

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

IOT INNOVATIONS LLC,

Plaintiff,

v.

ECOBEE TECHNOLOGIES ULC d/b/a  
ECOBEE,

Defendant.

Civil Action No. 2:24-cv-00729

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff IoT Innovations LLC (“IoT Innovations” or “Plaintiff”) files this Complaint against ecobee Technologies ULC d/b/a ecobee (“ecobee” or “Defendant”) alleging, based on its own knowledge as to itself and its own actions, and based on information and belief as to all other matters, as follows:

**NATURE OF THE ACTION**

1. This is a patent infringement action to stop ecobee’s infringement of the following United States Patents (collectively, the “Asserted Patents”) issued by the United States Patent and Trademark Office (“USPTO”):

U.S. Patent No.	Title	Available At
1) 7,379,464	Personal Digital Gateway	USPTO.GOV, <a href="https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/7379464">https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/7379464</a> .
2) 7,474,667	Multi-Path Gateway Communications Device	USPTO.GOV, <a href="https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/7474667">https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/7474667</a>
3) 7,567,580	Edge Side Assembler	USPTO.GOV, <a href="https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/7567580">https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/7567580</a>
4) 7,974,266	Method And Apparatus For Classifying Ip Data	USPTO.GOV, <a href="https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/7974266">https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/7974266</a>
5) 8,085,796	Establishing A Home Relationship Between A Wireless Device And A Server In A Wireless Network	USPTO.GOV, <a href="https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/8085796">https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/8085796</a>
6) 8,972,576	Establishing A Home Relationship Between A Wireless Device And A Server In A Wireless Network	USPTO.GOV, <a href="https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/8972576">https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/8972576</a>
7) RE44,191	Electric Device, Computer, Program, System And Method Of Setting Up User Applications	USTPO.GOV, <a href="https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/RE44191">https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/RE44191</a>
8) 7,165,224	Image Browsing And Downloading In Mobile Networks	USPTO.GOV, <a href="https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/7165224">https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/7165224</a> .
9) 7,246,173	Method And Apparatus For Classifying IP Data	USPTO.GOV, <a href="https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/7246173">https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/7246173</a>
10) 7,263,102	Multi-Path Gateway Communications Device	USPTO.GOV, <a href="https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/7263102">https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/7263102</a> .

2. IoT Innovations seeks injunctive relief and monetary damages.

### PARTIES

3. IoT Innovations is a limited liability company formed under the laws of Texas with a registered office address located in Austin, Texas (Travis County).

4. On information and belief, ecobee is a British Columbia unlimited liability company with its principal place of business at 25 Dockside Drive, Suite 700, Toronto, ON, Canada, M5A 0B5.

5. On information and belief, ecobee directly and/or indirectly develops, designs, manufactures, distributes, markets, offers to sell and/or sells infringing products and services in the United States and in the State of Texas, including in the Eastern District of Texas, and otherwise directs infringing activities to this District in connection with its products and services.

### **JURISDICTION AND VENUE**

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

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

8. Venue is proper in this District pursuant to 28 U.S.C. § 1391 because, among other things, Defendant is not a resident of the United States, and thus may be sued in any judicial district, including this one, pursuant to 28 U.S.C. § 1391(c)(3). *See also In re HTC Corporation*, 889 F.3d 1349, 1357 (Fed. Cir. 2018) (“The Court’s recent decision in *TC Heartland* does not alter” the alien-venue rule.).

9. Defendant is subject to this Court’s specific and general personal jurisdiction under due process because of Defendant’s substantial business in this District, in the State of Texas, and in the United States, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, or deriving substantial revenue from goods and services provided to individuals in this state, in this District, and in the United States.

10. Specifically, Defendant intends to do and does business in, has committed acts of infringement in, and continues to commit acts of infringement in the State of Texas, including in this District, and in the United States, directly, through intermediaries and agents, by contributing to and through inducement of third parties, and offers its products or services, including those accused of infringement here, to customers and potential customers located in this state, including in this District, and in the United States.

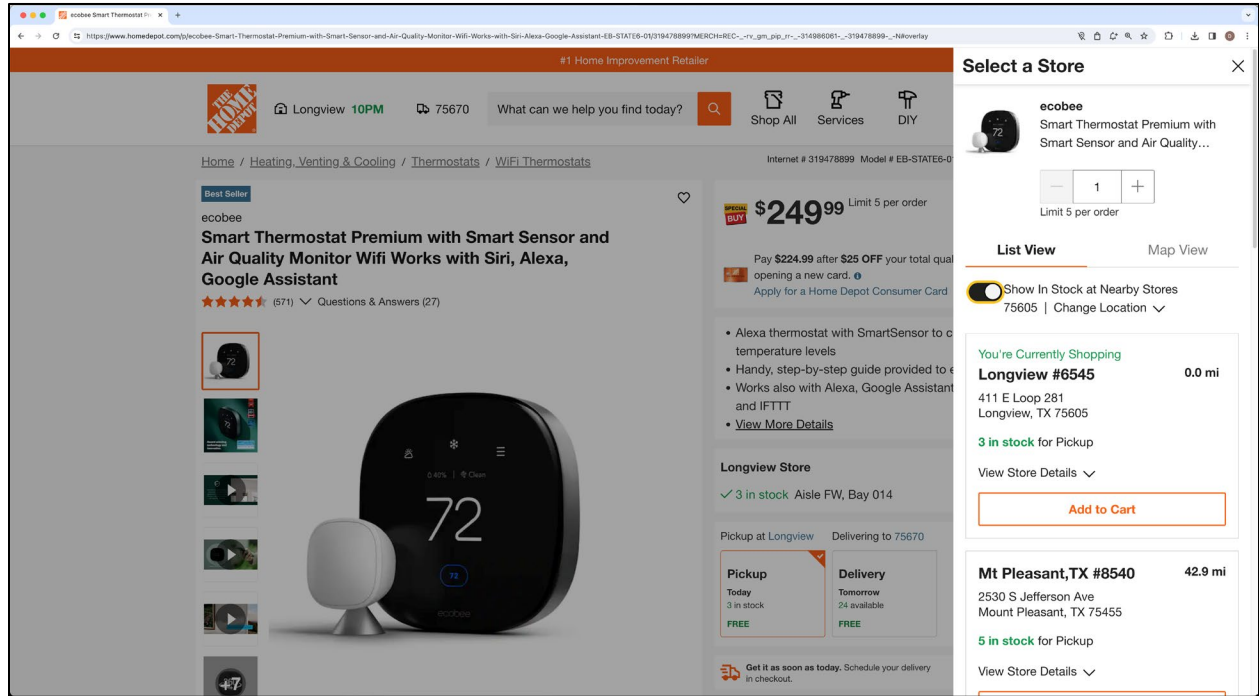
11. Defendant has committed acts of infringement from this District, including, but not limited to, making, using, selling, offering for sale, and importing of the Accused Products.

12. Defendant has purposefully directed infringing activities at residents of the State of Texas, and this litigation results from those infringing activities. Defendant regularly sells (either directly or indirectly), its products within this District. For example, upon information and belief, Defendant has placed and continues to place the Accused Products into the stream of commerce *via* an established distribution channel with the knowledge or understanding that such products are being and will continue to be sold in this District and the State of Texas. Defendant is subject to this Court's specific and/or general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due to its substantial and pervasive business in this State and District, including its infringing activities alleged herein, from which Defendant derives substantial revenue from goods sold to Texas residents and consumers.

13. Defendant offers products and services and conducts business in this District as described below.

14. Defendant commits acts of infringement from this District, including, but not limited to, use of the Accused Products and inducement of third parties to use the Accused Products in an infringing manner.

15. Defendant has authorized sellers and sales representatives that offer and sell products in this Complaint through the State of Texas, including in this Judicial District, and to consumers throughout this Judicial District, such as the Home Depot stores located at 411 E Loop 281, Longview, TX 75605; and 2530 S Jefferson Ave., Mount Pleasant, TX 75455, as shown in **Figure 1** below:



**Figure 1**

Source: HOME DEPOT, <https://www.homedepot.com/p/ecobee-Smart-Thermostat-Premium-with-Smart-Sensor-and-Air-Quality-Monitor-Wifi-Works-with-Siri-Alexa-Google-Assistant-EB-STATE6-01/319478899>

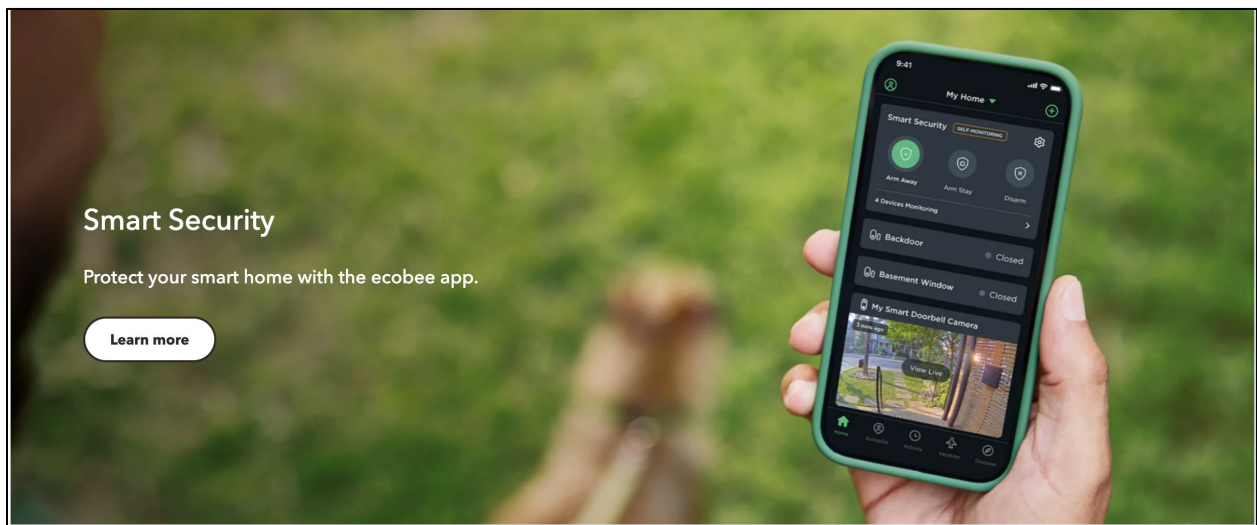
### THE ACCUSED PRODUCTS

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

17. Based upon public information, Defendant owns, operates, advertises, and/or controls the website and domain <https://www.ecobee.com>, through which it advertises, sells, offers to sell, provides and/or educates customers about its products and services.

18. Defendant uses, causes to be used, sells, offers for sale, provides, supplies, or

distributes its home security and control platform and systems, including but not limited to those marketed as ecobee's Smart Security systems and products, which include, at least, ecobee's Smart Home platforms, Smart Thermostats (including but not limited to the ecobee Smart Thermostat Premium and ecobee Smart Si Wi-Fi Thermostat), ecobee's Smart Cameras (including but not limited to the ecobee Smart Camera with voice control), ecobee's Smart Accessories (including but not limited to the ecobee Smart Plug and ecobee Smart Sensors), the ecobee application for android and iOS devices ("ecobee app"),<sup>1</sup> ecobee Smart Security features, ecobee's sever(s), ecobee's cellular and Wi-Fi and Bluetooth capabilities, and their associated hardware and software and functionalities (the "Accused Products"). See **Figure 2** and **Figure 3** (below); see also ecobee Smart Security, ECOBEE, <https://www.ecobee.com/en-us/smart-security/>.



**Figure 2**

Source: ECOBEE, <https://www.ecobee.com/en-us/>

<sup>1</sup> The ecobee app is available at the Defendant's website, see ECOBEE, <https://www.ecobee.com/en-us/smart-security>, and *Support*, ECOBEE, <https://support.ecobee.com/s/articles/Downloading-the-ecobee-app>.

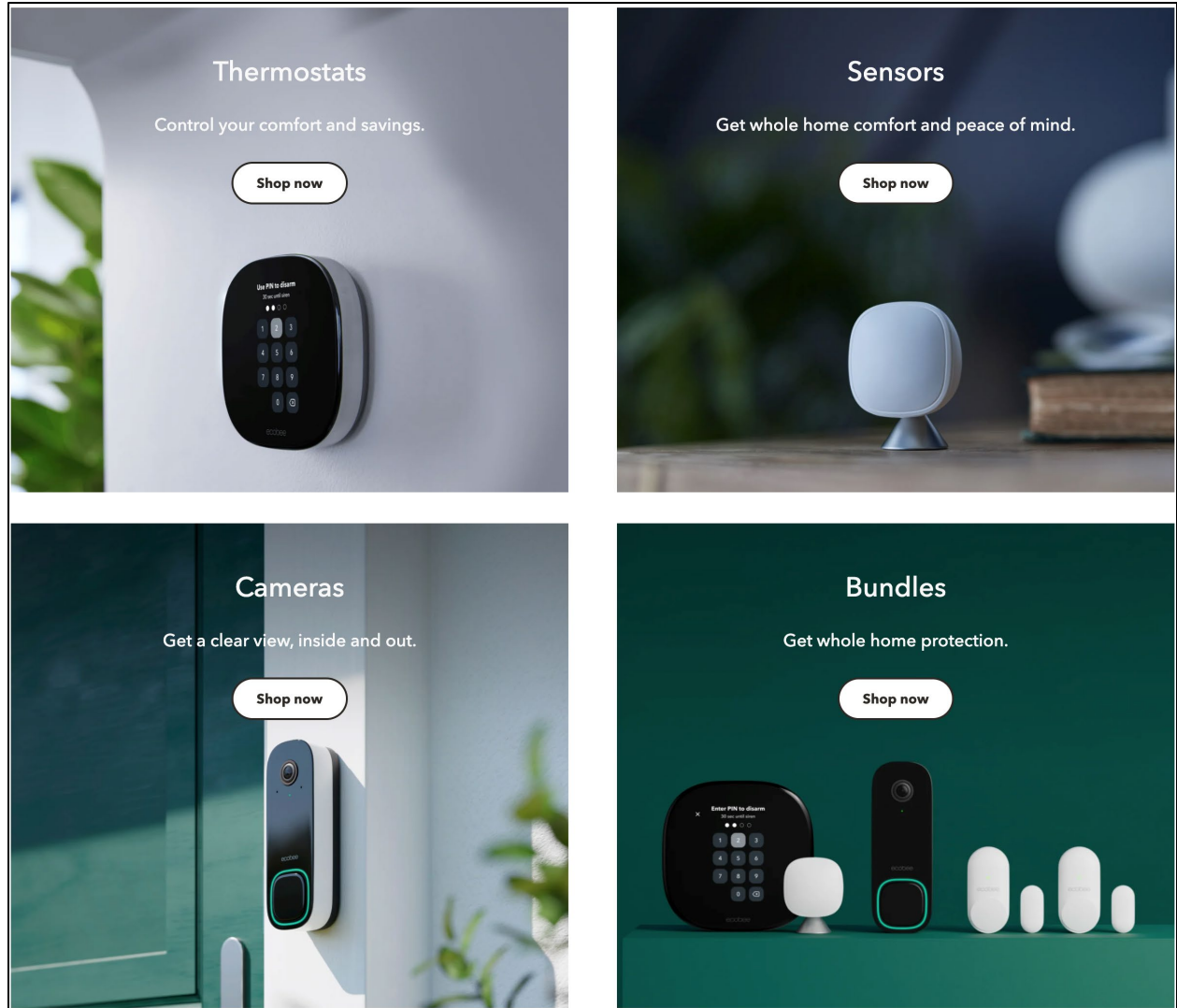


Figure 3

Source: ECOBEE, <https://www.ecobee.com/en-us/>

19. Defendant advertises that “[t]he ecobee app lets you set up and control your ecobee devices from anywhere[,]” asserting that “[y]ou can control your ecobee thermostat, cameras, sensors, lights, and ecobee Smart Security.” *Support*, ECOBEE, <https://support.ecobee.com/s/articles/How-to-use-the-ecobee-app>.

20. Defendant also advertises that “Your thermostat can act as a security hub that pairs with your cameras and sensors so you don’t need to buy an extra device.” ECOBEE, <https://www.ecobee.com/en-us/smart-security>.

21. Defendant also instructs its customers, agents, employees, and affiliates regarding how to use the Accused Products for home security and control. *See, e.g., Support*, ECOBEE, <https://support.ecobee.com/s/articles/ecobee-smart-installation-and-setup-guide>; *Support*, ECOBEE, <https://support.ecobee.com/s/articles/download-documents-included-with-your-ecobee-device>; *Support*, ECOBEE, <https://www.ecobee.com/en-us/installation/>.

22. For these reasons and the additional reasons detailed below, the Accused Products practice at least one claim of each of the Asserted Patents.

### **COUNT I: INFRINGEMENT OF U.S. PATENT NO. 7,379,464**

23. IoT Innovations repeats and re-alleges the allegations in the Paragraphs above as though fully set forth in their entirety.

24. The USPTO duly issued U.S. Patent No. 7,379,464 (hereinafter, the “’464 patent”) on May 27, 2008, after full and fair examination of Application No. 10/306,504 which was filed on November 27, 2002. *See* ’464 patent at p. 1.

25. IoT Innovations owns all substantial rights, interest, and title in and to the ’464 patent, including the sole and exclusive right to prosecute this action and enforce it against infringers and to collect damages for all relevant times.

26. The claims of the ’464 patent are not directed to an abstract idea and are not limited to well-understood, routine, or conventional activity. Rather, the claimed inventions include inventive components that improve upon the function, operation, and security of communications devices by sharing of personalized information by providing communications infrastructures to support and capitalize on the different communications devices of the user to provide up-to-date personalized information through a digital gateway.

27. The written description of the ’464 patent describes in technical detail each limitation of the claims, allowing a skilled artisan to understand the scope of the claims and how the non-



conventional and non-generic combination of claim limitations is patently distinct from and improved upon what may have been considered conventional or generic in the art at the time of the invention.

28. Defendant has directly infringed and continues to directly infringe one or more claims of the '464 patent by making, using, selling, offering to sell, providing, supplying, or distributing the Accused Products

29. Defendant has directly infringed and continues to directly infringe, either literally or under the doctrine of equivalents, at least claim 1 of the '464 patent, as detailed in **Exhibit A** to this Complaint (Evidence of Use Regarding Infringement of U.S. Patent No. 7,379,464).

30. For example, as detailed in Exhibit A, Defendant, through the use and provision of the Accused Products, performs a method, comprising selecting a user's communications device from a plurality of communications devices to communicate data between a personal digital gateway and the selected communications device, the data associated with a common user of the personal digital gateway and of the selected communications device; storing profiles for each of the user's communications devices; retrieving a profile associated with the selected communications device; interpreting the data according to a rule-based engine to categorize the data as at least one of (1) data associated with an access agent, (2) data associated with a configuration agent, (3) data associated with a security agent, and (4) data associated with a management agent; processing the data according to an edge side assembler; and communicating the data and the profile to the selected communications device.

31. Since at least the time of receiving the original complaint in this action, Defendant has also indirectly infringed and continues to indirectly infringe one or more claims of the '464 patent by inducing others to directly infringe said claims. Defendant has induced end-users, including,

but not limited to, Defendant's employees, partners, or contractors, to directly infringe, either literally or under the doctrine of equivalents, the '464 patent by providing or requiring use of the Accused Products. Defendant has taken active steps, directly or through contractual relationships with others, with the specific intent to cause them to use the Accused Products in a manner that infringes one or more claims of the '464 patent, including, for example, claim 1. Such steps by Defendant included, among other things, advising or directing personnel, contractors, or end-users to use the Accused Products in an infringing manner; advertising and promoting the use of the Accused Products in an infringing manner; or distributing instructions that guide users to use the Accused Products in an infringing manner. Defendant is performing these steps, which constitute induced infringement with the knowledge of the '464 patent and with the knowledge that the induced acts constitute infringement. Defendant is aware that the normal and customary use of the Accused Products by others would infringe the '464 patent. Defendant's inducement is ongoing. *See, e.g., Support, ECOBEE, <https://support.ecobee.com/s/articles/ecobee-smart-installation-and-setup-guide>; Support, ECOBEE, <https://support.ecobee.com/s/>.*

32. Since at least the time of receiving the original complaint in this action, Defendant has also indirectly infringed and continues to indirectly infringe by contributing to the infringement of the '464 patent. Defendant has contributed to the direct infringement of the '464 patent by its personnel, contractors, and customers. The Accused Products have special features that are specially designed to be used in an infringing way and that have no substantial uses other than ones that infringe one or more claims of the '464 patent, including, for example, claim 1. The special features constitute a material part of the invention of one or more of the claims of the '464 patent and are not staple articles of commerce suitable for substantial non-infringing use. Defendant's contributory infringement is ongoing. *See, e.g., Support, ECOBEE,*

<https://support.ecobee.com/s/articles/ecobee-smart-installation-and-setup-guide;>

*Support,*

ECOBEE, <https://support.ecobee.com/s/>.

33. Defendant had knowledge of the '464 patent at least as of the date when it was notified of the filing of the original complaint in this action.

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

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

36. IoT Innovations or its predecessors-in-interest have satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of one or more claims of the '464 patent.

37. IoT Innovations has been damaged as a result of the infringing conduct by Defendant alleged above. Thus, Defendant is liable to IoT Innovations in an amount that compensates it for such infringements, 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.

38. IoT Innovations has suffered irreparable harm, through its loss of market share and goodwill, for which there is no adequate remedy at law. IoT Innovations has and will continue to suffer this harm by virtue of Defendant's infringement of the '464 patent. Defendant's actions have interfered with and will interfere with IoT Innovations' ability to license technology. The balance of hardships favors IoT Innovations' ability to commercialize its own ideas and technology. The public interest in allowing IoT Innovations to enforce its right to exclude outweighs other public interests, which supports injunctive relief in this case.

**COUNT II: INFRINGEMENT OF U.S. PATENT NO. 7,474,667**

39. Plaintiff repeats and re-alleges the allegations in the Paragraphs above as though fully set forth in their entirety.

40. The USPTO duly issued U.S. Patent No. 7,474,667 (hereinafter, the “’667 patent”) on January 6, 2009 after full and fair examination of Application No. 11/879,576 which was filed on July 18, 2007. *See* ’667 patent at p. 1. A Certificate of Correction was issued on January 1, 2013. *See id.* at p. 18.

41. IoT Innovations owns all substantial rights, interest, and title in and to the ’667 patent, including the sole and exclusive right to prosecute this action and enforce it against infringers and to collect damages for all relevant times.

42. The claims of the ’667 patent are not directed to an abstract idea and are not limited to well-understood, routine, or conventional activity. Rather, the claimed inventions include inventive components and functionalities that improve upon the function, operation, and security of communications devices.

43. The written description of the ’667 patent describes in technical detail each limitation of the claims, allowing a skilled artisan to understand the scope of the claims and how the non-conventional and non-generic combination of claim limitations is patently distinct from and improved upon what may have been considered conventional or generic in the art at the time of the invention.

44. Defendant has directly infringed one or more claims of the ’667 patent by using, providing, supplying, or distributing the Accused Products.

45. Defendant has directly infringed, either literally or under the doctrine of equivalents, at least claim 1 of the ’667 patent, as detailed in **Exhibit B** to this Complaint (Evidence of Use Regarding Infringement of U.S. Patent No. 7,474,667).

46. For example, as detailed in Exhibit B, Defendant, through the use and provision of the Accused Products, performs a method for receiving a selection of a communications device from a plurality of communications devices associated with a common user, receiving the data associated with the selected communications device, accessing a database of rule-based profiles comprising configuration and presentation parameters for the plurality of communications devices, querying the database of rule-based profiles for the selected communications device, retrieving a profile associated with the selected communications device, integrating the data into the profile; and communicating the integrated data and the profile to the selected communications device.

47. IoT Innovations or its predecessors-in-interest have satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of one or more claims of the '667 patent.

48. IoT Innovations has been damaged as a result of the infringing conduct by Defendant alleged above. Thus, Defendant is liable to IoT Innovations in an amount that compensates it for such infringements, 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.

### **COUNT III: INFRINGEMENT OF U.S. PATENT NO. 7,567,580**

49. IoT Innovations repeats and re-alleges the allegations in the Paragraphs above as though fully set forth in their entirety.

50. The USPTO duly issued U.S. Patent No. 7,567,580 (hereinafter, the "'580 patent") on July 28, 2009 after full and fair examination of Application No. 11/787,977 which was filed on April 18, 2007. *See* '580 patent at p. 1.

51. IoT Innovations owns all substantial rights, interest, and title in and to the '580 patent, including the sole and exclusive right to prosecute this action and enforce the '580 patent against infringers and to collect damages for all relevant times.

52. The claims of the '580 patent are not directed to an abstract idea and are not limited to well-understood, routine, or conventional activity. Rather, the claimed inventions include inventive components that improve upon the function, operation, and security of communications devices by sharing of personalized information by providing communications infrastructures to support and capitalize on the different communications devices of the user to provide up-to-date personalized information through a digital gateway.

53. The written description of the '580 patent describes in technical detail each limitation of the claims, allowing a skilled artisan to understand the scope of the claims and how the non-conventional and non-generic combination of claim limitations is patently distinct from and improved upon what may have been considered conventional or generic in the art at the time of the invention.

54. Defendant has directly infringed one or more claims of the '580 patent by making, using, selling, offering to sell, providing, supplying, or distributing the Accused Products.

55. Defendant has directly infringed, either literally or under the doctrine of equivalents, at least claim 1 of the '580 patent, as detailed in **Exhibit C** to this Complaint (Evidence of Use Regarding Infringement of U.S. Patent No. 7,567,580).

56. For example, as detailed in Exhibit C, Defendant, Defendant, through the use and provision of the Accused Products, performs a method, comprising: identifying data associated with a common user of a personal digital gateway and of a communications device selected from a plurality of communications devices; locating remote data stored the selected communications device; querying to retrieve the remote data; integrating the data and the remote data; formatting the integrated data according to a presentation format associated with the selected communications device; and communicating the formatted, integrated data to at least one of the plurality of

communications devices.

57. IoT Innovations or its predecessors-in-interest have satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of one or more claims of the '580 patent.

58. IoT Innovations has been damaged as a result of the infringing conduct by Defendant alleged above. Thus, Defendant is liable to IoT Innovations in an amount that compensates it for such infringements, 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.

**COUNT IV: INFRINGEMENT OF U.S. PATENT NO. 7,974,266**

59. Plaintiff repeats and re-alleges the allegations in the Paragraphs above as though fully set forth in their entirety.

60. The USPTO duly issued U.S. Patent No. 7,974,266 (hereinafter, the "'266 patent") on July 5, 2011, after full and fair examination of Application No. 11/778,822, which was filed on July 17, 2007. *See* '266 patent at 1. A Certificate of Correction was issued on November 22, 2011. *See id.*

61. IoT Innovations owns all substantial rights, interest, and title in and to the '266 patent, including the sole and exclusive right to prosecute this action and enforce the '266 patent against infringers and to collect damages for all relevant times.

62. The claims of the '266 patent are not directed to an abstract idea and are not limited to well-understood, routine, or conventional activity. Rather, the claimed inventions include inventive components that improve upon the function and operation of data transmission in a packet switch network.

63. The written description of the '266 patent describes in technical detail each limitation of the claims, allowing a skilled artisan to understand the scope of the claims and how the non-

conventional and non-generic combination of claim limitations is patently distinct from and improved upon what may have been considered conventional or generic in the art at the time of the invention.

64. Defendant has directly infringed one or more claims of the '266 patent by using, providing, supplying, or distributing the Accused Products.

65. Defendant has directly infringed, either literally or under the doctrine of equivalents, at least claim 1 of the '266 patent, as detailed in **Exhibit D** to this Complaint (Evidence of Use Regarding Infringement of U.S. Patent No. 7,974,266).

66. For example, as detailed in Exhibit D, Defendant, through the use and provision of the Accused Products, performs a method of classifying data comprising: receiving Internet Protocol (IP) data at a first node; classifying the IP data received at the first node based on a last destination address entry of a plurality of destination address entries in a header of the IP data; and forwarding the IP data from the first node to a second node, wherein the IP data is classified at the second node based on the last destination address entry of the plurality of destination address entries in the header of the IP data.

67. IoT Innovations or its predecessors-in-interest have satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of one or more claims of the '266 patent.

68. IoT Innovations has been damaged as a result of the infringing conduct by Defendant alleged above. Thus, Defendant is liable to IoT Innovations in an amount that compensates it for such infringements, 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.

**COUNT V: INFRINGEMENT OF U.S. PATENT NO. 8,085,796**

69. Plaintiff repeats and re-alleges the allegations in the Paragraphs above as though fully



set forth in their entirety.

70. The USPTO duly issued U.S. Patent No. 8,085,796 (hereinafter, the “’796 patent”) on December 27, 2011 after full and fair examination of Application No. 12/126,137 which was filed on May 23, 2008. *See* ’796 patent at p. 1.

71. IoT Innovations owns all substantial rights, interest, and title in and to the ’796 patent, including the sole and exclusive right to prosecute this action and enforce it against infringers and to collect damages for all relevant times.

72. The claims of the ’796 patent are not directed to an abstract idea and are not limited to well-understood, routine, or conventional activity. Rather, the claimed inventions include inventive components that improve upon the function, operation, and security of communications devices by sharing of personalized information by providing communications infrastructures to support and capitalize on the different communications devices of the user to provide up-to-date personalized information through a digital gateway.

73. The written description of the ’796 patent describes in technical detail each limitation of the claims, allowing a skilled artisan to understand the scope of the claims and how the non-conventional and non-generic combination of claim limitations is patently distinct from and improved upon what may have been considered conventional or generic in the art at the time of the invention.

74. Defendant has directly infringed and continues to directly infringe one or more claims of the ’796 patent by using, providing, supplying, or distributing the Accused Products.

75. Defendant has directly infringed and continues to directly infringe, either literally or under the doctrine of equivalents, at least claim 1 of the ’796 patent, as detailed in **Exhibit E** to this Complaint (Evidence of Use Regarding Infringement of U.S. Patent No. 8,085,796).

76. For example, as detailed in Exhibit E, Defendant, through the use and provision of the Accused Products, performs a method for selecting a selected communications device from a plurality of communications devices associated with a user, receiving data for communication between a personal digital gateway and the selected communications device, storing profiles for each of the plurality of communications devices, retrieving a profile associated with the selected communications device, interpreting the data for communication according to a rule-based engine, processing the data for communication according to an edge side assembler, and sending the data for communication and the profile from the personal digital gateway to the selected communications device.

77. Since at least the time of receiving the original complaint in this action, Defendant has also indirectly infringed one or more claims of the '796 patent by inducing others to directly infringe said claims. Defendant has induced end-users, including, but not limited to, Defendant's employees, partners, or contractors, to directly infringe, either literally or under the doctrine of equivalents, the '796 patent by providing or requiring use of the Accused Products. Defendant took active steps, directly or through contractual relationships with others, with the specific intent to cause them to use the Accused Products in a manner that infringes one or more claims of the '796 patent, including, for example, claim 1 of the '796 patent. Such steps by Defendant included, among other things, advising or directing personnel, contractors, or end-users to use the Accused Products in an infringing manner; advertising and promoting the use of the Accused Products in an infringing manner; or distributing instructions that guide users to use the Accused Products in an infringing manner. Defendant is performing these steps, which constitute induced infringement with the knowledge of the '796 patent and with the knowledge that the induced acts constitute infringement. Defendant is aware that the normal and customary use of the Accused Products by

others would infringe the '796 patent. Defendant's inducement is ongoing. *See, e.g., Support, ECOBEE, <https://support.ecobee.com/s/articles/ecobee-smart-installation-and-setup-guide>; Support, ECOBEE, <https://support.ecobee.com/s/>.*

78. Since at least the time of receiving the original complaint in this action, Defendant has also indirectly infringed by contributing to the infringement of the '796 patent. Defendant has contributed to the direct infringement of the '796 patent by its personnel, contractors, and customers. The Accused Products have special features that are specially designed to be used in an infringing way and that have no substantial uses other than ones that infringe one or more claims of the '796 patent, including, for example, claim 1 of the '796 patent. The special features constitute a material part of the invention of one or more of the claims of the '796 patent and are not staple articles of commerce suitable for substantial non-infringing use. Defendant's contributory infringement is ongoing. *See, e.g., Support, ECOBEE, <https://support.ecobee.com/s/articles/ecobee-smart-installation-and-setup-guide>; Support, ECOBEE, <https://support.ecobee.com/s/>.*

79. Defendant had knowledge of the '796 patent at least as of the date when it was notified of the filing of the original complaint in this action.

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

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

82. Defendant's direct infringement of one or more claims of the '796 patent is, has been, and continues to be willful, intentional, deliberate, or in conscious disregard of IoT Innovations'

rights under the patent.

83. IoT Innovations or its predecessors-in-interest have satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of one or more claims of the '796 patent.

84. IoT Innovations has been damaged as a result of the infringing conduct by Defendant alleged above. Thus, Defendant is liable to IoT Innovations in an amount that compensates it for such infringements, 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.

85. IoT Innovations has suffered irreparable harm, through its loss of market share and goodwill, for which there is no adequate remedy at law. IoT Innovations has and will continue to suffer this harm by virtue of Defendant's infringement of the '796 patent. Defendant's actions have interfered with and will interfere with IoT Innovations' ability to license technology. The balance of hardships favors IoT Innovations' ability to commercialize its own ideas and technology. The public interest in allowing IoT Innovations to enforce its right to exclude outweighs other public interests, which supports injunctive relief in this case.

**COUNT VI: INFRINGEMENT OF U.S. PATENT NO. 8,972,576**

86. IoT Innovations repeats and re-alleges the allegations in the Paragraphs above as though fully set forth in their entirety.

87. The USPTO duly issued U.S. Patent No. 8,972,576 (hereinafter, the "'576 patent") on March 3, 2015 after full and fair examination of Application No. 10/833,381 which was filed on April 28, 2004. *See* '576 patent at p. 1.

88. IoT Innovations owns all substantial rights, interest, and title in and to the '576 patent, including the sole and exclusive right to prosecute this action and enforce it against infringers and to collect damages for all relevant times.

89. The claims of the '576 patent are not directed to an abstract idea and are not limited to well-understood, routine, or conventional activity. Rather, the claimed inventions include inventive components and functionalities that improve upon the function, operation, and security communications devices and networks by employing an improved network protocol that enables the establishment of a known, persistent relationship between a mobile wireless device and a wireless network that allows the device to communicate over the network absent further configuration once the relationship has been established.

90. The written description of the '576 patent describes in technical detail each limitation of the claims, allowing a skilled artisan to understand the scope of the claims and how the non-conventional and non-generic combination of claim limitations is patently distinct from and improved upon what may have been considered conventional or generic in the art at the time of the invention.

91. Defendant has directly infringed and continues to directly infringe one or more claims of the '576 patent by making, using, selling, offering to sell, providing, supplying, or distributing the Accused Products.

92. For instance, Defendant has directly infringed and continues to directly infringe, either literally or under the doctrine of equivalents, at least claim 1 of the '576 patent, as detailed in **Exhibit F** to this Complaint (Evidence of Use Regarding Infringement of U.S. Patent No. 8,972,576).

93. As an example, as detailed in Exhibit F, Defendant, through the use and provision of the Accused Products, performs a method for establishing a relationship between a mobile device and a server in a network, comprising; (a) detecting the presence of the mobile device; (b) in response to determining that the mobile device is unrecognized, automatically notifying a network

administrator; (c) in response to receiving authorization from the network administrator to establish the relationship, requesting authorization from the mobile device to authorize the establishment of the relationship; and (d) establishing the relationship between the mobile device and the network in response to receiving the authorization from the mobile device, such that no additional configuration is required by the mobile device to communicate over the network once the relationship has been established.

94. Since at least the time of receiving the original complaint in this action, Defendant has also indirectly infringed one or more claims of the '576 patent by inducing others to directly infringe said claims. Defendant has induced end-users, including, but not limited to, Defendant's employees, partners, or contractors, to directly infringe, either literally or under the doctrine of equivalents, the '576 patent by providing or requiring use of the Accused Products. Defendant took active steps, directly or through contractual relationships with others, with the specific intent to cause them to use the Accused Products in a manner that infringes one or more claims of the '576 patent, including, for example, claim 1. Such steps by Defendant included, among other things, advising or directing personnel, contractors, or end-users to use the Accused Products in an infringing manner; advertising and promoting the use of the Accused Products in an infringing manner; or distributing instructions that guide users to use the Accused Products in an infringing manner. Defendant is performing these steps, which constitute induced infringement with the knowledge of the '576 patent and with the knowledge that the induced acts constitute infringement. Defendant is aware that the normal and customary use of the Accused Products by others would infringe the '576 patent. Defendant's inducement is ongoing. *See, e.g., Support*, ECOBEE, <https://support.ecobee.com/s/articles/How-to-use-the-ecobee-app>.

95. Since at least the time of receiving the original complaint in this action, Defendant has

also indirectly infringed by contributing to the infringement of the '576 patent. Defendant has contributed to the direct infringement of the '576 patent by its personnel, contractors, and customers. The Accused Products have special features that are specially designed to be used in an infringing way and that have no substantial uses other than ones that infringe one or more claims of the '576 patent, including, for example, claim 1. The special features constitute a material part of the invention of one or more of the claims of the '576 patent and are not staple articles of commerce suitable for substantial non-infringing use. Defendant's contributory infringement is ongoing. *See, e.g., Support*, ECOBEE, <https://support.ecobee.com/s/articles/How-to-use-the-ecobee-app>.

96. Defendant had knowledge of the '576 patent at least as of the date when it was notified of the filing of the original complaint in this action.

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

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

99. IoT Innovations or its predecessors-in-interest have satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of one or more claims of the '576 patent.

100. IoT Innovations has been damaged as a result of the infringing conduct by Defendant alleged above. Thus, Defendant is liable to IoT Innovations in an amount that compensates it for such infringements, 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.

101. IoT Innovations has suffered irreparable harm, through its loss of market share and goodwill, for which there is no adequate remedy at law. IoT Innovations has and will continue to suffer this harm by virtue of Defendant's infringement of the '576 patent. Defendant's actions have interfered with and will interfere with IoT Innovations' ability to license technology. The balance of hardships favors IoT Innovations' ability to commercialize its own ideas and technology. The public interest in allowing IoT Innovations to enforce its right to exclude outweighs other public interests, which supports injunctive relief in this case.

**COUNT VII: INFRINGEMENT OF U.S. PATENT NO. RE44191**

102. Plaintiff repeats and re-alleges the allegations in the Paragraphs below as though fully set forth in their entirety.

103. The USPTO duly issued U.S. Patent No. RE44,191 (hereinafter, the "'191 patent'") on April 30, 2013 after full and fair examination of Application No. 12/788,218 which was filed on May 26, 2010. *See* '191 patent at 1. The '191 patent is a reissue of U.S. Patent No. 7,379,975. *See id.*

104. IoT Innovations owns all substantial rights, interest, and title in and to the '191 patent, including the sole and exclusive right to prosecute this action and enforce it against infringers and to collect damages for all relevant times.

105. IoT Innovations or its predecessors-in-interest have satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of one or more claims of the '191 patent.

106. The claims of the '191 patent are not directed to an abstract idea and are not limited to well-understood, routine, or conventional activity. Rather, the claimed inventions include inventive components that improve the setting up of applications involving shared application data.

107. The written description of the '191 patent describes in technical detail each limitation



of the claims, allowing a skilled artisan to understand the scope of the claims and how the non-conventional and non-generic combination of claim limitations is patently distinct from and improved upon what may have been considered conventional or generic in the art at the time of the invention.

108. Defendant has directly infringed one or more claims of the '191 patent by using, providing, supplying, or distributing the Accused Products.

109. Defendant has directly infringed, either literally or under the doctrine of equivalents, at least claim 19 of the '191 patent, as detailed in **Exhibit G** to this Complaint (Evidence of Use Regarding Infringement of U.S. Patent No. RE44,191).

110. As just one example of infringement, as detailed in Exhibit G, the Accused Products include a computer program embodied on a non-transitory computer readable storage medium, for executing a computer process in an electric device, the computer process including steps, the steps including: inputting instructions to execute at least one command from another electric device over a proximity interface, the at least one command being associated with a user application, the user application using application data shared between the electric device and the other electric device, at least a portion of the application data being communicated between the electric device and the other electric device by using a wireless interface; and executing the at least one command on the basis of the instructions, wherein the at least one command is used to replace a series of actions of the user and wherein the at least one command enables interactive operation between the user application of the electric device and a user application of the other electric device.

111. IoT Innovations has been damaged as a result of the infringing conduct by Defendant alleged above. Thus, Defendant is liable to IoT Innovations in an amount that compensates it for such infringements, 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.

**COUNT VIII: INFRINGEMENT OF U.S. PATENT NO. 7,165,224**

112. Plaintiff repeats and re-alleges the allegations in the Paragraphs above as though fully set forth in their entirety.

113. The USPTO duly issued U.S. Patent No. 7,165,224 (hereinafter, the “’224 patent”) on January 16, 2007, after full and fair examination of Application No. 10/262,969, which was filed on October 3, 2002. *See* ’224 patent at p. 1.

114. IoT Innovations owns all substantial rights, interest, and title in and to the ’224 patent, including the sole and exclusive right to prosecute this action and enforce the ’224 patent against infringers and to collect damages for all relevant times.

115. The claims of the ’224 patent are not directed to an abstract idea and are not limited to well-understood, routine, or conventional activity. Rather, the claimed inventions include inventive components that improve upon the function and operation of image management in a mobile network.

116. The written description of the ’224 patent describes in technical detail each limitation of the claims, allowing a skilled artisan to understand the scope of the claims and how the non-conventional and non-generic combination of claim limitations is patently distinct from and improved upon what may have been considered conventional or generic in the art at the time of the invention.

117. Defendant has directly infringed the claims of the ’224 patent by using, providing, supplying, or distributing the Accused Products. As just one example, Defendant has directly infringed and continues to infringe, either literally or under the doctrine of equivalents, claim 1 of the ’224 patent, as detailed in **Exhibit H** to this Complaint (Evidence of Use Regarding Infringement of U.S. Patent No. 7,165,224).

118. For example, as detailed in Exhibit H, Defendant, through the use and provision of the Accused Products, performs a method of viewing an image on a mobile device, the method comprising the steps of storing in the mobile device a miniaturized version of an image being stored in the mobile device; transferring the image to an external storage device; deleting the image from the mobile device; detecting selection of the miniaturized version of the image; in response to detecting selection of the miniaturized version of the image, sending via a wireless communication network a first message requesting transfer of the image to the mobile device; and receiving a second message via the wireless communication network transferring the image to the mobile device. *See, e.g.*, ECOBEE, <https://www.ecobee.com/en-us/cameras/smart-camera-with-voice-control/>; *Support*, ECOBEE, <https://support.ecobee.com/s/articles/How-do-I-watch-and-control-my-camera-from-the-ecobee-app>.

119. Since at least the time of receiving the original complaint in this action, Defendant has also indirectly infringed the '224 patent by inducing others to directly infringe the '224 patent. Defendant has induced end-users, including, but not limited to, Defendant's employees, partners, or contractors, to directly infringe, either literally or under the doctrine of equivalents, the '224 patent by providing or requiring use of the Accused Products. Defendant took active steps, directly or through contractual relationships with others, with the specific intent to cause them to use the Accused Products in a manner that infringes one or more claims of the '224 patent, including, for example, claim 1 of the '224 patent. Such steps by Defendant included, among other things, advising or directing personnel, contractors, or end-users to use the Accused Products in an infringing manner; advertising and promoting the use of the Accused Products in an infringing manner; or distributing instructions that guide users to use the Accused Products in an infringing manner. Defendant is performing these steps, which constitute induced infringement with the

knowledge of the '224 patent and with the knowledge that the induced acts constitute infringement. Defendant is aware that the normal and customary use of the Accused Products by others would infringe the '224 patent. Defendant's inducement is ongoing. *See, e.g.*, ECOBEE, <https://www.ecobee.com/en-us/cameras/smart-camera-with-voice-control/>; *Support*, ECOBEE, <https://support.ecobee.com/s/articles/How-do-I-watch-and-control-my-camera-from-the-ecobee-app>.

120. Defendant has also indirectly infringed by contributing to the infringement of the '224 patent. Defendant has contributed to the direct infringement of the '224 patent by its personnel, contractors, and customers. The Accused Products have special features that are specially designed to be used in an infringing way and that have no substantial uses other than ones that infringe one or more claims of the '224 patent, including, for example, claim 1 of the '224 patent. The special features constitute a material part of the invention of one or more of the claims of the '224 patent and are not staple articles of commerce suitable for substantial non-infringing use. Defendant's contributory infringement is ongoing.

121. Defendant had knowledge of the '224 patent at least as of the date when it was notified of the filing of this action.

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

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

124. Defendant's direct infringement of one or more claims of the '224 patent is, has been, and continues to be willful, intentional, deliberate, or in conscious disregard of IoT Innovations'

rights under the patent.

125. IoT Innovations or its predecessors-in-interest have satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of one or more claims of the '224 patent.

126. IoT Innovations has been damaged as a result of the infringing conduct by Defendant alleged above. Thus, Defendant is liable to IoT Innovations in an amount that compensates it for such infringements, 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.

127. IoT Innovations has suffered irreparable harm, through its loss of market share and goodwill, for which there is no adequate remedy at law. IoT Innovations has and will continue to suffer this harm by virtue of Defendant's infringement of the '224 patent. Defendant's actions have interfered with and will interfere with Plaintiff's ability to license technology. The balance of hardships favors IoT Innovations' ability to commercialize its own ideas and technology. The public interest in allowing IoT Innovations to enforce its right to exclude outweighs other public interests, which supports injunctive relief in this case.

**COUNT IX: INFRINGEMENT OF U.S. PATENT NO. 7,246,173**

128. Plaintiff repeats and re-alleges the allegations in the Paragraphs above as though fully set forth in their entirety.

129. The USPTO duly issued U.S. Patent No. 7,246,173 (hereinafter, the "'173 patent") on July 17, 2007, after full and fair examination of Application No. 09/834,918, which was filed on April 16, 2001. *See* '173 patent at 1.

130. IoT Innovations owns all substantial rights, interest, and title in and to the '173 patent, including the sole and exclusive right to prosecute this action and enforce the '173 patent against infringers and to collect damages for all relevant times.

131. The claims of the '173 patent are not directed to an abstract idea and are not limited to well-understood, routine, or conventional activity. Rather, the claimed inventions include inventive components that improve upon the function and operation of IP data classification systems and methods in packet switch networks.

132. The written description of the '173 patent describes in technical detail each limitation of the claims, allowing a skilled artisan to understand the scope of the claims and how the non-conventional and non-generic combination of claim limitations is patently distinct from and improved upon what may have been considered conventional or generic in the art at the time of the invention.

133. IoT Innovations or its predecessors-in-interest have satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of one or more claims of the '173 patent.

134. Defendant has directly infringed one or more claims of the '173 patent by using, providing, supplying, or distributing the Accused Products.

135. Defendant has directly infringed, either literally or under the doctrine of equivalents, at least claim 1 of the '173 patent, as detailed in **Exhibit I** to this Complaint (Evidence of Use Regarding Infringement of U.S. Patent No. 7,246,173).

136. For example, as detailed in Exhibit I, Defendant, through the use and provision of the Accused Products, performs a method of classifying Internet Protocol (IP) data to be sent from a source apparatus to a destination apparatus in a packet switched network, said method comprising: receiving said data at a first node, the data comprising a header comprising a list of at least one intermediate node to be visited on a way to the destination apparatus; and classifying said data at said first node based on an entry in said header.

137. IoT Innovations has been damaged as a result of the infringing conduct by Defendant alleged above. Thus, Defendant is liable to IoT Innovations in an amount that compensates it for such infringements, 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.

**COUNT X: INFRINGEMENT OF U.S. PATENT NO. 7,263,102**

138. Plaintiff repeats and re-alleges the allegations the Paragraphs above as though fully set forth in their entirety.

139. The USPTO duly issued U.S. Patent No. 7,263,102 (hereinafter, the “’102 patent”) on August 28, 2007 after full and fair examination of Application No. 10/306,848 which was filed on November 27, 2002. *See* ’102 patent at 1. A Certificate of Correction was issued on January 1, 2013. *See id.* at 18.

140. IoT Innovations owns all substantial rights, interest, and title in and to the ’102 patent, including the sole and exclusive right to prosecute this action and enforce the ’102 patent against infringers and to collect damages for all relevant times.

141. The claims of the ’102 patent are not directed to an abstract idea and are not limited to well-understood, routine, or conventional activity. Rather, the claimed inventions include inventive components that improve upon the function and operation of virtual personalized network settings.

142. The written description of the ’102 patent describes in technical detail each limitation of the claims, allowing a skilled artisan to understand the scope of the claims and how the non-conventional and non-generic combination of claim limitations is patently distinct from and improved upon what may have been considered conventional or generic in the art at the time of the invention.

143. Defendant has directly infringed the claims of the ’102 patent by using, providing,

supplying, or distributing the Accused Products.

144. Defendant has directly infringed, either literally or under the doctrine of equivalents, claim 14 of the '102 patent, as detailed in **Exhibit J** to this Complaint (Evidence of Use Regarding Infringement of U.S. Patent No. 7,263,102).

145. For example, as detailed in Exhibit J, the Accused Products include a personal digital gateway, comprising: at least one input/output processor to input and to output data with the personal digital gateway; at least one communications interface for communicating data with a communications device selected from a plurality of communications devices, the plurality of communications devices comprising at least one of a wireless communications device, a mobile phone, a wireless phone, a WAP phone, an IP phone, a satellite phone, a computer, a modem, a pager, a digital music device, a digital recording device, a personal digital assistant, an interactive television, a digital signal processor, and a Global Positioning System device; a memory device for storing the data; a rule-based application datasever providing a rule-based engine to categorize the data as at least one of (1) data associated with an access agent, (2) data associated with a configuration agent, (3) data associated with a security agent, and (4) data associated with a management agent; and a processor communicating with the memory device, the processor selecting data stored in the memory device based upon information contained within a rule-based profile.

146. Since at least the time of receiving the original complaint in this action, Defendant has also indirectly infringed the '102 patent by inducing others to directly infringe the '102 patent. Defendant has induced end-users, including, but not limited to, Defendant's employees, partners, or contractors, to directly infringe, either literally or under the doctrine of equivalents, the '102 patent by providing or requiring use of the Accused Products. Defendant took active steps, directly



or through contractual relationships with others, with the specific intent to cause them to use the Accused Products in a manner that infringes one or more claims of the '102 patent, including, for example, claim 14 of the '102 patent. Such steps by Defendant included, among other things, advising or directing personnel, contractors, or end-users to use the Accused Products in an infringing manner; advertising and promoting the use of the Accused Products in an infringing manner; or distributing instructions that guide users to use the Accused Products in an infringing manner. Defendant is performing these steps, which constitute induced infringement with the knowledge of the '102 patent and with the knowledge that the induced acts constitute infringement. Defendant is aware that the normal and customary use of the Accused Products by others would infringe the '102 patent. Defendant's inducement is ongoing. *See, e.g.*, Spec Sheet, ECOBEE, [https://assets.ctfassets.net/a3qyhfnznts9y/IED5IyoiUo3JOThXv9Vkn/2a13ccbabea79e40ffcad8033d4f4850/ecobee\\_Premium\\_SpecSheets-PRO.pdf](https://assets.ctfassets.net/a3qyhfnznts9y/IED5IyoiUo3JOThXv9Vkn/2a13ccbabea79e40ffcad8033d4f4850/ecobee_Premium_SpecSheets-PRO.pdf).

147. Defendant has also indirectly infringed by contributing to the infringement of the '102 patent. Defendant has contributed to the direct infringement of the '102 patent by its personnel, contractors, and customers. The Accused Products have special features that are specially designed to be used in an infringing way and that have no substantial uses other than ones that infringe one or more claims of the '102 patent, including, for example, claim 14 of the '102 patent. The special features constitute a material part of the invention of one or more of the claims of the '102 patent and are not staple articles of commerce suitable for substantial non-infringing use. Defendant's contributory infringement is ongoing. *See, e.g.*, Spec Sheet, ECOBEE, [https://assets.ctfassets.net/a3qyhfnznts9y/IED5IyoiUo3JOThXv9Vkn/2a13ccbabea79e40ffcad8033d4f4850/ecobee\\_Premium\\_SpecSheets-PRO.pdf](https://assets.ctfassets.net/a3qyhfnznts9y/IED5IyoiUo3JOThXv9Vkn/2a13ccbabea79e40ffcad8033d4f4850/ecobee_Premium_SpecSheets-PRO.pdf).

148. Defendant had knowledge of the '102 patent at least as of the date when it was notified

of the filing of this action.

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

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

151. Defendant's direct infringement of one or more claims of the '102 patent is, has been, and continues to be willful, intentional, deliberate, or in conscious disregard of IoT Innovations' rights under the patent.

152. IoT Innovations or its predecessors-in-interest have satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of one or more claims of the '102 patent.

153. IoT Innovations has been damaged as a result of the infringing conduct by Defendant alleged above. Thus, Defendant is liable to IoT Innovations in an amount that compensates it for such infringements, 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. IoT Innovations has suffered irreparable harm, through its loss of market share and goodwill, for which there is no adequate remedy at law. IoT Innovations has and will continue to suffer this harm by virtue of Defendant's infringement of the '102 patent. Defendant's actions have interfered with and will interfere with IoT Innovations' ability to license technology. The balance of hardships favors IoT Innovations' ability to commercialize its own ideas and technology. The public interest in allowing IoT Innovations to enforce its right to exclude outweighs other public interests, which supports injunctive relief in this case.

**JURY DEMAND**

154. IoT Innovations hereby requests a trial by jury on all issues so triable by right.

**PRAYER FOR RELIEF**

155. IoT Innovations requests that the Court find in its favor and against Defendant, and that the Court grant IoT Innovations the following relief:

- a. Judgment that one or more claims of each of the Asserted Patents has been infringed, either literally or under the doctrine of equivalents, by Defendant or others acting in concert therewith;
- b. A permanent injunction enjoining Defendant and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in concert therewith from infringement of the '464 patent, the '796 patent, the '576 patent, the '224 patent, and the '102 patent; or, in the alternative, an award of a reasonable ongoing royalty for future infringement of said patents by such entities;
- c. Judgment that Defendant accounts for and pays to IoT Innovations all damages to and costs incurred by IoT Innovations because of Defendant's infringing activities and other conduct complained of herein;
- d. Judgment that Defendant's infringements be found willful as to the '464 patent, the '796 patent, the '576 patent, the '224 patent, and the '102 patent, and that the Court award treble damages for the period of such willful infringement pursuant to 35 U.S.C. § 284;
- e. Pre-judgment and post-judgment interest on the damages caused by Defendant's infringing activities and other conduct complained of herein;
- f. That this Court declare this an exceptional case and award IoT Innovations its reasonable attorneys' fees and costs in accordance with 35 U.S.C. § 285; and

- g. All other and further relief as the Court may deem just and proper under the circumstances.

Dated: September 6, 2024

Respectfully submitted,

By: /s/ James F. McDonough, III

C. Matthew Rozier (CO 46854) \*  
**ROZIER HARDT MCDONOUGH PLLC**  
1500 K Street, 2nd Floor  
Washington, District of Columbia 20005  
Telephone: (404) 779-5305; (202) 316-1591  
Email: matt@rhmtrial.com

Jonathan Hardt (TX 24039906) \*  
**ROZIER HARDT MCDONOUGH PLLC**  
712 W. 14th Street, Suite A  
Austin, Texas 78701  
Telephone: (737) 295-0876  
Email: hardt@rhmtrial.com

James F. McDonough, III (GA 117088) \*  
**ROZIER HARDT MCDONOUGH PLLC**  
659 Auburn Avenue NE, Unit 254  
Atlanta, Georgia 30312  
Telephone: (404) 564-1866  
Email: jim@rhmtrial.com

*Attorneys for Plaintiff IoT INNOVATIONS LLC*

\* Admitted to the Eastern District of Texas

**List Of Exhibits and Attachments**

- A. Evidence of Use Regarding Infringement of U.S. Patent No. 7,379,464
- B. Evidence of Use Regarding Infringement of U.S. Patent No. 7,474,667
- C. Evidence of Use Regarding Infringement of U.S. Patent No. 7,567,580
- D. Evidence of Use Regarding Infringement of U.S. Patent No. 7,974,266
- E. Evidence of Use Regarding Infringement of U.S. Patent No. 8,085,796
- F. Evidence of Use Regarding Infringement of U.S. Patent No. 8,972,576
- G. Evidence of Use Regarding Infringement of U.S. Patent No. RE44,191
- H. Evidence of Use Regarding Infringement of U.S. Patent No. 7,165,224
- I. Evidence of Use Regarding Infringement of U.S. Patent No. 7,246,173
- J. Evidence of Use Regarding Infringement of U.S. Patent No. 7,263,102
- Civil Cover Sheet
- Proposed Summons

**List Of Supportive Links**

- 1. ECOBEE, <https://www.ecobee.com/en-us/smart-security/>
- 2. ECOBEE, <https://www.ecobee.com/en-us/>
- 3. Support, ECOBEE, <https://support.ecobee.com/s/articles/Downloading-the-ecobee-app>
- 4. APP STORE, <https://apps.apple.com/us/app/ecobee/id916985674?platform=iphone>