

**NEWMAN JONES** PLLC  
ATTORNEYS AT LAW  
14747 N NORTHSIGHT BLVD  
SUITE 111-143  
SCOTTSDALE, AZ 85260  
TEL: 480.686.7762

Daniel J. Anderson / AZ Bar No. 030338  
danderson@newmanjones.com  
Christine N. Jones / AZ Bar No. 018425  
cjones@newmanjones.com  
Daniel R. Pote / AZ Bar No. 018570  
dpote@newmanjones.com  
Michael K. Kelly / AZ Bar No. 014203  
mkelly@newmanjones.com

Attorneys for Plaintiff

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

Evergreen Telemetry LLC  
Plaintiff,  
v.  
Fieldpiece Instruments, Inc.  
Defendant.

Case No.: \_\_\_\_\_

**COMPLAINT FOR  
PATENT INFRINGEMENT**

**Jury Trial Demanded**

Plaintiff Evergreen Telemetry LLC, by and through its attorneys, for its Complaint against Defendant Fieldpiece Instruments, Inc., alleges as follows:

**INTRODUCTION**

1. Evergreen Telemetry LLC (“Evergreen”) was founded by Russell P. (“Pete”) Secor in 2008 in Phoenix, Arizona.



1 6. After sales of less than \$10,000 in 2011, Evergreen grew quickly, and reached  
2 critical mass in 2012, with sales exceeding \$150,000.

3 7. In 2011, Evergreen moved its operation into a small facility in Tempe,  
4 Arizona.

5 8. During its early years of low sales revenues and high development and  
6 marketing expenses, Evergreen incurred more than \$1 million in losses.

7 9. In 2016, however, Evergreen's sales reached \$1.18 million, and Evergreen  
8 finally earned its first profit of \$53,000.

9 10. In 2022, Evergreen moved into its current Mesa, AZ location, and the sales  
10 of its HVAC testing system have increased steadily since that time.

11 11. Evergreen spent significant time and money to develop its various products,  
12 including its wireless HVAC testing system and has been awarded multiple U.S. Patents  
13 directed to that technology. *See* <http://evergreentelemetry.com/patents> (listing, as of this  
14 date, nine issued U.S. Patents.)



15  
16  
17  
18  
19  
20  
21  
22 *Examples of Evergreen products, including the Wrist Reporter™ and wireless sensors*

1       12.       This action arises under the Patent Laws of the United States, Title 35, United  
2 States Code, seeking damages and other relief under 35 U.S.C. § 281, *et seq.* More  
3 particularly, this is an action under 35 U.S.C. § 271 for patent infringement of three  
4 United States patents owned by Evergreen relating to heating, ventilation, and air-  
5 conditioning (HVAC) tools and systems, namely:

6       (a) U.S. Patent No. 9,605,857, entitled “WIRELESS SENSORS SYSTEM AND  
7 METHOD OF USING SAME,” issued March 28, 2017 (the “’857 Patent”), having a  
8 priority date of August 11, 2010;

9       (b) U.S. Patent No. 10,830,466, entitled “WIRELESS SENSORS SYSTEM AND  
10 METHOD OF USING SAME,” issued November 10, 2020 (the “’466 Patent”), which  
11 is a continuation of the ’857 Patent; and

12       (c) U.S. Patent No. 11,441,798, entitled “WIRELESS SENSORS SYSTEM AND  
13 METHOD OF USING SAME,” issued September 13, 2022 (the “’798 Patent”),  
14 which is a continuation of the ’466 Patent.

15       13.       True and correct copies of the ’857 Patent, the ’466 Patent, and the ’798  
16 Patent (collectively, the “Asserted Patents”) are attached hereto as **Exhibits A, B, and C,**  
17 respectively, and are incorporated herein by this reference.

18       14.       The Asserted Patents are directed to improved electronic systems for testing,  
19 adjusting, and balancing HVAC systems. The claims of the Asserted Patents recite  
20 specific systems and methods that solve specific technical problems found in prior  
21 electronic systems for testing, adjusting, and balancing HVAC systems.  
22

1       15.       Prior systems for testing, adjusting, and balancing HVAC systems suffered  
2 from several drawbacks, including: i) limited access and temporal delays to desired data  
3 relating to pressure, temperature, humidity, and airflow as a result of the union of sensor  
4 and meter in the system for testing, adjusting, and balancing HVAC systems; ii) lack of  
5 communication system integration, resulting in data isolation as between different  
6 sensors and as between sensors and remote devices; iii) inability to display concurrent  
7 measurements made at different locations; iv) inability to contemporaneously display  
8 remote effects of adjustments made to the HVAC controller; v) unwieldy and  
9 unmanageable tool design including the size, shape, attachment mechanisms, and  
10 methods of using various instruments to take measurements; and, vi) lack of sensor,  
11 meter, and/or controller automation. '857 Patent, 1:5-3:47.

12       16.       The claims of the Asserted Patents are directed to devices, systems, and  
13 methods which mitigate or eliminate the problems with prior systems for testing,  
14 adjusting, and balancing HVAC systems discussed above. The Asserted Patents  
15 contemplate systems and methods for collecting specific environmental measurements  
16 from sensors in different locations within a building's infrastructure, transmitting the  
17 measurements wirelessly, and displaying the measurement data at remote locations in  
18 real-time. '857 Patent, 8:12-25.

19       17.       Defendant Fieldpiece Instruments, Inc. ("Fieldpiece") markets and sells a  
20 wireless HVAC testing system it refers to as the "Job Link System." Fieldpiece  
21 Instruments, *Job Link System*, <http://fieldpiece.com/product-category/job-link-system>,  
22 accessed October 11, 2024.



*Example of the Fieldpiece Job Link System, id.*

18. Fieldpiece’s Job Link System features a variety of tools (including various HVAC testing tools, such as pressure sensors) that communicate wirelessly with a central controller (in the form of a smartphone or other device running a Job Link application provided by Fieldpiece) configured to “receive multiple measurements from varying locations in real-time and make adjustments on the spot.” *Id.*

19. The accused products in this case include, but are not limited to, the Job Link System marketed and sold by Fieldpiece, including its various wireless tools (such as its manometers, psychrometers, and pressure probes) in combination with one or more of its controllers configured to interface with such wireless tools (e.g., its Job Link software application running on a smartphone or other computing device) (collectively, the “Accused Products”).

20. Upon information and belief, Fieldpiece has been making, using, selling and/or offering for sale in the United States, and/or importing into the United States

1 without authorization, the Accused Products since 2015. *See, e.g.,* Fieldpiece  
2 Instruments, *Fieldpiece Instruments Introduces the All-New Job Link System App* (March  
3 29, 2022), [https://www.fieldpiece.com/news-articles/fieldpiece-instruments-introduces-](https://www.fieldpiece.com/news-articles/fieldpiece-instruments-introduces-the-all-new-job-link-system-app/)  
4 [the-all-new-job-link-system-app/](https://www.fieldpiece.com/news-articles/fieldpiece-instruments-introduces-the-all-new-job-link-system-app/), accessed October 11, 2024 (“Job Link initially hit the  
5 market in 2015”); Fieldpiece Instruments, *Our History*, [https://www.fieldpiece.com/our-](https://www.fieldpiece.com/our-history/)  
6 [history/](https://www.fieldpiece.com/our-history/), accessed October 11, 2024 (depicting timeline with the year 2015 annotated with  
7 “Job Link App launched . . . Our first app that tracks multiple measurements from  
8 multiple locations in real-time”).

9 21. Evergreen has, during the relevant timeframe, marked its products and/or  
10 packaging in accordance with 35 U.S.C. § 287(a).

11 22. Evergreen maintains a virtual patent marking page at  
12 <http://evergreentelemetry.com/patents>, which as of this date lists nine issued U.S. Patents,  
13 including the Asserted Patents.

14 23. Upon information and belief, Fieldpiece has known of the existence of the  
15 Asserted Patents since at least June 2022, and its acts of infringement have therefore been  
16 willful and in disregard for the Asserted Patents, without any reasonable basis for  
17 believing that it had a right to engage in the infringing conduct, since at least that time.

18 24. Fieldpiece was provided with written notice of the ’857 and ’466 Patents as  
19 early as June 1, 2022. A letter from Messner Reeves LLP to Mr. Cameron Rouns of  
20 Fieldpiece Instruments, Inc. was sent on or about June 1, 2022. The June 1, 2022, letter  
21 included an infringement claim chart of the ’857 Patent and copies of the ’857 and ’466  
22 Patents.



1       25.       Fieldpiece was provided with notice of the '798 Patent as early as March 8,  
2 2023. A letter was sent from Messner Reeves LLP to Mr. Cameron Rouns of Fieldpiece  
3 and Paul Backofen of the Law Office of Paul Backofen on or about March 8, 2023. The  
4 March 8, 2023, letter included an example infringement claim chart of the '798 Patent  
5 and copies of each of the Asserted Patents.

6       26.       On April 20, 2023, Fieldpiece, through Mr. Backofen, responded to  
7 Evergreen, attached hereto as **Exhibit D**. In its letter, Fieldpiece argued that Fieldpiece's  
8 Job Link system did not infringe independent claims 1, 9 or 15 of the '798 Patent. *See*  
9 Exhibit D. With respect to claim 1 of the '798 Patent, Fieldpiece identified only one  
10 limitation that it argued was not practiced by the Job Link System, namely, the limitation  
11 requiring: wherein the two or more wireless sensor modules are configured to  
12 simultaneously obtain air pressure measurements at the two or more locations using the  
13 two or more wireless sensor modules. *See* Exhibit D at 1.

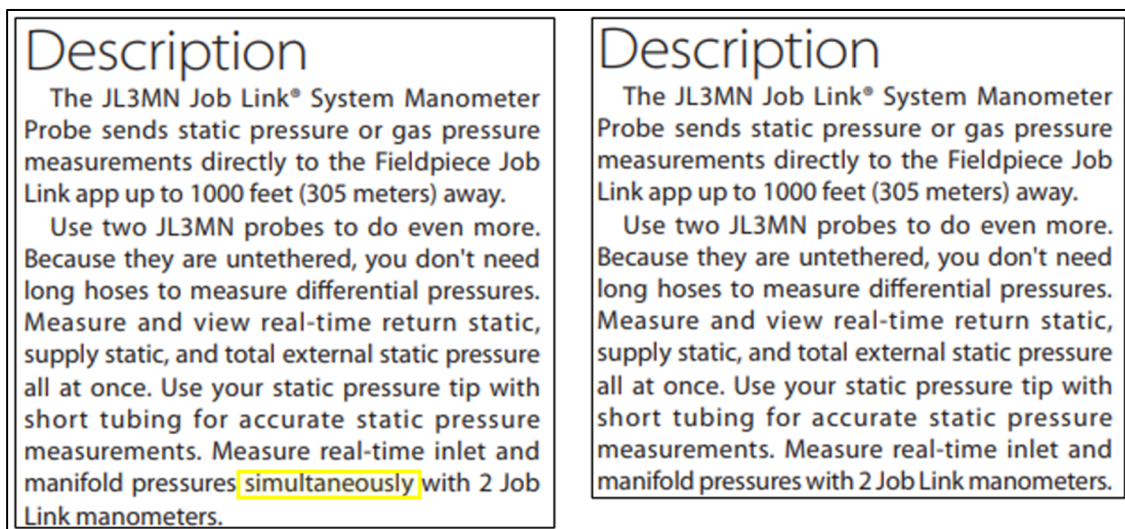
14       27.       On January 4, 2024, Evergreen, through its counsel, responded to  
15 Fieldpiece's April 20<sup>th</sup> letter, attached hereto as **Exhibit E**. Among other things,  
16 Evergreen pointed out that "Fieldpiece's own technical literature [] asserts that two Job  
17 Link manometers will '[m]easure real-time inlet and manifold pressures *simultaneously*  
18 ...." Exhibit E at 2. The technical literature referenced by Evergreen was the *Fieldpiece*  
19 *Job Link System Manometer Probe Operator's Manual, Model JL3MN*. Version 17  
20 (2022) of the JL3MN Operator's Manual is attached hereto as **Exhibit F**.

21       28.       On April 8, 2024, Fieldpiece's counsel responded by email with a letter  
22 attachment styled as its "FInal [sic] Response," attached hereto as **Exhibit G**. In its letter,



1 Fieldpiece argued that its own documentation “incorrectly claims to provide  
2 simultaneous measurements from separate sensors. We have scoured the Fieldpiece  
3 marketing and training literature and the instance you identified was the only one. It has  
4 been corrected and no longer asserts simultaneous measurements.” Exhibit G at 2-3.

5 29. Fieldpiece’s updated version of the JL3MN Operator’s Manual (version 17.5)  
6 is attached hereto as **Exhibit H**. As shown below, a side-by-side comparison of versions  
7 17 and 17.5 of the JL3MN Operator’s Manual show that Fieldpiece removed the word  
8 “simultaneously” from the technical description of its product.



9  
10  
11  
12  
13  
14  
15  
16 *Left: Excerpt from JL3MN Operator’s Manual (v. 17) (annotated in yellow);*  
*Right: Excerpt from JL3MN Operator’s Manual (v. 17.5)*

17 30. After several months of publishing version 17.5 of the JL3MN Operator’s  
18 Manual on its website, Fieldpiece once again revised the JL3MN Operator’s Manual, this  
19 time reinserting the word “simultaneously” back into the technical description of its  
20 product (shown below). Version 18 of the JL3MN Operator’s Manual is attached hereto  
21 as **Exhibit I**.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

**Description**  
The JL3MN Job Link® System Manometer Probe sends static pressure or gas pressure measurements directly to the Fieldpiece Job Link app up to 1000 feet (305 meters) away.  
Use two JL3MN probes to do even more. Because they are untethered, you don't need long hoses to measure differential pressures. Measure and view real-time return static, supply static, and total external static pressure all at once. Use your static pressure tip with short tubing for accurate static pressure measurements. Measure real-time inlet and manifold pressures **simultaneously** with 2 Job Link manometers.

*Excerpt from JL3MN Operator's Manual (v. 18) (annotated in yellow)*

31. As shown through the factual example above, Fieldpiece lacks a reasonable basis for non-infringement. Fieldpiece's knowledge of the Asserted Patents and deliberate and intentional acts of infringement constitute willful infringement.

32. Fieldpiece's misrepresentations demonstrate the level of wanton, malicious and/or bad-faith conduct warranting enhanced damages.

**THE PARTIES**

33. Plaintiff Evergreen Telemetry LLC is a Delaware limited liability company (DE Entity File No. 4604376, AZ Entity ID R15799411) having its principal place of business at 33 South Sycamore, Suites 4-8, Mesa, AZ 85202.

34. Russell P. Secor is the sole inventor for each of the Asserted Patents. He is the founder and Managing Member of Evergreen Telemetry LLC, and is a resident of Phoenix, Arizona.



1       40.       Upon information and belief, Fieldpiece derives substantial revenue from the  
2 sale of infringing products within this District, expects its actions to have consequences  
3 within this District, and derives substantial revenue from interstate and international  
4 commerce.

5       41.       Fieldpiece maintains a website it uses to market the Accused Products.  
6 Fieldpiece Instruments, *Job Link System*, [http://fieldpiece.com/product-category/job-](http://fieldpiece.com/product-category/job-link-system)  
7 [link-system](http://fieldpiece.com/product-category/job-link-system), accessed October 11, 2024.

8       42.       In the “Where to Buy/Representatives” section of its website, Fieldpiece lists  
9 a “Fieldpiece Sales Representative” located in the State of Arizona (a Mr. Christian  
10 Fornear) (the “AZ Sales Representative”), and states that “[b]esides their sales job, they  
11 [Fieldpiece’s Sales Representatives] perform a variety of functions in the field like  
12 counter days, technician training, contractor training and take part in industry and  
13 community events on behalf of Fieldpiece.” Fieldpiece Instruments, *Where to*  
14 *Buy/Representatives (US/AZ)*, <https://www.fieldpiece.com/representatives>, accessed  
15 October 11, 2024, the relevant portion of which is reproduced for convenience in **Exhibit**  
16 **J**.

17       43.       Upon information and belief, the AZ Sales Representative maintains a home-  
18 based office in this District, stores Fieldpiece-related materials in their home-based office  
19 in this District (for distribution in this District), regularly conducts business in this  
20 District, including without limitation accepting orders, making business decisions,  
21 soliciting customers in this District, engaging in technician training in this District, and  
22 taking part in industry and community events on behalf of Fieldpiece in this District.

1 44. Furthermore, in the “Where to Buy” section of its website, Fieldpiece lists  
2 approximately 100 locations designated as “Fieldpiece Distributors” in the State of  
3 Arizona. *Where to Buy* (selecting “US/AZ” as “Your location,” selecting “500 mi” as the  
4 “Search radius,” and selecting “100” as the “Results”) <https://www.fieldpiece.com/where-to-buy>, accessed October 11, 2024, the relevant  
5 portions of which are reproduced for convenience in **Exhibit K**.  
6

7 45. Fieldpiece distributors, upon registration with the Fieldpiece Distributor  
8 portal, are able to “[g]ain access to images, logos, training, merchandising, and more.”  
9 Fieldpiece Instruments, *Distributor Login*, <https://www.fieldpiece.com/distributor-login>,  
10 accessed October 11, 2024.

11 46. Upon information and belief, both the AZ Sales Representative and at least a  
12 portion of the Fieldpiece Distributors use, sell and offer to sell the Accused Products in  
13 Arizona.

14 47. Through its own activities, as well as the activities of its AZ Sales  
15 Representative and its numerous distributors located in Arizona, Fieldpiece continues to  
16 purposely direct its actions into this District and is otherwise availing itself of the  
17 privileges and protections of the laws of the State of Arizona.

18 48. Fieldpiece has sufficient minimum contacts within this District such that the  
19 exercise of jurisdiction over Fieldpiece by this Court does not offend traditional notions  
20 of fair play and substantial justice.  
21  
22



1 District, and taking part in industry and community events on behalf of Fieldpiece in this  
2 District.

3 54. Furthermore, in the “Where to Buy” section of its website, Fieldpiece lists  
4 approximately 100 locations designated as “Fieldpiece Distributors” in the State of  
5 Arizona. *Where to Buy* (selecting “US/AZ” as “Your location,” selecting “500 mi” as the  
6 “Search radius,” and selecting “100” as the “Results”) <https://www.fieldpiece.com/where-to-buy>, accessed October 11, 2024, Exhibit K.  
7

8 55. Fieldpiece Distributors, upon registration with the Fieldpiece Distributor  
9 portal, are able to “[g]ain access to images, logos, training, merchandising, and more.”  
10 Fieldpiece Instruments, *Distributor Login*, <https://www.fieldpiece.com/distributor-login>,  
11 accessed October 11, 2024.

12 56. Fieldpiece has a regular and established place of business in this District  
13 because, upon information and belief, Fieldpiece’s Arizona distributors and/or its  
14 Arizona Sales Representative constitute in-district agents of Fieldpiece over which  
15 Fieldpiece exercises the level of control necessary to establish Venue in this District. That  
16 is, Fieldpiece provides day-to-day control over the Arizona Fieldpiece Distributors and/or  
17 its Arizona Sales Representative with respect to the manner of carrying out the specific  
18 actions for which the agency relationship exists, and those actions include infringement  
19 of the Asserted Patents.

20 57. Evergreen has its principal place of business in this District.

21 58. The sole inventor of the Asserted Patents resides in this District.  
22







1       68.       Upon information and belief, Fieldpiece has been and is continuing to  
2 contributorily infringe the Asserted Patents by selling or offering to sell the Job Link  
3 System, knowing it to be specially made or specially adapted for practicing the invention  
4 of the Asserted Patents and which is not a staple article or commodity of commerce  
5 suitable for substantial non-infringing use.

6       69.       Fieldpiece uses, markets and sells a wireless HVAC testing system it refers  
7 to as the “Job Link System” and the “Job Link Family of Tools.” Fieldpiece Instruments,  
8 *Job Link System*, <http://fieldpiece.com/product-category/job-link-system>, accessed  
9 October 11, 2024.

10       70.       Exemplary claim charts for each of the Asserted Patents are attached hereto  
11 as **Exhibits O, P, and Q** (corresponding to the ’857 Patent, the ’466 Patent, and the ’798  
12 Patent, respectively) and collectively show that the Accused Products infringe at least  
13 claims 1, 4, and 6 of the ’857 Patent; at least claims 1, 2, and 5 of the ’466 Patent; and at  
14 least claims 1, 3, 5, 6, 7, 8, 15, 16, 19, 20 of the ’798 Patent (collectively the “Asserted  
15 Claims”).

16       71.       For the purposes of illustration, and without limiting the foregoing, a  
17 comparison of the Accused Products (e.g., the Fieldpiece Job Link System) with  
18 independent claim 1 of the ’798 will now be provided. As a preliminary matter, any  
19 infringement analysis provided for the preamble should not be construed as an admission  
20 that such preamble is limiting.

21       72.       Claim 1 of the ’798 patent begins with the preamble “[a] test and balance data  
22 gathering system.”

1       73.       Fieldpiece, in its online marketing, states that “[Job Link] has been praised  
2 for helping technicians . . . view measurements with ease and even gather **real-time**  
3 **diagnostics** across the entire jobsite.” Fieldpiece Instruments, *Fieldpiece Instruments*  
4 *Introduces the All-New Job Link System App* (March 29, 2022),  
5 <https://www.fieldpiece.com/news-articles/fieldpiece-instruments-introduces-the-all->  
6 [new-job-link-system-app/](https://www.fieldpiece.com/news-articles/fieldpiece-instruments-introduces-the-all-new-job-link-system-app/) . “[The update will] allow users to streamline their **in-field**  
7 **testing** . . . .” *Id.* (*emphasis added*). Fieldpiece further states that “**Balancing static**  
8 **pressure** is one of the most important factors in HVAC systems design.” Fieldpiece  
9 Instruments, *How Manometers Help HVACR Professionals Diagnose and Balance*  
10 *Furnace and A/C Systems*, [https://www.fieldpiece.com/news-articles/how-manometers-](https://www.fieldpiece.com/news-articles/how-manometers-help-hvacr-professionals-diagnose-and-balance-furnace-and-a-c-systems/)  
11 [help-hvacr-professionals-diagnose-and-balance-furnace-and-a-c-systems/](https://www.fieldpiece.com/news-articles/how-manometers-help-hvacr-professionals-diagnose-and-balance-furnace-and-a-c-systems/), accessed  
12 October 11, 2024 (*emphasis added*).

13       74.       Accordingly, the preamble of Claim 1 of the ’798 patent is embodied in  
14 Fieldpiece’s product.

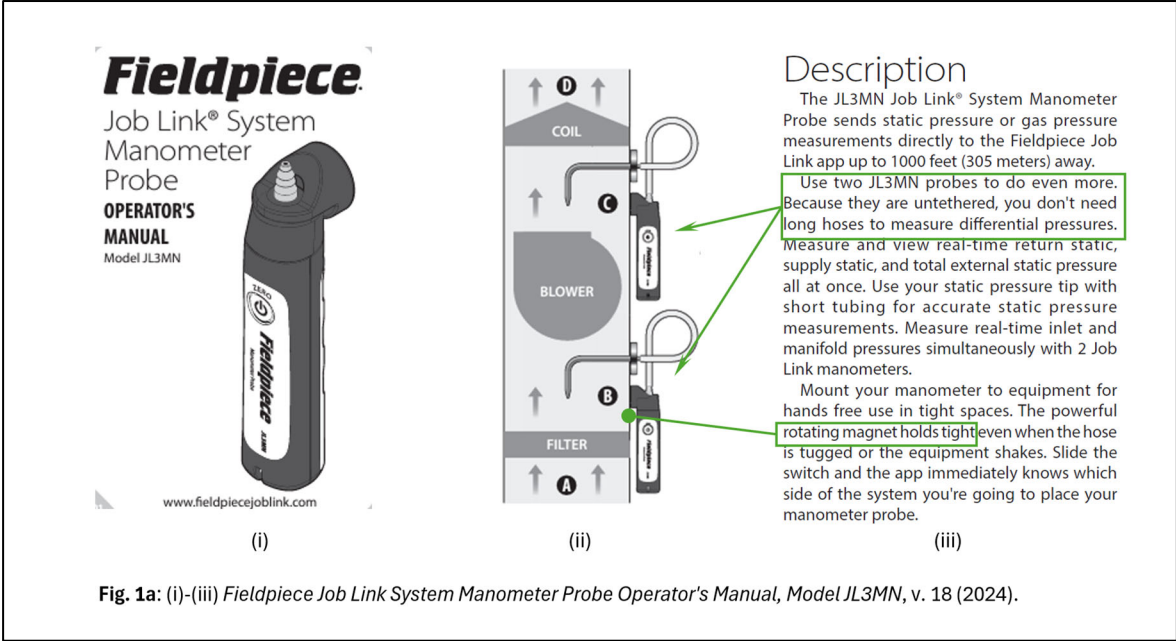
15       75.       Element 1a of the ’798 Patent recites “two or more wireless sensor modules  
16 removably coupled to two or more locations of a heating, ventilation, and air conditioning  
17 system.” These elements are clearly shown in the relevant Operator’s Manual for  
18 Fieldpiece's JL3MN Job Link System Manometer Probe [pressure sensor], as shown  
19 below.

20

21

22

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22



76. Accordingly, element 1a of Claim 1 of the '798 patent is embodied in the Accused Products.

77. Element 1b of the '798 Patent recites that “the two or more locations [are] remote from the user.”

78. The Operator’s Manual cited above states that “The JL3MN Job Link System Manometer Probe sends static pressure or gas pressure measurements directly to the Fieldpiece Job Link app up to **1000 feet (305 meters) away.**” *Fieldpiece Job Link System Manometer Probe Operator's Manual, Model JL3MN, v. 18 (2024)* (emphasis added), Exhibit I.

79. Accordingly, element 1b of Claim 1 of the '798 patent is embodied in Fieldpiece’s product.

1       80.       Element 1c of the '798 Patent recites “a control module wirelessly coupled  
2 to the two or more wireless sensor modules through a wireless radio electronic portion  
3 comprised in the two or more wireless sensor modules.”

4       81.       The Accused Products utilize a smartphone and corresponding app (iPhone  
5 or Android) to fill the role of a “control module,” as shown below. Fieldpiece, at least  
6 when using the Accused Products, practices “a control module wirelessly coupled to the  
7 two or more wireless sensor modules through a wireless radio electronic portion  
8 comprised in the two or more wireless sensor modules.”

9       82.       Fieldpiece’s various Job Link user manuals, technical documents, support  
10 services, and its website actively encourage its users to download the Job Link software  
11 onto their mobile devices to thereby operate the Job Link sensors in combination with  
12 the Job Link software (*see e.g.*, Fieldpiece Operator’s Manuals Exhibits L and M  
13 instructing to “Install the Fieldpiece Job Link System app on your mobile device”) and  
14 Fieldpiece knows that such acts constitute induced patent infringement and result in direct  
15 patent infringement of the Asserted Patents by Fieldpiece, Fieldpiece technicians and  
16 Fieldpiece customers.

17       83.       Neither the Job Link sensors nor the Job Link software, taken alone, have  
18 substantial non-infringing uses: the Job Link sensors (including, without limitation, the  
19 JL3MN manometer) do not include an integrated display that can be viewed by an  
20 operator, and the Job Link software requires the connection of a Job Link sensor to  
21 provide the desired functionality.

22

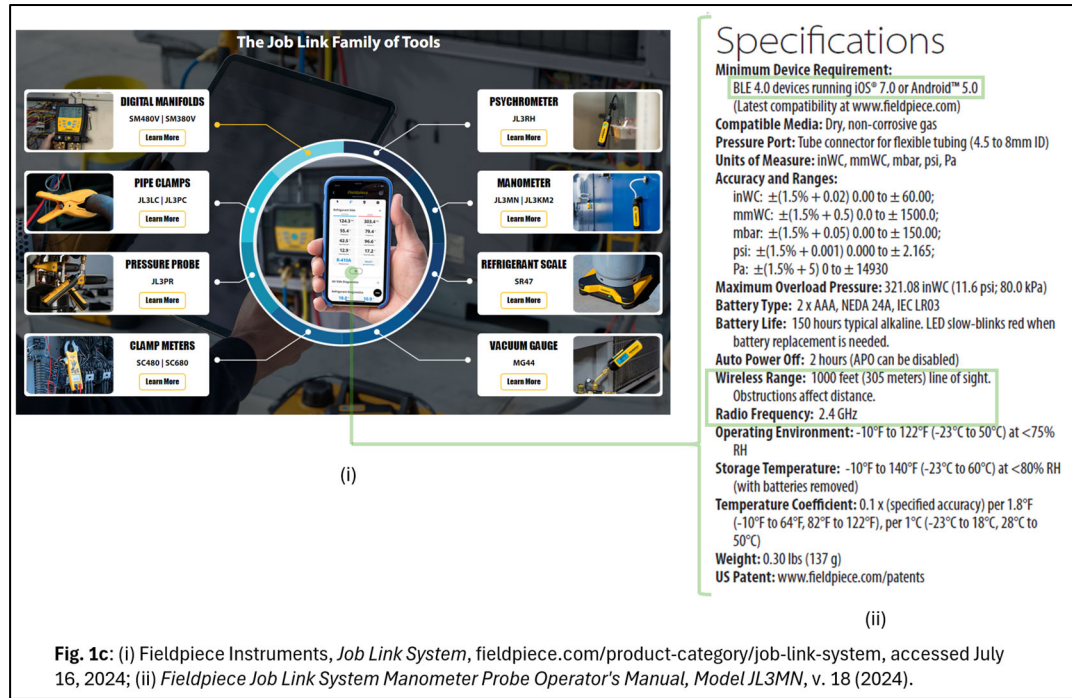


Fig. 1c: (i) Fieldpiece Instruments, *Job Link System*, fieldpiece.com/product-category/job-link-system, accessed July 16, 2024; (ii) *Fieldpiece Job Link System Manometer Probe Operator's Manual*, Model JL3MN, v. 18 (2024).

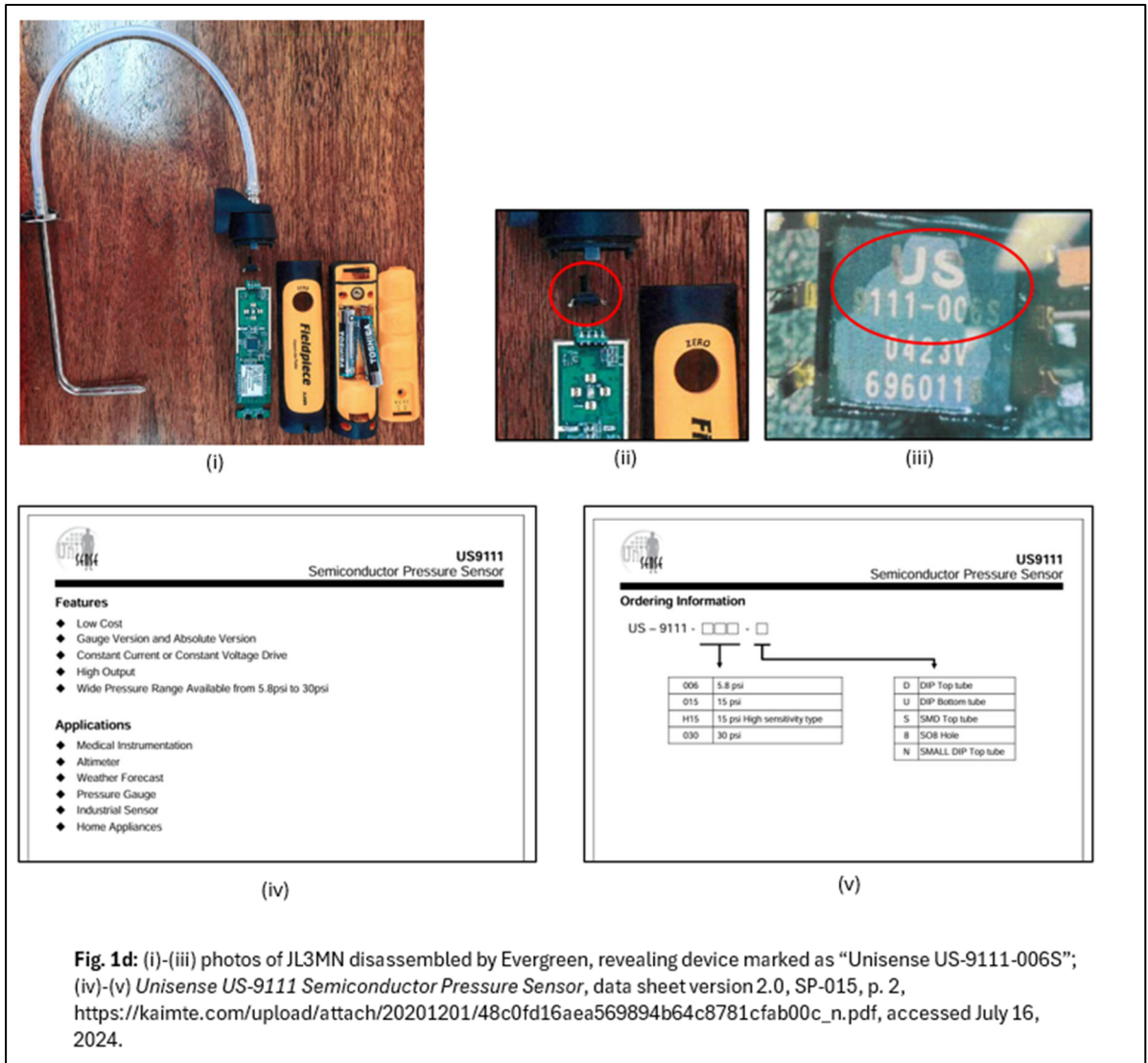
84. Accordingly, element 1c of Claim 1 of the '798 patent is embodied in Fieldpiece's product.

85. Element 1d of the '798 Patent recites that "each of the two or more wireless sensor modules comprise an air pressure sensor and a sensing probe coupled to the air pressure sensor."

86. Upon information and belief, the Job Link JL3MN Manometer includes a Unisense US-9111-006S Semiconductor Pressure Sensor coupled to a sensing probe, as shown below.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

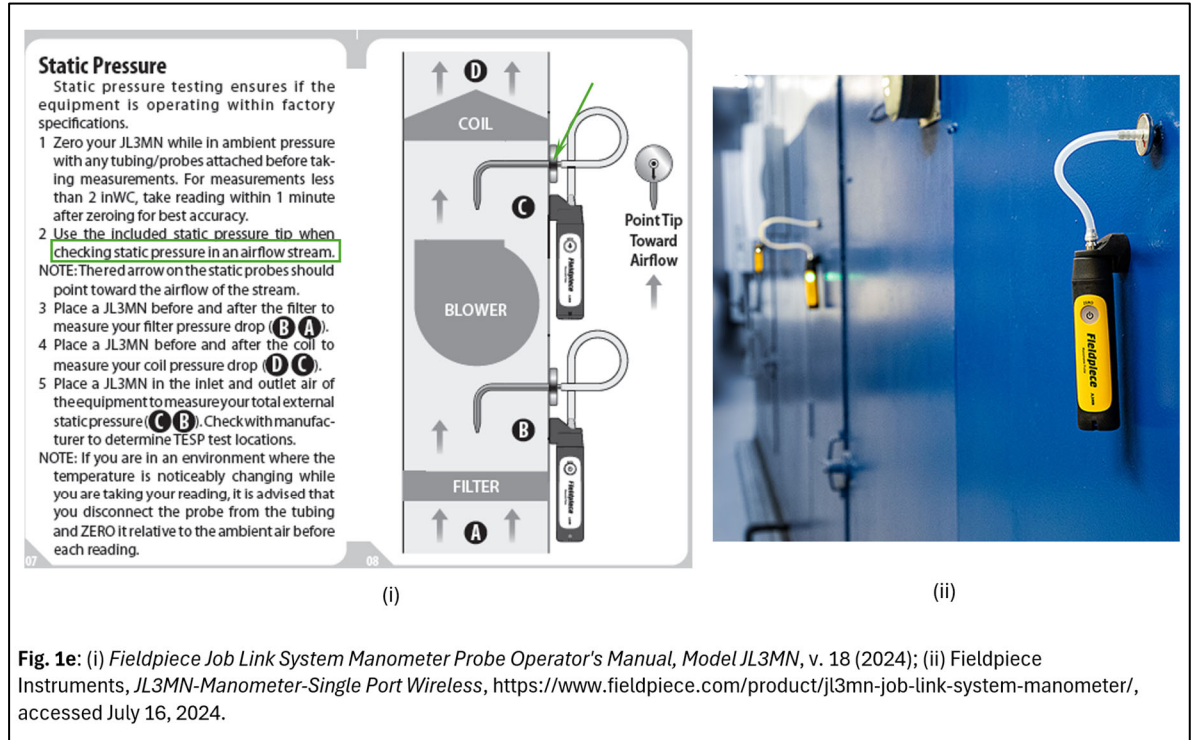


**Fig. 1d:** (i)-(iii) photos of JL3MN disassembled by Evergreen, revealing device marked as “Unisense US-9111-006S”; (iv)-(v) *Unisense US-9111 Semiconductor Pressure Sensor*, data sheet version 2.0, SP-015, p. 2, [https://kaimte.com/upload/attach/20201201/48c0fd16aea569894b64c8781cfab00c\\_n.pdf](https://kaimte.com/upload/attach/20201201/48c0fd16aea569894b64c8781cfab00c_n.pdf), accessed July 16, 2024.

87. Accordingly, element 1d of Claim 1 of the '798 patent is embodied in Fieldpiece's product.

88. Claim 1e of the '798 Patent recites that “each sensing probe [is] configured to be inserted through a duct wall of the HVAC system and used in obtaining a pressure measurement.”

89. Fieldpiece’s JL3MN Operator Manual and its online marketing clearly show multiple probes inserted at various locations along a duct wall:



90. Accordingly, element 1e of Claim 1 of the '798 patent is embodied in Fieldpiece’s product.

91. Element 1f of the '798 Patent recites “wherein the two or more wireless sensor modules are removably coupled to the two or more locations of the HVAC system through two or more attachment mechanisms, each attachment mechanism comprising one of a clip, magnet, hook and loop fasteners, or adhesive dot.” Similarly, element 1g of the '798 Patent recites that “the one of the clip, magnet, hook and loop fasteners, or adhesive dot is configured to directly couple to the HVAC system when the two or more

1 wireless sensor modules are removably coupled to the two or more locations of the  
2 HVAC system.”

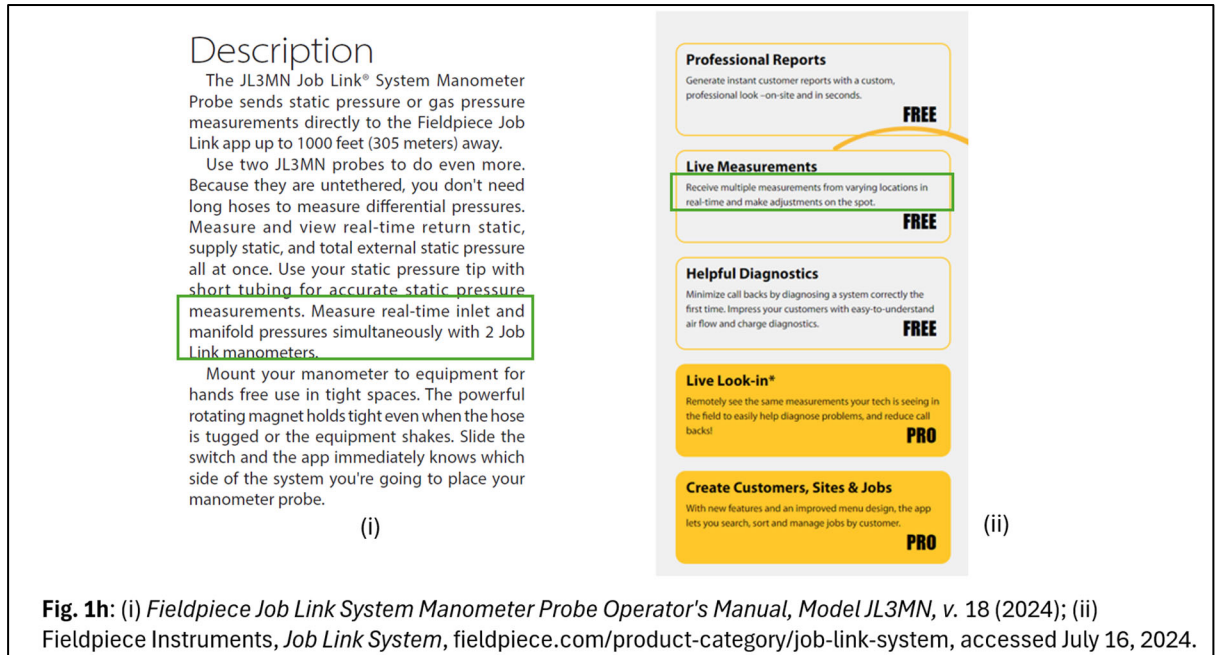
3 92. The JL3MN Operator's Manual instructs the operator to “[m]ount your  
4 manometer to equipment for hands free use in tight spaces. The **powerful rotating**  
5 **magnet** holds tight even when the hose is tugged or the equipment shakes.” *Fieldpiece*  
6 *Job Link System Manometer Probe Operator's Manual, Model JL3MN*, v. 18 (2024)  
7 (emphasis added). Accordingly, elements 1f and 1g are embodied in Fieldpiece’s  
8 products.

9 93. Element 1h of the '798 Patent recites “wherein the two or more wireless  
10 sensor modules are configured to simultaneously obtain air pressure measurements at the  
11 two or more locations using the two or more wireless sensor modules.”

12 94. Element 1h is clearly shown in the Job Link literature and website,  
13 reproduced below. In Fig. 1h(i), under the heading “Live Measurements,” the graphic  
14 states “[r]eceive multiple measurements from varying locations in real-time and make  
15 adjustments on the spot.”

16  
17  
18  
19  
20  
21  
22

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

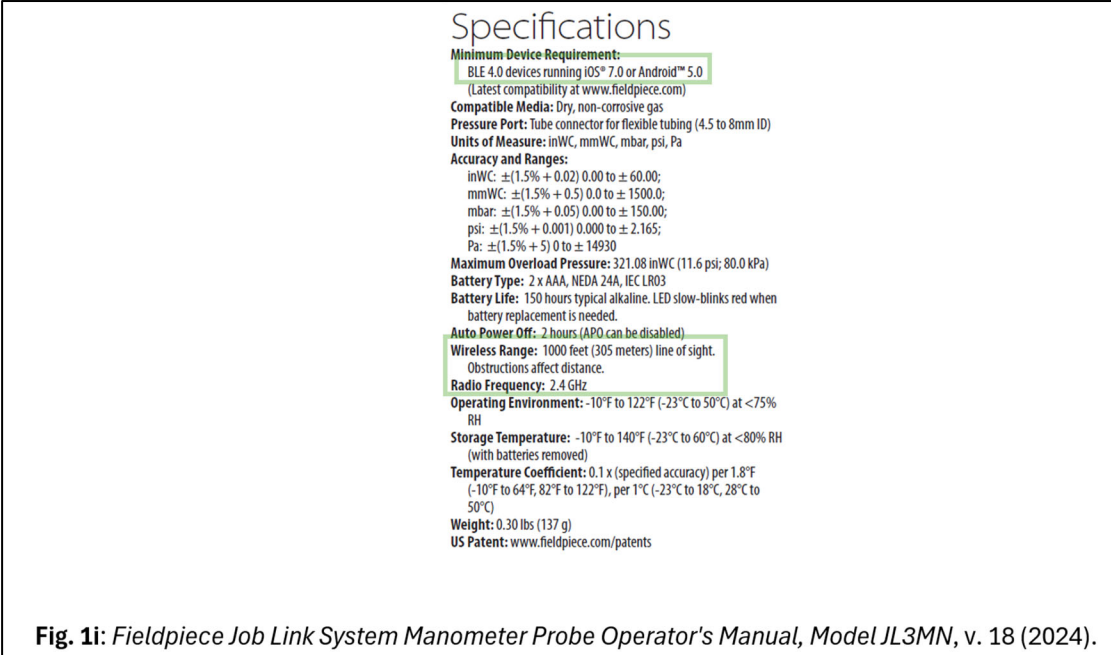


95. Accordingly, claim element 1h is embodied Fieldpiece’s product.

96. Element 1i of the ’798 Patent recites that “the two or more wireless sensor modules are configured to transmit the air pressure measurements over a telecommunication channel to the control module.”

97. The JL3MN Operator's Manual shows that the Job Link System utilizes Bluetooth Low Energy (BLE) for wireless communication:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22



98. Accordingly, claim element 1i is embodied Fieldpiece’s product.

99. Element 1j of the ’798 Patent recites “wherein the control module is configured to simultaneously display the air pressure measurements from the two or more wireless sensor modules on a screen control module.”

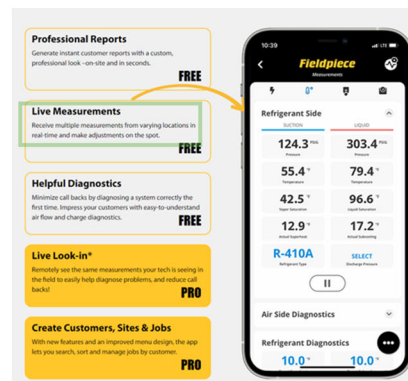
100. The Accused Products utilize an operator’s smartphone, running a proprietary application, to provide this simultaneous display, as illustrated below. In Fig. 1j(ii), under the heading “Live Measurements,” the graphic states “[r]eceive multiple measurements from varying locations in real-time and make adjustments on the spot.” Fieldpiece, at least when using the Accused Products, practices “wherein the control module is configured to simultaneously display the air pressure measurements from the two or more wireless sensor modules on a screen control module.”

## Description

The JL3MN Job Link® System Manometer Probe sends static pressure or gas pressure measurements directly to the Fieldpiece Job Link app up to 1000 feet (305 meters) away.

Use two JL3MN probes to do even more. Because they are untethered, you don't need long hoses to measure differential pressures. Measure and view real-time return static, supply static, and total external static pressure all at once. Use your static pressure tip with short tubing for accurate static pressure measurements. Measure real-time inlet and manifold pressures simultaneously with 2 Job Link manometers.

Mount your manometer to equipment for hands free use in tight spaces. The powerful rotating magnet holds tight even when the hose is tugged or the equipment shakes. Slide the switch and the app immediately knows which side of the system you're going to place your manometer probe.



**Fig. 1j:** (i) *Fieldpiece Job Link System Manometer Probe Operator's Manual, Model JL3MN, v. 18, (2024)*; (ii) Fieldpiece Instruments, *Job Link System*, [fieldpiece.com/product-category/job-link-system](https://fieldpiece.com/product-category/job-link-system), accessed July 16, 2024.

101. Fieldpiece's various Job Link user manuals, technical documents, support services, and its website actively encourage its users to download the Job Link software onto their mobile devices to thereby operate the Job Link sensors in combination with the Job Link software (*see e.g.*, Fieldpiece Operator's Manuals Exhibits L and M instructing to "[u]se two JL3MN probes to do even more. ... Measure and view real-time return, static, supply static, and total external static pressure all at once.") and Fieldpiece knows that such acts constitute induced patent infringement and result in direct patent infringement of the Asserted Patents by Fieldpiece, Fieldpiece technicians and Fieldpiece customers.

102. Accordingly, claim element 1j is embodied Fieldpiece's product.

103. Each and every element of claim 1 of the '798 Patent is therefore found in the Accused Products. Non-limiting examples of infringement of the remaining Asserted Claims may be found in the attached Exemplary Claim Charts (**Exhibits O, P, and Q**).



**FIRST CLAIM FOR RELIEF**  
**Infringement of the '857 Patent**

1  
2  
3 104. Plaintiff incorporates and realleges paragraphs 1 through 103 of this  
4 Complaint.

5 105. Defendant has infringed and continues to infringe the '857 Patent by making,  
6 using, selling and/or offering for sale in the United States, and/or importing into the  
7 United States without authorization, at least the Accused Products described above. For  
8 example, as shown in the attached claim chart (**Exhibit O**), the Accused Products infringe  
9 at least claims 1, 4, and 6 of the '857 Patent.

10 106. Defendant's actions as described herein constitute direct, induced, and/or  
11 contributory infringement of the '857 Patent in violation of 35 U.S.C. § 271(a), (b),  
12 and/or (c).

13 107. Defendant's actions as described herein constitute infringement of the '857  
14 Patent either literally or under the doctrine of equivalents.

15 108. As a proximate result of Defendant's infringement of the '857 Patent,  
16 Plaintiff has been damaged and Defendant has unfairly profited in amounts to be proven  
17 at trial.

18 109. Defendant's infringement of the '857 Patent has been and continues to be  
19 willful, entitling Plaintiff to recover treble damages and/or attorney fees pursuant to 35  
20 U.S.C. § 284.



1 110. Defendant's knowing, intentional, and/or willful actions make this an  
2 exceptional case, entitling Plaintiff to an award of reasonable fees pursuant to 35 U.S.C.  
3 § 385.

4 111. Defendant's direct, inducement, and/or contributory infringement of the '857  
5 Patent has caused and will continue to cause Plaintiff irreparable harm unless they are  
6 enjoined by this Court pursuant to 35 U.S.C. § 283.

7 **SECOND CLAIM FOR RELIEF**  
8 **Infringement of the '466 Patent**

9 112. Plaintiff incorporates and realleges paragraphs 1 through 103 of this  
10 Complaint.

11 113. Defendant has infringed and continues to infringe the '466 Patent by making,  
12 using, selling and/or offering for sale in the United States, and/or importing into the  
13 United States without authorization, at least the Accused Products described above. For  
14 example, as shown in the attached claim chart (**Exhibit P**), the Accused Products infringe  
15 at least claims 1, 2, and 5 of the '466 Patent.

16 114. Defendant's actions as described herein constitute direct, induced, and/or  
17 contributory infringement of the '466 Patent in violation of 35 U.S.C. § 271(a), (b),  
18 and/or (c).

19 115. Defendant's actions as described herein constitute infringement of the '466  
20 Patent either literally or under the doctrine of equivalents.

1 116. As a proximate result of Defendant's infringement of the '466 Patent,  
2 Plaintiff has been damaged and Defendant has unfairly profited in amounts to be proven  
3 at trial.

4 117. Defendant's infringement of the '466 Patent has been and continues to be  
5 willful, entitling Plaintiff to recover treble damages and/or attorney fees pursuant to 35  
6 U.S.C. § 284.

7 118. Defendant's knowing, intentional, and/or willful actions make this an  
8 exceptional case, entitling Plaintiff to an award of reasonable fees pursuant to 35 U.S.C.  
9 § 385.

10 119. Defendant's direct, inducement, and/or contributory infringement of the '466  
11 Patent has caused and will continue to cause Plaintiff irreparable harm unless they are  
12 enjoined by this Court pursuant to 35 U.S.C. § 283.

13 **THIRD CLAIM FOR RELIEF**  
14 **Infringement of the '798 Patent**

15 120. Plaintiff incorporates and realleges paragraphs 1 through 103 of this  
16 Complaint.

17 121. Defendant has infringed and continues to infringe the '798 Patent by making,  
18 using, selling and/or offering for sale in the United States, and/or importing into the  
19 United States without authorization, at least the Accused Products described above. For  
20 example, as shown in the attached claim chart (**Exhibit Q**), the Accused Products infringe  
21 at least claims 1, 3, 5, 6, 7, 8, 15, 16, 19, and 20 of the '798 Patent.

22

1 122. Defendant's actions as described herein constitute direct, induced, and/or  
2 contributory infringement of the '798 Patent in violation of 35 U.S.C. § 271(a), (b),  
3 and/or (c).

4 123. Defendant's actions as described herein constitute infringement of the '798  
5 Patent either literally or under the doctrine of equivalents.

6 124. As a proximate result of Defendant's infringement of the '798 Patent,  
7 Plaintiff has been damaged and Defendant has unfairly profited in amounts to be proven  
8 at trial.

9 125. Defendant's infringement of the '798 Patent has been and continues to be  
10 willful, entitling Plaintiff to recover treble damages and/or attorney fees pursuant to 35  
11 U.S.C. § 284.

12 126. Defendant's knowing, intentional, and/or willful actions make this an  
13 exceptional case, entitling Plaintiff to an award of reasonable fees pursuant to 35 U.S.C.  
14 § 385.

15 127. Defendant's direct, inducement, and/or contributory infringement of the '798  
16 Patent has caused and will continue to cause Plaintiff irreparable harm unless they are  
17 enjoined by this Court pursuant to 35 U.S.C. § 283.

18 **PRAYER FOR RELIEF**

19 WHEREFORE, Plaintiff prays for relief against Defendant as follows:

20 A. A judgment that Defendant has infringed, actively induced infringement of, and  
21 contributorily infringed each of the Asserted Patents in violation of 35 U.S.C. § 271(a),  
22 (b), and (c);

1 B. An order and judgment temporarily and permanently enjoining Defendant and its  
2 officers, directors, agents, servants, employees, affiliates, attorneys, and all others acting  
3 in privity or in concert with them, and their parents, subsidiaries, divisions, successors  
4 and assigns, from further acts of infringement, contributing to the infringement, or  
5 inducing infringement of the Asserted Patents;

6 C. A judgment awarding Plaintiff all damages adequate to compensate for  
7 Defendant's infringement, but in no event less than a reasonable royalty, including all  
8 prejudgment and post-judgment interest at the maximum rate permitted by law and costs  
9 as fixed by the Court;

10 D. A judgment awarding Plaintiff all relief (including money damages)  
11 contemplated 35 U.S.C. § 154(d);

12 E. A judgment awarding Plaintiff all damages including treble damages, based on  
13 any infringement found to be willful, pursuant to 35 U.S.C. § 284;

14 F. A judgment awarding Plaintiff its costs pursuant to 35 U.S.C. § 284;

15 G. A judgment finding that this case is exceptional and awarding Plaintiff its attorney  
16 fees in accordance with 35 U.S.C. § 285; and

17 H. Any other remedy to which Plaintiff may be entitled to or the Court deems just  
18 and proper.

19 **DEMAND FOR JURY TRIAL**

20 Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff hereby  
21 requests a trial by jury on all issues raised by this Complaint that are triable by jury.  
22

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

DATED this 16<sup>th</sup> day of OCTOBER, 2024.

NEWMAN JONES PLLC

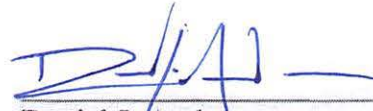


Daniel J. Anderson  
Christine N. Jones  
Daniel R. Pote  
Michael K. Kelly  
14747 N Northsight Blvd.  
Suite 111-143  
Scottsdale, AZ 85260  
Attorneys for Plaintiff

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

**CERTIFICATE OF FILING**

I hereby certify that, on 10/16/24, I electronically transmitted the foregoing document to the Clerk's Office using the ECF System for filing.


  
\_\_\_\_\_  
Daniel J. Anderson  
Newman Jones PLLC  
Attorney for Plaintiff

**VERIFICATION OF PLAINTIFF**

Plaintiff Evergreen Telemetry LLC, by and through its Member Russell P. Secor, hereby declares under penalty of perjury that it has reviewed the foregoing Complaint, and the factual allegations contained therein are true and correct to the best of its knowledge, memory, information, and belief, and to those matters stated upon information and belief, it believes them to be true.

Executed on: 16 October 2024

Evergreen Telemetry LLC

By:   
\_\_\_\_\_  
Russell P. Secor

Its: Manager/Member, Russell P. Secor