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8 *For Plaintiff IoT Innovations LLC*

9 **UNITED STATES DISTRICT COURT**
10 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

11
12 IOT INNOVATIONS LLC,
13 Plaintiff,
14 v.
15 LUTRON ELECTRONICS CO., INC.,
16 Defendant.

Case No. _____

**COMPLAINT FOR PATENT
INFRINGEMENT**

JURY TRIAL DEMANDED

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1 Plaintiff IoT Innovations LLC (“IoT Innovations” or “Plaintiff”) files this
 2 Complaint against Lutron Electronics Co., Inc. (“Lutron” or “Defendant”) alleging,
 3 based on its own knowledge as to itself and its own actions, and based on information
 4 and belief as to all other matters, as follows:

5 NATURE OF THE ACTION

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

9 U.S. Patent No.	Title	Available At
10 7,304,570	Methods, Systems, And Computer Program Products For Providing Context-Based, Hierarchical Security For A Mobile Device	USPTO.GOV, https://imageppubs.uspto.gov/dirsearch-public/print/downloadPdf/7304570
11 6,801,933	System And Method For Proactive Caching Employing Graphical Usage Description	USPTO.GOV, https://imageppubs.uspto.gov/dirsearch-public/print/downloadPdf/6801933
12 6,920,486	Method And Apparatus For Enabling Synchronizing Data In Different Devices Having Different Capabilities And Unmatched Data Fields	USPTO.GOV, https://imageppubs.uspto.gov/dirsearch-public/print/downloadPdf/6920486
13 7,263,102	Multi-Path Gateway Communications Device	USPTO.GOV, https://imageppubs.uspto.gov/dirsearch-public/print/downloadPdf/7263102
14 RE44,191	Electric Device, Computer, Program, System And Method Of Setting Up User Applications	USPTO.GOV, https://imageppubs.uspto.gov/dirsearch-public/print/downloadPdf/RE44191
15 7,983,282	Edge Side Assembler	USPTO.GOV, https://imageppubs.uspto.gov/dirsearch-public/print/downloadPdf/7983282
16 7,526,762	Network With Mobile Terminals As Browsers Having Wireless Access To The Internet And Method For Using Same	USPTO.GOV, https://imageppubs.uspto.gov/dirsearch-public/print/downloadPdf/7526762
17 7,539,212	Method And Apparatus For Mac Layer Inverse Multiplexing In A Third Generation Radio Access Network	USPTO.GOV, https://imageppubs.uspto.gov/dirsearch-public/print/downloadPdf/7539212

1 2. IoT Innovations seeks injunctive relief and monetary damages.

2 **PARTIES**

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

5 4. Based on public information and belief, Lutron is a corporation organized
6 under the laws of the State of Pennsylvania.

7 5. Based on public information and belief, Lutron has its principal place of
8 business located at 7200 Suter Road, Coopersburg, Pennsylvania 18036-1299 (Lehigh
9 County).

10 6. Based on public information and belief, Lutron maintains regular and
11 established places of business in this District, including the location at 333 South Grand
12 Ave, Suite 1650, Los Angeles, California 90071. See LUTRON.COM,
13 <https://www.lutron.com/en-US/Company-Info/Pages/AboutUS/USLocations.aspx>.

14 7. Based on public information and belief, Lutron may be served through its
15 registered agent for service, CSC - Lawyers Incorporating Service, located at 2710
16 Gateway Oaks Drive, Sacramento, CA.

17 **JURISDICTION AND VENUE**

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

20 9. This is an action for infringement of a United States patent arising under
21 35 U.S.C. §§ 271, 281, and 284–85, among others. This Court has subject matter
22 jurisdiction of the action under 28 U.S.C. § 1331 and § 1338(a).

23 10. Venue is proper against Defendant in this District pursuant to 28 U.S.C. §
24 1400(b) and 1391(c) because it has maintained established and regular places of
25 business in this District and has committed acts of patent infringement in the District.
26 See *In re: Cray Inc.*, 871 F.3d 1355, 1362-1363 (Fed. Cir. 2017).

27 11. Defendant is subject to this Court’s specific and general personal
28 jurisdiction under due process because of Defendant’s substantial business in this

1 judicial District, including: (i) at least a portion of the infringements alleged herein; and
2 (ii) regularly doing or soliciting business, engaging in other persistent courses of
3 conduct, or deriving substantial revenue from goods and services provided to
4 individuals in this state and in this District.

5 12. Specifically, Defendant intends to do and does business in, has committed
6 acts of infringement in, and continues to commit acts of infringement in this District
7 directly, through intermediaries, by contributing to and through inducement of third
8 parties, and offers its products or services, including those accused of infringement here,
9 to customers and potential customers located in this state, including in this District.

10 13. Defendant maintains regular and established places of business in this
11 District.

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

14 15. Defendant ships and causes to be shipped into the District infringing
15 products and materials instructing its customers to perform infringing activities to its
16 employees, exclusive and non-exclusive contractors, agents, and affiliates for
17 installation, operation, and service at locations within this District.

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

21 **THE ACCUSED PRODUCTS**

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

24 18. Based upon public information, Lutron owns, operates, advertises, and/or
25 controls the website and domains www.lutron.com, www.casetawireless.com, through
26 which it advertises, sells, offers to sell, provides and/or educates customers about their
27 products and services.

28 19. Defendant uses, causes to be used, sells, offers for sale, provides, supplies,

1 or distributes its home security and control platform and systems, including but not
2 limited those marketed as Lutron Smart Home Systems, which include, at least, the
3 following (collectively, the “Accused Products”):

- 4 • **Lutron Caséta Smart Lighting System** (including the Caséta Smart Hub
5 and/or Caséta Smart Bridge, and integrated/compatible smart devices, e.g.,
6 smart lighting, switches, dimmers, reports, motion sensors, etc.); *see*
7 **Exhibit A** (Caséta by Lutron: Smart Light Switches, Controls &
8 Dimmers); *see also* **Exhibit B** (Caséta by Lutron: Smart Switches &
9 Lighting Control Products - Product Information);
- 10 • **Lutron Wireless Thermostat** (including integrated/compatible smart
11 devices, e.g., smart shades, fans, lighting, switches, etc.); *see* **Exs. A–B**;
12 *see also* **Exhibit C** (Lutron Wireless Thermostat - Specification
13 Document);
- 14 • **Lutron The RA2 Select System** (including integrated/compatible smart
15 devices, e.g., sensors, control interfaces, smart shades, lighting, etc.); *see*
16 **Exhibit D** (Lutron RA2 Select System - System Overview); *see also*
17 **Exhibit E** (Lutron RA2 Select System - Product Brochure);
- 18 • **Lutron RadioRA3 System** (including integrated/compatible smart
19 devices, e.g., thermostats, smart shades, lighting, etc.); *see* **Exhibit F**
20 (RadioRA 3 by Lutron - System Devices Overview); *see also* **Exhibit G**
21 (RadioRA 3 by Lutron - Homeowner Brochure);
- 22 • **Lutron Athena Smart Systems** (including and integrated/compatible
23 devices); *see* **Exhibit H** (Athena: Scalable Lighting Control for
24 Commercial Spaces); *see also* **Exhibit I** (Athena Technical Document);
- 25 • **Lutron Smart Devices**, including:
 - 26 ○ **Lutron Smart Light Switches and Controls**: Diva Smart Dimmer
27 Switch (DVRF-6L-XX) Diva Smart Dimmer Switch for ELV+
28 Lighting (DVRF-5NE-XX), Claro Smart Switch (DVRF-5NS-XX),

1 Claro Smart Accessory Switch (DVRF-AS-XX), Original Smart
2 Dimmer Switch (PD-6WCL-XX), Original Smart Dimmer Switch
3 for ELV+ Lighting (PD-5NE-XX), Claro Smart Switch Expansion
4 Kit (DVRF-PKG1S-WH), Diva Smart Dimmer Switch Expansion
5 Kit (DVRF-PKG1D-WH), and the Sunnata RF Touch Dimmer with
6 PRO LED+ (RRST-PRO-N-XX), Sunnata RF Switch (RRST-
7 8ANS-XX, RRST-RS-XX), Maestro RF Dimmer with PRO LED+
8 (RRD-PRO-XX); *see Exs. A–B; see also Exs. F–G; see also*
9 CASETAWIRELESS.COM,

10 [https://www.casetawireless.com/us/en/product/diva-smart-](https://www.casetawireless.com/us/en/product/diva-smart-dimmer/homeowner)
11 [dimmer/homeowner;](https://www.casetawireless.com/us/en/product/diva-smart-dimmer/homeowner)

- 12 ○ **Lutron Smart Lights:** Lumaris Tunable White Tape Light (RRL-
13 TLK-SW, RRL-TLK-DL), Lumaris RGB + Tunable White Tape
14 Light (LU-T05-RT-IN, RRL-MWCL-WH), *see Exs. F–G;*
- 15 ○ **Lutron Smart KeyPads:** Sunnata RF Keypads (RRST-W4B-XX,
16 RRST-W3RL-XX, RRST-W2B-XX), *see Touch C·L Hybrid*
17 *Keypads (RRD-W6BRL, RRD-HN6BRL), see Exs. F–G;*
- 18 ○ **Lutron Smart Fan Switches and Controls:** Original Smart Fan
19 Speed Control Switch (PD-FSQN-XX), RF Fan Control (RRST-
20 ANF-XX), Maestro RF Fan Control and RF Switch (RRD-2ANF-
21 XX, RRD-8ANS-XX), *see Exs. F–G;*
- 22 ○ **Lutron Smart Outdoor Switch:** Outdoor Plug-in Switch (RR-
23 15OUT-BL), *see Exs. F–G;*
- 24 ○ **Lutron Smart Remotes/Sensors/Modules:** Pico Wireless Remotes
25 (PJ2-3BRL-XXX-L01, PJ2-3BRL-XXX-S01); Radio Powr Savr
26 Occupancy/Vacancy Sensors (LRF2-OCR2B-P-WH, LRF2-
27 VCR2B-P-WH), RadioRA 2 Plug-in Modules (RR-3PD-1, RR-
28 15APS-1), *see Exs. F–G;*

- 1 • **Lutron Smart Home Apps** (including but not limited to the Lutron App),
2 Smart Remotes (including but not limited to the Lutron Pro Remote and
3 Lutron Pro Remote X2); and
- 4 • Lutron Server(s), and Lutron’s encryption technologies and its cellular and
5 Wi-Fi capabilities, and their associated hardware and software and
6 functionalities.

7 *See, e.g., Ex. A; Ex. B; Ex. C; Ex. D; Ex. E; Ex. F; Ex. G; Ex. H.*

8 20. Defendant also instructs its customers, agents, employees, and affiliates
9 regarding how to use the Accused Products for home security and control. *See, e.g.,*
10 LUTRON.COM, <https://www.lutron.com/en-US/pages/supportcenter/support.aspx>;
11 LUTRON.COM, <https://support.lutron.com/us/en/product/casetawireless>; LUTRON.COM,
12 <https://support.lutron.com/us/en/product/radiora3>; LUTRON.COM,
13 https://assets.lutron.com/a/documents/caseta_consumer_brochure.pdf; LUTRON.COM,
14 https://assets.lutron.com/a/documents/3672916_diva_claro_smart_sell_sheet.pdf;
15 LUTRON.COM, [https://www.lutron.com/en-US/Company-Info/Pages/News/Media-
16 PressCenter/PressReleases/PressReleaseDetail.aspx?prid=826](https://www.lutron.com/en-US/Company-Info/Pages/News/Media-PressCenter/PressReleases/PressReleaseDetail.aspx?prid=826); LUTRON.COM,
17 https://assets.lutron.com/a/documents/3685741_touchless_solutions_sell_sheet.pdf.

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

20 **COUNT I. INFRINGEMENT OF U.S. PATENT NO. 7,304,570**

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

23 23. The United States Patent and Trademark Office (“USPTO”) duly issued
24 U.S. Patent No. 7,304,570 (hereinafter, the “’570 patent”) on December 4, 2007, after
25 full and fair examination of Application No. 11/200,611 which was filed on August 10,
26 2005. *See* ’570 patent at 1. A Certificate of Correction was issued on November 4,
27 2008. *See id* at 15.

28 24. IoT Innovations owns all substantial rights, interest, and title in and to the

1 '570 patent, including the sole and exclusive right to prosecute this action and enforce
2 the '570 patent against infringers and to collect damages for all relevant times.

3 25. The claims of the '570 patent are not directed to an abstract idea and are
4 not limited to well-understood, routine, or conventional activity. Rather, the claimed
5 inventions include inventive components that improve upon the function and operation
6 of context-based, hierarchical security for a mobile device.

7 26. The written description of the '570 patent describes in technical detail each
8 limitation of the claims, allowing a skilled artisan to understand the scope of the claims
9 and how the non-conventional and non-generic combination of claim limitations is
10 patently distinct from and improved upon what may have been considered conventional
11 or generic in the art at the time of the invention.

12 27. The '570 patent was filed on August 10, 2005, and it claims “[m]ethods,
13 systems, and computer program products for providing context-based, hierarchical
14 security for a mobile device,” including but not limited to through “storing a hierarchy
15 of security actions” with “multiple levels” for protecting data stored on a “mobile device
16 and preventing unauthorized use of the mobile device.” '570 patent, at p. 1.

17 28. Defendant has directly infringed and continues to directly infringe the
18 claims of the '570 patent by making, using, selling, offering to sell, providing,
19 supplying, or distributing the Accused Products. For instance, Defendant has directly
20 infringed and continues to directly infringe, either literally or under the doctrine of
21 equivalents, claim 1 of the '570 patent, as detailed in **Exhibit J** (Evidence of Use
22 Regarding Infringement of U.S. Patent No. 7,304,570).

23 29. For example, as detailed in **Exhibit J**, Defendant, through the use and
24 provisions of the Accused Products, performs a method for providing context-based,
25 hierarchical security for a mobile device, the method comprising storing a hierarchy of
26 security actions for at least one of protecting data stored on a mobile device and
27 preventing unauthorized use of the mobile device, the hierarchy including a plurality of
28 security levels, each security level including at least one context-based security action;

1 performing at least one security action associated with a first security level in response
2 to the existence of a first context associated with the first security level; and performing
3 at least one security action associated with a second security level in response to the
4 existence of a second context associated with the second security level.

5 30. Since at least the time of receiving the original complaint in this action,
6 Defendant has also indirectly infringed and continues to indirectly infringe the '570
7 patent by inducing others to directly infringe the '570 patent. Defendant has induced
8 end-users, including, but not limited to, Defendant's employees, partners, or
9 contractors, to directly infringe, either literally or under the doctrine of equivalents, the
10 '570 patent by providing or requiring use of the Accused Products. Defendant took
11 active steps, directly or through contractual relationships with others, with the specific
12 intent to cause them to use the Accused Products in a manner that infringes one or more
13 claims of the '570 patent, including, for example, claim 1 of the '570 patent. Such steps
14 by Defendant included, among other things, advising or directing personnel,
15 contractors, or end-users to use the Accused Products in an infringing manner;
16 advertising and promoting the use of the Accused Products in an infringing manner; or
17 distributing instructions that guide users to use the Accused Products in an infringing
18 manner. Defendant is performing these steps, which constitute induced infringement
19 with the knowledge of the '570 patent and with the knowledge that the induced acts
20 constitute infringement. Defendant is aware that the normal and customary use of the
21 Accused Products by others would infringe the '570 patent. Defendant's inducement is
22 ongoing. *See, e.g., Ex. J; supra*, Section IV at ¶ 20 (The Accused Products). Plaintiff's
23 Evidence of Use (**Ex. J**) provides additional technical details of Defendant's infringing
24 activities and are incorporated by reference.

25 31. Defendant has also indirectly infringed and continues to indirectly infringe
26 by contributing to the infringement of the '570 patent. Defendant has contributed to the
27 direct infringement of the '570 patent by its personnel, contractors, and customers. The
28 Accused Products have special features that are specially designed to be used in an

1 infringing way and that have no substantial uses other than ones that infringe one or
2 more claims of the '570 patent, including, for example, claim 1 of the '570 patent. The
3 special features constitute a material part of the invention of one or more of the claims
4 of the '570 patent and are not staple articles of commerce suitable for substantial non-
5 infringing use. *See, e.g., Ex. J; supra*, Section IV at ¶ 20 (The Accused Products).
6 Defendant's contributory infringement is ongoing. *See, e.g., Ex. J*. Plaintiff's Evidence
7 of Use (**Ex. J**) provides additional technical details of Defendant's infringing activities
8 and are incorporated by reference.

9 32. Defendant had knowledge of the '570 patent at least as of the date when it
10 was notified of the filing of this action.

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

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

18 35. Defendant's direct infringement of one or more claims of the '570 patent
19 is, has been, and continues to be willful, intentional, deliberate, or in conscious
20 disregard of IoT Innovations' rights under the patent.

21 36. IoT Innovations or its predecessors-in-interest have satisfied all statutory
22 obligations required to collect pre-filing damages for the full period allowed by law for
23 infringement of one or more claims of the '570 patent.

24 37. IoT Innovations has been damaged as a result of the infringing conduct by
25 Defendant alleged above. Thus, Defendant is liable to IoT Innovations in an amount
26 that compensates it for such infringements, which by law cannot be less than a
27 reasonable royalty, together with interest and costs as fixed by this Court under 35
28 U.S.C. § 284.

1 38. IoT Innovations has suffered irreparable harm, through its loss of market
2 share and goodwill, for which there is no adequate remedy at law. IoT Innovations has
3 and will continue to suffer this harm by virtue of Defendant’s infringement of the ’570
4 patent. Defendant’s actions have interfered with and will interfere with IoT
5 Innovations’ ability to license technology. The balance of hardships favors IoT
6 Innovations’ ability to commercialize its own ideas and technology. The public interest
7 in allowing IoT Innovations to enforce its right to exclude outweighs other public
8 interests, which supports injunctive relief in this case.

9 **COUNT II. INFRINGEMENT OF U.S. PATENT NO. 6,801,933**

10 39. IoT Innovations repeats and re-alleges the allegations in Paragraphs 1–21
11 above as though fully set forth in their entirety.

12 40. The USPTO duly issued U.S. Patent No. 6,801,933 (hereinafter, the “’933
13 patent”) on October 5, 2004, after full and fair examination of Application No.
14 09/644,054 which was filed on August 23, 2000. *See* ’933 patent at 1.

15 41. IoT Innovations owns all substantial rights, interest, and title in and to the
16 ’933 patent, including the sole and exclusive right to prosecute this action and enforce
17 said patent against infringers and to collect damages for all relevant times.

18 42. The claims of the ’933 patent are not directed to an abstract idea and are
19 not limited to well-understood, routine, or conventional activity. Rather, the claimed
20 inventions include inventive components and functionalities that improve tools for
21 searching electronic information repositories and retrieving relevant results using
22 queries and results built from natural language.

23 43. The written description of the ’933 patent describes in technical detail each
24 limitation of the claims, allowing a skilled artisan to understand the scope of the claims
25 and how the non-conventional and non-generic combination of claim limitations is
26 patently distinct from and improved upon what may have been considered conventional
27 or generic in the art at the time of the invention.

28 44. Defendant has directly infringed the claims of the ’933 patent by making,

1 using, selling, offering to sell, providing, supplying, or distributing the Accused
2 Products. For instance, Defendant has directly infringed, either literally or under the
3 doctrine of equivalents, claim 7 of the '933 patent, as detailed in **Exhibit K** (Evidence
4 of Use Regarding Infringement of U.S. Patent No. 6,801,933).

5 45. For example, as detailed in **Exhibit K**, Defendant, through the use and
6 provision of the Accused Products, performs a method, comprising receiving a request
7 for data; producing a current state based on the request; determining a next state based
8 on the current state; caching data based on the current state and the next state; and
9 associating the request with a user of an application having a plurality of states, wherein
10 the user is located in one of the plurality of states.

11 46. IoT Innovations or its predecessors-in-interest have satisfied all statutory
12 obligations required to collect pre-filing damages for the full period allowed by law for
13 infringement of one or more claims of the '933 patent.

14 47. IoT Innovations has been damaged as a result of the infringing conduct by
15 Defendant alleged above. Thus, Defendant is liable to IoT Innovations in an amount
16 that compensates it for such infringements, which by law cannot be less than a
17 reasonable royalty, together with interest and costs as fixed by this Court under 35
18 U.S.C. § 284.

19 **COUNT III. INFRINGEMENT OF U.S. PATENT NO. 6,920,486**

20 48. IoT Innovations repeats and re-alleges the allegations in Paragraphs 1–21
21 above as though fully set forth in their entirety.

22 49. The USPTO duly issued U.S. Patent No. 6,920,486 (the “'486 patent”) on
23 July 19, 2005, after full and fair examination of Application No. 10/153,170, which was
24 filed on May 20, 2002. *See* '486 patent at 1.

25 50. IoT Innovations owns all substantial rights, interest, and title in and to the
26 '486 patent, including the sole and exclusive right to prosecute this action and enforce
27 the '486 patent against infringers and to collect damages for all relevant times.

28 51. The claims of the '486 patent are not directed to an abstract idea and are

1 not limited to well-understood, routine, or conventional activity. Rather, the claimed
2 inventions include inventive components that improve upon the function and operation
3 of synchronizing data stores on different devices having data stores that differ in respect
4 to one or more data components.

5 52. The written description of the '486 patent describes in technical detail each
6 limitation of the claims, allowing a skilled artisan to understand the scope of the claims
7 and how the non-conventional and non-generic combination of claim limitations is
8 patently distinct from and improved upon what may have been considered conventional
9 or generic in the art at the time of the invention.

10 53. Defendant has directly infringed the claims of the '486 patent by using,
11 providing, supplying, or distributing the Accused Products. For instance, Defendant
12 has directly infringed, either literally or under the doctrine of equivalents, claim 1 of the
13 '486 patent, as detailed in **Exhibit L** (Evidence of Use Regarding Infringement of U.S.
14 Patent No. 6,920,486).

15 54. For example, as detailed in **Exhibit L**, Defendant, through the use and
16 provision of the Accused Products, performs a method by which a first client data store
17 hosted by a first client device is synchronized with respect to a second client data store
18 hosted by a second client device by synchronizing the two client data stores with respect
19 to a server data store hosted by a server device, the server having an established
20 connection with the client devices, the two client data stores each including various data
21 fields, the method characterized by: forming structure information indicative of the
22 structure of the two client data stores in respect to at least one data field of the first client
23 data store, for which the second client data store does not have either one corresponding
24 data field or does not have two or more data fields that in combination correspond to
25 the at least one data field; detecting by the server or the first client device a use of the
26 at least one data field in the first client data store; and setting a correspondence of the
27 at least one data field in the first client data store in respect to the second client data
28 store, in order for the at least one data field in the first client data store to be used by the

1 second client.

2 55. Since at least the time of receiving the original complaint in this action,
3 Defendant has also indirectly infringed the '486 patent by inducing others to directly
4 infringe the '486 patent. Defendant has induced end-users, including, but not limited
5 to, Defendant's employees, partners, or contractors, to directly infringe, either literally
6 or under the doctrine of equivalents, the '486 patent by providing or requiring use of
7 the Accused Products. Defendant took active steps, directly or through contractual
8 relationships with others, with the specific intent to cause them to use the Accused
9 Products in a manner that infringes one or more claims of the '486 patent, including,
10 for example, claim 1 of the '486 patent. Such steps by Defendant included, among other
11 things, advising or directing personnel, contractors, or end-users to use the Accused
12 Products in an infringing manner; advertising and promoting the use of the Accused
13 Products in an infringing manner; or distributing instructions that guide users to use the
14 Accused Products in an infringing manner. Defendant is performing these steps, which
15 constitute induced infringement with the knowledge of the '486 patent and with the
16 knowledge that the induced acts constitute infringement. Defendant is aware that the
17 normal and customary use of the Accused Products by others would infringe the '486
18 patent. Defendant's inducement is ongoing. *See, e.g., Ex. L; supra*, Section IV at ¶ 20
19 (The Accused Products). Plaintiff's Evidence of Use (**Ex. L**) provides additional
20 technical details of Defendant's infringing activities and are incorporated by reference.

21 56. Defendant has also indirectly infringed by contributing to the infringement
22 of the '486 patent. Defendant has contributed to the direct infringement of the '486
23 patent by its personnel, contractors, and customers. The Accused Products have special
24 features that are specially designed to be used in an infringing way and that have no
25 substantial uses other than ones that infringe one or more claims of the '486 patent,
26 including, for example, claim 1 of the '486 patent. The special features constitute a
27 material part of the invention of one or more of the claims of the '486 patent and are
28 not staple articles of commerce suitable for substantial non-infringing use. Defendant's

1 contributory infringement is ongoing. *See, e.g., Ex. L; supra*, Section IV at ¶ 20 (The
2 Accused Products). Plaintiff’s Evidence of Use (**Ex. L**) provides additional technical
3 details of Defendant’s infringing activities and are incorporated by reference.

4 57. Defendant had knowledge of the ’486 patent at least as of the date when it
5 was notified of the filing of this action.

6 58. Furthermore, on information and belief, Defendant has a policy or practice
7 of not reviewing the patents of others, including instructing its employees to not review
8 the patents of others, and thus have been willfully blind of IoT Innovations’ patent
9 rights.

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

13 60. Defendant’s direct infringement of one or more claims of the ’486 patent
14 is, has been, and continues to be willful, intentional, deliberate, or in conscious
15 disregard of IoT Innovations’ rights under the patent.

16 61. IoT Innovations or its predecessors-in-interest have satisfied all statutory
17 obligations required to collect pre-filing damages for the full period allowed by law for
18 infringement of one or more claims of the ’486 patent.

19 62. IoT Innovations has been damaged as a result of the infringing conduct by
20 Defendant alleged above. Thus, Defendant is liable to IoT Innovations in an amount
21 that compensates it for such infringements, which by law cannot be less than a
22 reasonable royalty, together with interest and costs as fixed by this Court under 35
23 U.S.C. § 284.

24 63. IoT Innovations has suffered irreparable harm, through its loss of market
25 share and goodwill, for which there is no adequate remedy at law. IoT Innovations has
26 and will continue to suffer this harm by virtue of Defendant’s infringement of the ’486
27 patent. Defendant’s actions have interfered with and will interfere with IoT
28 Innovations’ ability to license technology. The balance of hardships favors IoT

1 Innovations’ ability to commercialize its own ideas and technology. The public interest
2 in allowing IoT Innovations to enforce its right to exclude outweighs other public
3 interests, which supports injunctive relief in this case.

4 **COUNT IV. INFRINGEMENT OF U.S. PATENT NO. 7,263,102**

5 64. IoT Innovations repeats and re-alleges the allegations in Paragraphs 1–21
6 above as though fully set forth in their entirety.

7 65. The USPTO duly issued U.S. Patent No. 7,263,102 (hereinafter, the “’102
8 patent”) on August 28, 2007 after full and fair examination of Application No.
9 10/306,848 which was filed on November 27, 2002. *See* ’102 patent at 1. A Certificate
10 of Correction was issued on January 1, 2013. *See id.* at 18.

11 66. IoT Innovations owns all substantial rights, interest, and title in and to the
12 ’102 patent, including the sole and exclusive right to prosecute this action and enforce
13 the ’102 patent against infringers and to collect damages for all relevant times.

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

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

23 69. Defendant has directly infringed the claims of the ’102 patent by using,
24 providing, supplying, or distributing the Accused Products. For instance, Defendant has
25 directly infringed, either literally or under the doctrine of equivalents, claim 14 of the
26 ’102 patent, as detailed in **Exhibit M** (Evidence of Use Regarding Infringement of U.S.
27 Patent No. 7,263,102).

28 70. For example, as detailed in **Exhibit M**, the Accused Products include a

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

15 71. Since at least the time of receiving the original complaint in this action,
16 Defendant has also indirectly infringed the '102 patent by inducing others to directly
17 infringe the '102 patent. Defendant has induced end-users, including, but not limited
18 to, Defendant's employees, partners, or contractors, to directly infringe, either literally
19 or under the doctrine of equivalents, the '102 patent by providing or requiring use of
20 the Accused Products. Defendant took active steps, directly or through contractual
21 relationships with others, with the specific intent to cause them to use the Accused
22 Products in a manner that infringes one or more claims of the '102 patent, including,
23 for example, claim 14 of the '102 patent. Such steps by Defendant included, among
24 other things, advising or directing personnel, contractors, or end-users to use the
25 Accused Products in an infringing manner; advertising and promoting the use of the
26 Accused Products in an infringing manner; or distributing instructions that guide users
27 to use the Accused Products in an infringing manner. Defendant is performing these
28 steps, which constitute induced infringement with the knowledge of the '102 patent and

1 with the knowledge that the induced acts constitute infringement. Defendant is aware
2 that the normal and customary use of the Accused Products by others would infringe
3 the '102 patent. *See, e.g., Ex. M; supra*, Section IV at ¶ 20 (The Accused Products).
4 Defendant's inducement is ongoing. Plaintiff's Evidence of Use (**Ex. M**) provides
5 additional technical details of Defendant's infringing activities and is incorporated by
6 reference.

7 72. Defendant has also indirectly infringed by contributing to the infringement
8 of the '102 patent. Defendant has contributed to the direct infringement of the '102
9 patent by its personnel, contractors, and customers. The Accused Products have special
10 features that are specially designed to be used in an infringing way and that have no
11 substantial uses other than ones that infringe one or more claims of the '102 patent,
12 including, for example, claim 14 of the '102 patent. The special features constitute a
13 material part of the invention of one or more of the claims of the '102 patent and are
14 not staple articles of commerce suitable for substantial non-infringing use. Defendant's
15 contributory infringement is ongoing. *See, e.g., Ex. M; supra*, Section IV at ¶ 20 (The
16 Accused Products). Plaintiff's Evidence of Use (**Ex. M**) provides additional technical
17 details of Defendant's infringing activities and are incorporated by reference.

18 73. Defendant had knowledge of the '102 patent at least as of the date when it
19 was notified of the filing of this action.

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

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

27 76. Defendant's direct infringement of one or more claims of the '102 patent
28 is, has been, and continues to be willful, intentional, deliberate, or in conscious

1 disregard of IoT Innovations’ rights under the patent.

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

5 78. IoT Innovations has been damaged as a result of the infringing conduct by
6 Defendant alleged above. Thus, Defendant is liable to IoT Innovations in an amount
7 that compensates it for such infringements, which by law cannot be less than a
8 reasonable royalty, together with interest and costs as fixed by this Court under 35
9 U.S.C. § 284. IoT Innovations has suffered irreparable harm, through its loss of market
10 share and goodwill, for which there is no adequate remedy at law. IoT Innovations has
11 and will continue to suffer this harm by virtue of Defendant’s infringement of the ’102
12 patent. Defendant’s actions have interfered with and will interfere with IoT
13 Innovations’ ability to license technology. The balance of hardships favors IoT
14 Innovations’ ability to commercialize its own ideas and technology. The public interest
15 in allowing IoT Innovations to enforce its right to exclude outweighs other public
16 interests, which supports injunctive relief in this case.

17 **COUNT V. INFRINGEMENT OF U.S. PATENT NO. RE 44,191**

18 79. IoT Innovations repeats and re-alleges the allegations in Paragraphs 1–21
19 above as though fully set forth in their entirety.

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

24 81. IoT Innovations owns all substantial rights, interest, and title in and to the
25 ’191 patent, including the sole and exclusive right to prosecute this action and enforce
26 it against infringers and to collect damages for all relevant times.

27 82. The claims of the ’191 patent are not directed to an abstract idea and are
28 not limited to well-understood, routine, or conventional activity. Rather, the claimed

1 inventions include inventive components that improve the setting up of applications
2 involving shared application data.

3 83. The written description of the '191 patent describes in technical detail each
4 limitation of the claims, allowing a skilled artisan to understand the scope of the claims
5 and how the non-conventional and non-generic combination of claim limitations is
6 patently distinct from and improved upon what may have been considered conventional
7 or generic in the art at the time of the invention.

8 84. Defendant has directly infringed the claims of the '191 patent by using,
9 providing, supplying, or distributing the Accused Products. For instance, Defendant
10 has directly infringed, either literally or under the doctrine of equivalents, claim 19 of
11 the '191 patent, as detailed in **Exhibit N** (Evidence of Use Regarding Infringement of
12 U.S. Patent No. RE44,191).

13 85. For example, as detailed in **Exhibit N**, the Accused Products include a
14 computer program embodied on a non-transitory computer readable storage medium,
15 for executing a computer process in an electric device, the computer process including
16 steps, the steps including: inputting instructions to execute at least one command from
17 another electric device over a proximity interface, the at least one command being
18 associated with a user application, the user application using application data shared
19 between the electric device and the other electric device, at least a portion of the
20 application data being communicated between the electric device and the other electric
21 device by using a wireless interface; and executing the at least one command on the
22 basis of the instructions, wherein the at least one command is used to replace a series of
23 actions of the user and wherein the at least one command enables interactive operation
24 between the user application of the electric device and a user application of the other
25 electric device.

26 86. Since at least the time of receiving the original complaint in this action,
27 Defendant has also indirectly infringed one or more claims of the '191 patent by
28 inducing others to directly infringe said claims. Defendant has induced end-users,

1 including, but not limited to, Defendant's employees, partners, or contractors, to
2 directly infringe, either literally or under the doctrine of equivalents, the '191 patent by
3 providing or requiring use of the Accused Products. Defendant took active steps,
4 directly or through contractual relationships with others, with the specific intent to cause
5 them to use the Accused Products in a manner that infringes one or more claims of the
6 '191 patent, including, for example, claim 19 of the '191 patent. Such steps by
7 Defendant included, among other things, advising or directing personnel, contractors,
8 or end-users to use the Accused Products in an infringing manner; advertising and
9 promoting the use of the Accused Products in an infringing manner; or distributing
10 instructions that guide users to use the Accused Products in an infringing manner.
11 Defendant is performing these steps, which constitute induced infringement with the
12 knowledge of the '191 patent and with the knowledge that the induced acts constitute
13 infringement. Defendant is aware that the normal and customary use of the Accused
14 Products by others would infringe the '191 patent. *See, e.g., Ex. N; supra*, Section IV
15 at ¶ 20 (The Accused Products). Defendant's inducement is ongoing. Plaintiff's
16 Evidence of Use (**Ex. N**) provides additional technical details of Defendant's infringing
17 activities and are incorporated by reference.

18 87. Defendant has also indirectly infringed by contributing to the infringement
19 of the '191 patent. Defendant has contributed to the direct infringement of the '191
20 patent by its personnel, contractors, and customers. The Accused Products have special
21 features that are specially designed to be used in an infringing way and that have no
22 substantial uses other than ones that infringe one or more claims of the '191 patent,
23 including, for example, claim 19 of the '191 patent. The special features constitute a
24 material part of the invention of one or more of the claims of the '191 patent and are
25 not staple articles of commerce suitable for substantial non-infringing use. Defendant's
26 contributory infringement is ongoing. *See, e.g., Ex. N; supra*, Section IV at ¶ 20 (The
27 Accused Products). Plaintiff's Evidence of Use (**Ex. N**) provides additional technical
28 details of Defendant's infringing activities and are incorporated by reference.

1 88. Defendant had knowledge of the '191 patent at least as of the date when it
2 was notified of the filing of this action.

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

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

10 91. Defendant's direct infringement of one or more claims of the '191 patent
11 is, has been, and continues to be willful, intentional, deliberate, or in conscious
12 disregard of IoT Innovations' rights under the patent.

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

16 93. IoT Innovations has been damaged as a result of the infringing conduct by
17 Defendant alleged above. Thus, Defendant is liable to IoT Innovations in an amount
18 that compensates it for such infringements, which by law cannot be less than a
19 reasonable royalty, together with interest and costs as fixed by this Court under 35
20 U.S.C. § 284.

21 94. IoT Innovations has suffered irreparable harm, through its loss of market
22 share and goodwill, for which there is no adequate remedy at law. IoT Innovations has
23 and will continue to suffer this harm by virtue of Defendant's infringement of the '191
24 patent. Defendant's actions have interfered with and will interfere with IoT
25 Innovations' ability to license technology. The balance of hardships favors IoT
26 Innovations' ability to commercialize its own ideas and technology. The public interest
27 in allowing IoT Innovations to enforce its right to exclude outweighs other public
28 interests, which supports injunctive relief in this case.

1 **COUNT VI. INFRINGEMENT OF U.S. PATENT NO. 7,983,282**

2 95. IoT Innovations repeats and re-alleges the allegations in Paragraphs 1–21
3 above as though fully set forth in their entirety.

4 96. The USPTO duly issued U.S. Patent No. 7,983,282 (hereinafter, the “’282
5 patent”) on July 19, 2011 after full and fair examination of Application No. 12/486,008
6 which was filed on June.17, 2009. *See* ’282 patent at 1. A Certificate of Correction
7 was issued July 16, 2013. *See id.* at 19.

8 97. IoT Innovations owns all substantial rights, interest, and title in and to the
9 ’282 patent, including the sole and exclusive right to prosecute this action and enforce
10 it against infringers and to collect damages for all relevant times.

11 98. The claims of the ’282 patent are not directed to an abstract idea and are
12 not limited to well-understood, routine, or conventional activity. Rather, the claimed
13 inventions include inventive components and functionalities hat improve upon the
14 function, operation, and security of communications devices and networks by
15 personalizing a user experience across devices by using a personal digital gateway to
16 communicate data associated with a common user to a plurality of communication
17 devices.

18 99. The written description of the ’282 patent describes in technical detail each
19 limitation of the claims, allowing a skilled artisan to understand the scope of the claims
20 and how the non-conventional and non-generic combination of claim limitations is
21 patently distinct from and improved upon what may have been considered conventional
22 or generic in the art at the time of the invention.

23 100. Defendant has directly infringed and continues to directly infringe the
24 claims of the ’282 patent by making, using, selling, offering to sell, providing,
25 supplying, or distributing the Accused Products. For instance, Defendant has directly
26 infringed and continues to directly infringe, either literally or under the doctrine of
27 equivalents, claim 1 of the ’282 patent, as detailed in **Exhibit O** (Evidence of Use
28 Regarding Infringement of U.S. Patent No. 7,983,282).

1 101. As an example, as detailed in **Exhibit O**, Defendant, through the use and
2 provision of the Accused Products, performs and/or instructs its customers to perform
3 a method, comprising: (a) identifying data associated with a common user of a personal
4 digital gateway and of a plurality of communications devices; (b) receiving a selection
5 of a communications device from the plurality of communications devices; (c)
6 retrieving remote data from a selected communications device; and (d) forwarding the
7 remote data to another one of the plurality of communications devices.

8 102. IoT Innovations or its predecessors-in-interest have satisfied all statutory
9 obligations required to collect pre-filing damages for the full period allowed by law for
10 infringement of one or more claims of the '282 patent.

11 103. IoT Innovations has been damaged as a result of the infringing conduct by
12 Defendant alleged above. Thus, Defendant is liable to IoT Innovations in an amount
13 that compensates it for such infringements, which by law cannot be less than a
14 reasonable royalty, together with interest and costs as fixed by this Court under 35
15 U.S.C. § 284.

16 **COUNT VII. INFRINGEMENT OF U.S. PATENT NO. 7,526,762**

17 104. IoT Innovations repeats and re-alleges the allegations in Paragraphs 1–21
18 above as though fully set forth in their entirety.

19 105. The USPTO duly issued U.S. Patent No. 7,526,762 (hereinafter, the “’762
20 patent”) on April 28, 2009 after full and fair examination of Application No. 09/659,416
21 which was filed on September 11, 2000. *See* ’762 patent at 1.

22 106. IoT Innovations owns all substantial rights, interest, and title in and to the
23 ’762 patent, including the sole and exclusive right to prosecute this action and enforce
24 it against infringers and to collect damages for all relevant times.

25 107. The claims of the ’762 patent are not directed to an abstract idea and are
26 not limited to well-understood, routine, or conventional activity. Rather, the claimed
27 inventions include inventive components and functionalities that improve upon the
28 function, operation, distribution, and security of software updates on terminal servers

1 using configuration servers and messaging to control upgrade delivery.

2 108. The written description of the '762 patent describes in technical detail each
3 limitation of the claims, allowing a skilled artisan to understand the scope of the claims
4 and how the non-conventional and non-generic combination of claim limitations is
5 patently distinct from and improved upon what may have been considered conventional
6 or generic in the art at the time of the invention.

7 109. Defendant has directly infringed and continues to directly infringe the
8 claims of the '762 patent by making, using, selling, offering to sell, providing,
9 supplying, or distributing the Accused Products. For instance, Defendant has directly
10 infringed and continues to directly infringe, either literally or under the doctrine of
11 equivalents, claim 7 of the '762 patent, as detailed in **Exhibit P** (Evidence of Use
12 Regarding Infringement of U.S. Patent No. 7,526,762).

13 110. As an example, as detailed in **Exhibit P**, the Accused Products include a
14 system comprising: a configuration server unit for receiving a configuration upgrade
15 message from a source of an at least partial software upgrade, for identifying a plurality
16 of users requiring the at least partial software upgrade and for thereafter providing the
17 at least partial software upgrade to respective terminal servers associated with the
18 plurality of users identified to require the at least partial soft-ware upgrade for
19 subsequent distribution by the terminal servers to respective terminals of users
20 identified to require the at least partial software upgrade, the configuration server unit
21 being further configured to identify any terminal servers, following the provision of the
22 at least partial software upgrade, to which the at least partial software upgrade has not
23 yet been transferred and to determine, in response to activation of a terminal associated
24 with a terminal server, if the terminal server has been identified as a terminal server to
25 which the at least partial software upgrade has not yet been transferred and, if so,
26 provide the at least partial software upgrade to the terminal server, wherein said
27 configuration server unit comprises a database for saving upgrade information provided
28 by the source of the at least partial soft-ware upgrade and for associating the saved

1 upgrade information with the source of the at least partial software upgrade.

2 111. Since at least the time of receiving the original complaint in this action,
3 Defendant has also indirectly infringed one or more claims of the '762 patent by
4 inducing others to directly infringe said claims. Defendant has induced end-users,
5 including, but not limited to, Defendant's employees, partners, or contractors, to
6 directly infringe, either literally or under the doctrine of equivalents, the '762 patent by
7 providing or requiring use of the Accused Products. Defendant took active steps,
8 directly or through contractual relationships with others, with the specific intent to cause
9 them to use the Accused Products in a manner that infringes one or more claims of the
10 '762 patent, including, for example, claim 7. Such steps by Defendant included, among
11 other things, advising or directing personnel, contractors, or end-users to use the
12 Accused Products in an infringing manner; advertising and promoting the use of the
13 Accused Products in an infringing manner; or distributing instructions that guide users
14 to use the Accused Products in an infringing manner. Defendant is performing these
15 steps, which constitute induced infringement with the knowledge of the '762 patent and
16 with the knowledge that the induced acts constitute infringement. Defendant is aware
17 that the normal and customary use of the Accused Products by others would infringe
18 the '762 patent. *See, e.g., Ex. P; supra*, Section IV at ¶ 20 (The Accused Products).
19 Defendant's inducement is ongoing. Plaintiff's Evidence of Use (**Ex. P**) provides
20 additional technical details of Defendant's infringing activities and are incorporated by
21 reference.

22 112. Defendant has also indirectly infringed by contributing to the infringement
23 of the '762 patent. Defendant has contributed to the direct infringement of the '762
24 patent by its personnel, contractors, and customers. The Accused Products have special
25 features that are specially designed to be used in an infringing way and that have no
26 substantial uses other than ones that infringe one or more claims of the '762 patent,
27 including, for example, claim 7. The special features constitute a material part of the
28 invention of one or more of the claims of the '762 patent and are not staple articles of

1 commerce suitable for substantial non-infringing use. *See, e.g., Ex. P; supra*, Section
2 IV at ¶ 20 (The Accused Products). Defendant’s contributory infringement is ongoing.
3 Plaintiff’s Evidence of Use (**Ex. P**) provides additional technical details of Defendant’s
4 infringing activities and are incorporated by reference.

5 113. Defendant had knowledge of the ’762 patent at least as of the date when it
6 was notified of the filing of this action.

7 114. Furthermore, on information and belief, Defendant has a policy or practice
8 of not reviewing the patents of others, including instructing its employees to not review
9 the patents of others, and thus have been willfully blind of IoT Innovations’ patent
10 rights.

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

14 116. IoT Innovations or its predecessors-in-interest have satisfied all statutory
15 obligations required to collect pre-filing damages for the full period allowed by law for
16 infringement of one or more claims of the ’762 patent.

17 117. IoT Innovations has been damaged as a result of the infringing conduct by
18 Defendant alleged above. Thus, Defendant is liable to IoT Innovations in an amount
19 that compensates it for such infringements, which by law cannot be less than a
20 reasonable royalty, together with interest and costs as fixed by this Court under 35
21 U.S.C. § 284.

22 118. IoT Innovations has suffered irreparable harm, through its loss of market
23 share and goodwill, for which there is no adequate remedy at law. IoT Innovations has
24 and will continue to suffer this harm by virtue of Defendant’s infringement of the ’762
25 patent. Defendant’s actions have interfered with and will interfere with IoT
26 Innovations’ ability to license technology. The balance of hardships favors IoT
27 Innovations’ ability to commercialize its own ideas and technology. The public interest
28 in allowing IoT Innovations to enforce its right to exclude outweighs other public

1 interests, which supports injunctive relief in this case.

2 **COUNT VIII. INFRINGEMENT OF U.S. PATENT NO. 7,539,212**

3 119. IoT Innovations repeats and re-alleges the allegations in Paragraphs 1–21
4 above as though fully set forth in their entirety.

5 120. The USPTO duly issued U.S. Patent No. 7,539,212 (hereinafter, the “’212
6 patent”) on May 26, 2009, after full and fair examination of Application No.
7 10/300,668, which was filed on November 19, 2002. *See* ’212 patent at 1.

8 121. IoT Innovations owns all substantial rights, interest, and title in and to the
9 ’212 patent, including the sole and exclusive right to prosecute this action and enforce
10 the ’212 patent against infringers and to collect damages for all relevant times.

11 122. The claims of the ’212 patent are not directed to an abstract idea and are
12 not limited to well-understood, routine, or conventional activity. Rather, the claimed
13 inventions include inventive components that improve upon the function and operation
14 of multiplexing in a wireless network.

15 123. The written description of the ’212 patent describes in technical detail each
16 limitation of the claims, allowing a skilled artisan to understand the scope of the claims
17 and how the non-conventional and non-generic combination of claim limitations is
18 patently distinct from and improved upon what may have been considered conventional
19 or generic in the art at the time of the invention.

20 124. Defendant has directly infringed and continues to infringe one or more
21 claims of the ’212 patent by using, providing, supplying, or distributing the Accused
22 Products. For instance, Defendant has directly infringed and continues to infringe, either
23 literally or under the doctrine of equivalents, at least claim 14 of the ’212 patent, as
24 detailed in **Exhibit Q** (Evidence of Use Regarding Infringement of U.S. Patent No.
25 7,539,212).

26 125. For example, as detailed in **Exhibit Q**, Defendant, through the use and
27 provision of the Accused Products, performs a method, comprising receiving a radio
28 link control data flow at a first rate from a core network for communication to a user

1 equipment; preparing a plurality of media access control data flows, at a media access
2 sublayer, each of a lower rate than said first rate, so as to convey the radio link control
3 data flow to the user equipment; including with the plurality of media access control
4 data flows information indicating how the media access control data flows are to be
5 combined by the user equipment into the radio link control data flow; and providing the
6 plurality of media access control data flows for communication to the user equipment.

7 126. Since at least the time of receiving the original complaint in this action,
8 Defendant has also indirectly infringed the '212 patent by inducing others to directly
9 infringe the '212 patent. Defendant has induced end-users, including, but not limited
10 to, Defendant's employees, partners, or contractors, to directly infringe, either literally
11 or under the doctrine of equivalents, the '212 patent by providing or requiring use of
12 the Accused Products. Defendant took active steps, directly or through contractual
13 relationships with others, with the specific intent to cause them to use the Accused
14 Products in a manner that infringes one or more claims of the '212 patent, including,
15 for example, claim 14 of the '212 patent. Such steps by Defendant included, among
16 other things, advising or directing personnel, contractors, or end-users to use the
17 Accused Products in an infringing manner; advertising and promoting the use of the
18 Accused Products in an infringing manner; or distributing instructions that guide users
19 to use the Accused Products in an infringing manner. Defendant is performing these
20 steps, which constitute induced infringement with the knowledge of the '212 patent and
21 with the knowledge that the induced acts constitute infringement. Defendant is aware
22 that the normal and customary use of the Accused Products by others would infringe
23 the '212 patent. Defendant's inducement is ongoing. *See, e.g., Ex. Q; supra*, Section
24 IV at ¶ 20 (The Accused Products). Plaintiff's Evidence of Use (**Ex. Q**) provides
25 additional technical details of Defendant's infringing activities and are incorporated by
26 reference.

27 127. Defendant has also indirectly infringed by contributing to the infringement
28 of the '212 patent. Defendant has contributed to the direct infringement of the '212

1 patent by its personnel, contractors, and customers. The Accused Products have special
2 features that are specially designed to be used in an infringing way and that have no
3 substantial uses other than ones that infringe one or more claims of the '212 patent,
4 including, for example, claim 14 of the '212 patent. The special features constitute a
5 material part of the invention of one or more of the claims of the '212 patent and are
6 not staple articles of commerce suitable for substantial non-infringing use. Defendant's
7 contributory infringement is ongoing. *See, e.g., Ex. Q; supra*, Section IV at ¶ 20 (The
8 Accused Products). Plaintiff's Evidence of Use (**Ex. Q**) provides additional technical
9 details of Defendant's infringing activities and are incorporated by reference.

10 128. Defendant had knowledge of the '212 patent at least as of the date when it
11 was notified of the filing of this action.

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

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

19 131. Defendant's direct infringement of one or more claims of the '212 patent
20 is, has been, and continues to be willful, intentional, deliberate, or in conscious
21 disregard of IoT Innovations' rights under the patent.

22 132. IoT Innovations or its predecessors-in-interest have satisfied all statutory
23 obligations required to collect pre-filing damages for the full period allowed by law for
24 infringement of one or more claims of the '212 patent.

25 133. IoT Innovations has been damaged as a result of the infringing conduct by
26 Defendant alleged above. Thus, Defendant is liable to Plaintiff in an amount that
27 compensates it for such infringements, which by law cannot be less than a reasonable
28 royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

1 134. IoT Innovations has suffered irreparable harm, through its loss of market
2 share and goodwill, for which there is no adequate remedy at law. IoT Innovations has
3 and will continue to suffer this harm by virtue of Defendant’s infringement of the ’212
4 patent. Defendant’s actions have interfered with and will interfere with IoT
5 Innovations’ ability to license technology. The balance of hardships favors IoT
6 Innovations’ ability to commercialize its own ideas and technology. The public interest
7 in allowing IoT Innovations to enforce its right to exclude outweighs other public
8 interests, which supports injunctive relief in this case.

9 **JURY DEMAND**

10 135. IoT Innovations hereby requests a trial by jury on all issues so triable by
11 right.

12 **PRAYER FOR RELIEF**

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

15 137. Judgment that one or more claims of each of the Asserted Patents has been
16 infringed, either literally or under the doctrine of equivalents, by Defendant or others
17 acting in concert therewith;

18 138. A permanent injunction enjoining Defendant and its officers, directors,
19 agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all
20 others acting in concert therewith from infringement of the ’570 patent, the ’486 patent,
21 the ’102 patent, the ’191 patent, the ’762 patent, and the ’212 patent; or, in the
22 alternative, an award of a reasonable ongoing royalty for future infringement of said
23 patents by such entities;

24 139. Judgment that Defendant accounts for and pays to IoT Innovations all
25 damages to and costs incurred by IoT Innovations because of Defendant’s infringing
26 activities and other conduct complained of herein;

27 140. Judgment that Defendant’s infringements be found willful as to the ’570
28 patent, the ’486 patent, the ’102 patent, the ’191 patent, the ’762 patent, and the ’212

1 patent, and that the Court award treble damages for the period of such willful
2 infringement pursuant to 35 U.S.C. § 284;

3 141. Pre-judgment and post-judgment interest on the damages caused by
4 Defendant's infringing activities and other conduct complained of herein;

5 142. That this Court declare this an exceptional case and award IoT Innovations
6 its reasonable attorneys' fees and costs in accordance with 35 U.S.C. § 285; and

7 143. All other and further relief as the Court may deem just and proper under
8 the circumstances.

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1 Dated: November 29, 2024

Respectfully submitted,

2 /s/ Steven W. Ritcheson

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16 *Attorneys For Plaintiff, IoT INNOVATIONS, LLC*

17 **List of Exhibits**

- 18 A. Caséta by Lutron: Smart Light Switches, Controls & Dimmers
- 19 B. Caséta by Lutron: Smart Switches & Lighting Control Products - Product
- 20 Information
- 21 C. Lutron Wireless Thermostat - Specification Document
- 22 D. Lutron RA2 Select System - System Overview
- 23 E. Lutron RA2 Select System - Product Brochure
- 24 F. RadioRA 3 by Lutron - System Devices Overview
- 25 G. RadioRA 3 by Lutron - Homeowner Brochure
- 26 H. Athena: Scalable Lighting Control for Commercial Spaces
- 27 I. Athena Technical Document
- 28 J. Evidence of Use Regarding Infringement of U.S. Patent No. 7,304,570
- K. Evidence of Use Regarding Infringement of U.S. Patent No. 6,801,933
- L. Evidence of Use Regarding Infringement of U.S. Patent No. 6,920,486
- M. Evidence of Use Regarding Infringement of U.S. Patent No. 7,263,102
- N. Evidence of Use Regarding Infringement of U.S. Patent No. RE44,191

1 O. Evidence of Use Regarding Infringement of U.S. Patent No. 7,983,282

2 P. Evidence of Use Regarding Infringement of U.S. Patent No. 7,526,762

3 Q. Evidence of Use Regarding Infringement of U.S. Patent No. 7,539,212

4 **List of Supportive Links**

5 1. U.S. Patent No. 7,304,570, USPTO.GOV, [https://image-](https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/7304570)

6 [ppubs.uspto.gov/dirsearch-public/print/downloadPdf/7304570](https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/7304570)

7 2. U.S. Patent No. 6,801,933, USPTO.GOV, [https://image-](https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/6801933)

8 [ppubs.uspto.gov/dirsearch-public/print/downloadPdf/6801933](https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/6801933)

9 3. U.S. Patent No. 6,920,486, USPTO.GOV, [https://image-](https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/6920486)

10 [ppubs.uspto.gov/dirsearch-public/print/downloadPdf/6920486](https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/6920486)

11 4. U.S. Patent No. 7,263,102, USPTO.GOV, [https://image-](https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/7263102)

12 [ppubs.uspto.gov/dirsearch-public/print/downloadPdf/7263102](https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/7263102)

13 5. U.S. Patent No. RE44,191, USPTO.GOV, [https://image-](https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/RE44191)

14 [ppubs.uspto.gov/dirsearch-public/print/downloadPdf/RE44191](https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/RE44191)

15 6. U.S. Patent No. 7,983,282, USPTO.GOV, [https://image-](https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/7983282)

16 [ppubs.uspto.gov/dirsearch-public/print/downloadPdf/7983282](https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/7983282)

17 7. U.S. Patent No. 7,526,762, USPTO.GOV, [https://image-](https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/7526762)

18 [ppubs.uspto.gov/dirsearch-public/print/downloadPdf/7526762](https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/7526762)

19 8. U.S. Patent No. 7,539,212, USPTO.GOV, [https://image-](https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/7539212)

20 [ppubs.uspto.gov/dirsearch-public/print/downloadPdf/7539212](https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/7539212)

21 9. CASETAWIRELESS.COM, [https://www.casetawireless.com/us/en/product/diva-](https://www.casetawireless.com/us/en/product/diva-smart-dimmer/homeowner)

22 [smart-dimmer/homeowner](https://www.casetawireless.com/us/en/product/diva-smart-dimmer/homeowner)

23 10.LUTRON.COM, <https://support.lutron.com/us/en/product/casetawireless>

24 11.LUTRON.COM, <https://support.lutron.com/us/en/product/radiora3>

25 12.LUTRON.COM,

26 https://assets.lutron.com/a/documents/caseta_consumer_brochure.pdf

27 13.LUTRON.COM,

28 https://assets.lutron.com/a/documents/3672916_diva_claro_smart_sell_sheet.pdf

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- 15.LUTRON.COM,
https://assets.lutron.com/a/documents/3685741_touchless_solutions_sell_sheet.pdf.