

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

EMERSON ELECTRIC CO., FISHER-
ROSEMOUNT SYSTEMS, INC., and
ROSEMOUNT INC.,

Plaintiffs,

v.

SIPCO LLC, and
IP CO., LLC (d/b/a INTUS IQ)

Defendants.

Civil Action No. _____

Declaratory Judgment
Patent

**COMPLAINT FOR DECLARATORY JUDGMENT OF
PATENT NON-INFRINGEMENT AND INVALIDITY**

1. Plaintiffs Emerson Electric Co., Fisher-Rosemount Systems, Inc., and Rosemount Inc. (collectively, “Emerson” or “Plaintiffs”) bring this action against Defendants SIPCO LLC (“SIPCO”) and IP CO., LLC d/b/a Intus IQ (“IPCO”) (collectively “Defendants”) seeking a declaratory judgment that the claims identified below from United States Patent Nos. 6,437,692 (“the ‘692 Patent”); 6,914,893 (“the ‘893 Patent”); 7,103,511 (“the ‘511 Patent”); 7,697,492 (“the ‘492 Patent”); 8,013,732 (“the ‘732 Patent”) (collectively “the SIPCO Patents”); 6,044,062 (“the ‘062 Patent”); 6,249,516 (“the ‘516 Patent”) and 8,000,314 (“the

‘314 Patent’) (collectively “the IPCO Patents”) are invalid and not infringed by Emerson.

PARTIES

2. Plaintiff Emerson Electric Co. is a corporation organized and existing under the laws of the State of Missouri, having its principal place of business at 8000 W. Florissant Ave., St. Louis, Missouri 63136.

3. Plaintiff Fisher-Rosemount Systems, Inc. is an indirect, wholly-owned subsidiary of Emerson Electric Co. and is a corporation incorporated under the laws of the State of Delaware, having its principal place of business at 1100 W. Louis Henna Blvd., Bldg. 1, Round Rock, Texas 78681.

4. Plaintiff Rosemount Inc. is an indirect, wholly-owned subsidiary of Emerson Electric Co. and is a corporation organized and existing under the laws of the State of Minnesota, having its principal place of business at 8200 Market Blvd., Chanhassen, Minnesota 55317.

5. Upon information and belief, Defendant SIPCO is a limited liability company organized and existing under the laws of the State of Georgia, having its principal office at 8215 Roswell Road, Building 900, Suite 950, Atlanta, Georgia 30350.

6. Upon information and belief, Defendant IPCO is a limited liability company organized and existing under the laws of the State of Georgia, having its principal office at 8215 Roswell Road, Building 900, Suite 950, Atlanta, Georgia 30350.

JURISDICTION AND VENUE

7. The claims asserted in this Complaint arise under the Patent Laws of the United States, 35 U.S.C. § 100, et seq., and under the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202, and are brought for a declaration by this Court that the claims identified below from the SIPCO Patents and the IPCO Patents (collectively “the Patents-in-Suit”) are invalid and not infringed by Emerson.

8. This Court has jurisdiction over the claims asserted in this Complaint under 28 U.S.C. §§ 1331, 1338(a), 2201 and 2202. An actual and justiciable controversy exists between Emerson and Defendants concerning the alleged infringement and validity of the Patents-in-Suit.

9. This Court has personal jurisdiction over the Defendants. Defendant SIPCO, a Georgia company, maintains a principal place of business in this judicial district, conducts business licensing and enforcement of its patent portfolio from such place of business, and has purposefully directed activities related to the enforcement and defense of the SIPCO Patents in this judicial district. SIPCO has

previously asserted the '692 Patent, the '893 Patent, and the '492 Patent in this judicial district. SIPCO has continuous and systematic contacts with Georgia and this judicial district. Defendant IPCO, a Georgia company, maintains a principal place of business in this judicial district, conducts business licensing and enforcement of its patent portfolio from such place of business, and has purposefully directed activities related to the enforcement and defense of the IPCO Patents in this judicial district. IPCO has previously asserted the '062 Patent, and the '516 Patent in this judicial district. IPCO has continuous and systematic contacts with Georgia and this judicial district. Defendants may be served with process on their registered agent, Andrea Marie Booher, at 945 East Paces Ferry Road, Suite 2700, Atlanta, Georgia 30326.

10. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b), (c), and (d).

BACKGROUND

11. The '692 Patent, entitled "System and method for monitoring and controlling remote devices," issued on August 20, 2002.

12. The '893 Patent, entitled "System and method for monitoring and controlling remote devices," issued on July 5, 2005.

13. The '511 Patent, entitled "Wireless communication networks for providing remote monitoring of devices," issued on September 5, 2006.

14. The '492 Patent, entitled "Systems and methods for monitoring and controlling remote devices," issued on April 13, 2010.

15. The '732 Patent, entitled "Systems and methods for monitoring and controlling remote devices," issued on September 6, 2011.

16. SIPCO has represented that the '692 Patent, the '893 Patent, the '511 Patent, the '492 Patent, and the '732 Patent all are currently assigned to it.

17. The SIPCO Patents are related to each other because they are part of the same patent family.

18. The '062 Patent, entitled "Wireless network system and method for providing same," issued on March 28, 2000.

19. The '516 Patent, entitled "Wireless network gateway and method for providing same," issued on June 19, 2001.

20. The '314 Patent, entitled "Wireless network system and method for providing same," issued on August 16, 2011.

21. IPCO has represented that the '062 Patent, the '516 Patent and the '314 Patent all are currently assigned to it.

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