, selling and/or offering for sale infringing devices and instrumentalities to customers in this Judicial District.

8. Defendant is subject to this Court’s specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its presence and substantial business in this forum, including: (i) maintaining a physical presence in this forum; (ii) committing at least a portion of the infringements in this forum; and (iii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this Judicial District.

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 7,088,239

9. Plaintiff is the owner by assignment of the valid and enforceable United States Patent No. 7,088,239 (“the ‘239 Patent”) entitled “Method and Apparatus for All-purpose, Automatic Remote Utility Meter Reading, Utility Shut Off, and Hazard Warning and Correction” – including all rights to recover for past, present and future acts of infringement. The ‘239 Patent issued on August 8, 2006, and has a priority date of March 2, 2004. A true and correct copy of the ‘239 Patent is attached as Exhibit A.

10. On information and belief, Schneider imports, provides, supplies, distributes, offers for sale, sells, and/or provides access to methods and devices for automatic remote utility meter reading and reporting under the brand names “PowerLogic” and “ION,” among others (“Schneider Utility Monitoring Devices”).

11. On information and belief, Defendant directly – or through intermediaries including distributors, partners, contractors, employees, divisions, branches, subsidiaries, or parents – has used, operated, imported, provided, supplied, distributed, offered for sale, sold, and/or provided access to Schneider Utility Monitoring Devices.

12. On information and belief, a Schneider Utility Monitoring Network incorporates a series of networked Schneider Utility Monitoring Devices comprising one or more nodes, each connected to an array of other devices, including Schneider Utility Meters.

13. On information and belief, Schneider's Utility Meters include Schneider's PowerLogic ION8650 and PowerLogic ION7400 Utility Meters, as examples.

14. On information and belief, Schneider Utility Monitoring nodes and Schneider Utility Meters deliver two-way communication and time synchronization within a Schneider Utility Monitoring Network.

15. On information and belief, Schneider Utility Monitoring nodes and Schneider Utility Meters provide regular reports with detailed information on utility usage, which can be used to identify hazards and anomalies such as potential shorts, open circuits and meter tampering.

16. On information and belief, Schneider Utility Monitoring nodes receive data and alarms from Schneider Utility Meters and send commands back to Schneider Utility Meters.

17. On information and belief, Schneider Utility Monitoring nodes handle priority reporting of alarms, leak detection, error conditions and tamper notifications.

18. On information and belief, components and services of Schneider Utility Monitoring Devices include mechanisms and systems for generating alarms and alerts, managing communications, message parsing and routing, reporting, analytics, diagnostics, logging and security.

19. On information and belief, Schneider Utility Monitoring Devices are specifically designed, made, and used for metering utility usage.

20. On information and belief, Schneider Utility Monitoring Devices are specifically designed, made and used for reporting utility usage.

21. On information and belief, Schneider Utility Monitoring Devices are designed, made and used for detecting, reporting and correcting errors and faults within a Schneider Utility Monitoring Network.

22. On information and belief, Schneider Utility Monitoring Devices incorporate data transmission capability for sending information from Schneider Utility Monitoring Devices to remote data collection computers.

23. On information and belief, Schneider Utility Monitoring Devices incorporate data reception capability for the reception of information within remote data collection computers.

24. On information and belief, Schneider Utility Monitoring Devices incorporate the capability to confirm successful transmission and receipt of utility data, to request retransmission of failed transmissions and to generate notice of repair needs.

25. On information and belief, Schneider Utility Monitoring Devices are operable to monitor utility usage and establish utility usage data.

26. On information and belief, Schneider Utility Monitoring Devices are operable to process utility usage data.

27. On information and belief, Schneider Utility Monitoring Devices are operable to transmit utility usage data to remote data receiving devices.

28. On information and belief, Schneider Utility Monitoring Devices are operable to transmit confirmation of the reception of said utility usage data.

29. On information and belief, Schneider Utility Monitoring Devices provided by Defendant are operable to repeat transmission of utility usage data to data receiving apparatus in the event confirmation is not successfully received.

30. On information and belief, Schneider Utility Monitoring Devices provided by Defendant are operable to initiate the identification and repair of a malfunction in the event transmission of utility usage data to a data receiving apparatus is not successful.

31. The Schneider Utility Monitoring Devices infringe one or more claims of the '239 Patent.

32. Defendants' use, operation, import, provision, supply, distribution, offer for sale, sale and/or provision of access to Schneider Utility Monitoring Devices and a Schneider Utility Monitoring Network covered by the '239 Patent has been conducted without license, authority or permission of Akoloutheo.

33. Defendants' unauthorized and unlicensed use, operation, import, provision, supply, distribution, offer for sale, sale and/or provision of access to Schneider Utility Monitoring Devices and Schneider Utility Monitoring Networks covered by the '239 Patent constitute patent infringement under 35 U.S.C. § 271.

DEMAND FOR JURY TRIAL

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter:

- a. A judgment in favor of Plaintiff that Defendant has infringed the ‘239 Patent;
- b. A permanent injunction enjoining Defendant and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith from infringement of the ‘239 Patent;
- c. A judgment and order requiring Defendant to pay Plaintiff its damages, costs, expenses, and pre-judgment and post-judgment interest for Defendant’s infringement of the ‘239 Patent as provided under 35 U.S.C. § 284;
- d. An award to Plaintiff for enhanced damages resulting from the knowing and deliberate nature of Defendant’s prohibited conduct with notice being made at least as early as the service date of this complaint, as provided under 35 U.S.C. § 284;
- e. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Plaintiff its reasonable attorneys’ fees; and
- f. Any and all other relief to which Plaintiff may show itself to be entitled.

Dated: May 31, 2023

Respectfully Submitted,

By: /s/ Kenneth Thomas Emanuelson
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