IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

P&RO SOLUTIONS GROUP, INC.,	§ § §	
Plaintiff,	§ §	
v.	§ §	**Civ. Action No.** 6:16-cv-95
CiM Maintenance Inc.,	§ §	
Defendant.	§ § §	**Jury Trial Demanded**

COMPLAINT FOR PATENT INFRINGEMENT

P&RO Solutions Group, Inc. (hereinafter "Plaintiff"), files this Complaint for patent infringement against CiM Maintenance Inc. (hereinafter "Defendant"), and, in support thereof, further states and alleges as follows:

THE PARTIES

1.   Plaintiff, P&RO Solutions Group, Inc., is a corporation incorporated in the State of Pennsylvania, with its principal place of business located at 51 Street Road, Newton Square, PA 19073.

2.   Upon information and belief, Defendant CiM Maintenance Inc., is a corporation incorporated in the country of Canada. The registered office address of Defendant CiM Maintenance Inc. is 6300 Auteuil Bureau 201, Brossard QC J4Z 3P2, Canada.
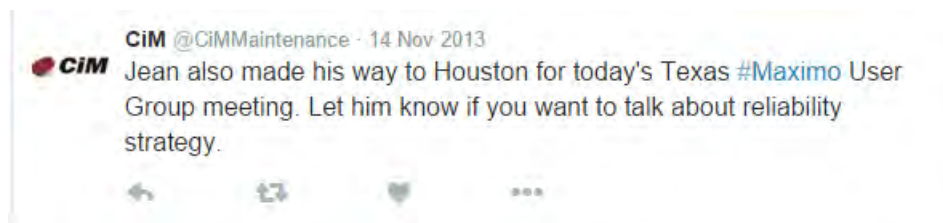
JURISDICTION AND VENUE

3.   This is a civil action for patent infringement under the laws of the United States, Title 35 United States Code §§ 1, *et seq.*

4. This Court has subject-matter jurisdiction over this action under 28 U.S.C. §§ 1331 (federal question) and 1338(a) (patent-exclusive jurisdiction).

5. This Court has personal jurisdiction over the Defendant, CiM Maintenance Inc., because it selected an internet sales presence specifically designed to reach millions of prospective customers including, in particular, customers who are citizens of and/or reside within the State of Texas, including the Eastern District of Texas.

6. Further, Defendant, CiM Maintenance Inc., directly ships, distributes, offers for sale, sells, and advertises its infringing systems in the United States, the State of Texas, and the Eastern District of Texas through its publicly available website, http://cimmaintenance.com, and by sending representatives to market its infringing systems into the State of Texas, as evidenced by its official Twitter feed, @CiMMaintenance, shown below. This Twitter handle offers a general, non-comprehensive chronological summary of Defendant CiM Maintenance Inc.'s commercial and business activities in the United States, the State of Texas, and in this District. Defendant CiM Maintenance Inc.'s Twitter post from November 14, 2013, publicly visible on CiM Maintenance Inc.'s Twitter feed and on its website, admits that it sent "Jean," on information and belief, Jean Charbonneau, the President of CiM Maintenance Inc., to the State of Texas to market and offer for sale Defendant's infringing systems to customers in the State of Texas.

CiM @CiMMaintenance · 14 Nov 2013
Jean also made his way to Houston for today's Texas #Maximo User Group meeting. Let him know if you want to talk about reliability strategy.

7. Defendant, CiM Maintenance Inc. has purposefully and voluntarily placed one or more of its infringing systems, as described below, into the stream of commerce with the

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expectation that they will be purchased and used by consumers in the United States, the State of Texas, and the Eastern District of Texas.

8. As specified below, Defendant, CiM Maintenance Inc., has committed acts of patent infringement within the State of Texas and, more particularly, within the Eastern District of Texas.

9. The Court therefore has personal jurisdiction over the Defendant, CiM Maintenance Inc., under, at least, the Texas long-arm statute, TEX. CIV. PRAC. & REM. CODE § 17.042.

10. Venue is proper under 28 U.S.C. §§ 1391(b) and (c) and § 1400(b), because the Defendant, CiM Maintenance Inc., is subject to personal jurisdiction in this judicial district and because the Defendant CiM Maintenance Inc., is not resident in the United States.

FACTUAL BACKGROUND

11. On June 26, 2012, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 8,209,205, entitled "Planning and Scheduling Tool Assistant Assuring High Utilization of Resources" ("the '205 Patent"). A true and correct copy of the '205 Patent is attached hereto as Exhibit A.

12. Plaintiff, P&RO Solutions Group, Inc., is the owner by assignment of the '205 Patent.

13. The '205 Patent is directed to a planning and scheduling system for managing work orders, status planning, and resource management. Using the system, a user can, for example, manage, coordinate, and control workers, work orders, and other scheduling tasks.

14. Plaintiff, P&RO Solutions Group, Inc. offers a product having a planning and scheduling system, known as "Planning and Scheduling Tool Assistant" (PaSTA®). Based on

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information and belief, Plaintiff has complied with 35 U.S.C. § 287(a) with respect to the PaSTA® product since at least as early as August 2012.

15.   Defendant, CiM Maintenance Inc., engages in electronic commerce conducted on and using at least, but not limited to, its website, http://cimmaintenance.com/, in the United States, the State of Texas, and in this District.

16.   Defendant, CiM Maintenance Inc., owns, operates, and/or directs the operation of the website, http://cimmaintenance.com/, in the United States, the State of Texas and in this District.

17.   Defendant, CiM Maintenance Inc., provides access to its website, http://cimmaintenance.com/, in the United States, the State of Texas and in this District.

18.   Defendant, CiM Maintenance Inc., offers for sale a product having a planning and scheduling system, referred to as "Visual Planner Suite," through its website, http://cimmaintenance.com/visual-planner-suite/, in the United States, the State of Texas and in this District.

COUNT I: DIRECT INFRINGEMENT OF THE '205 PATENT

19.   Plaintiff incorporates by this reference the averments set forth in paragraphs 1 through 18.

20.   Defendant has infringed claims 1-20 of the '205 Patent in this District and elsewhere by, at least, making, selling, offering for sale, and/or importing a system for planning and scheduling under the name, "Visual Planner Suite."

21.   According to its website explaining Defendant's infringing systems, http://cimmaintenance.com/visual-planner-suite/, the Visual Planner Suite allows users to perform planning, scheduling, and supervision tasks to manage daily maintenance activities.

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Further, the Visual Planner Suite is an application that runs with the IBM Maximo ecosystem, producing a user interface that the customer can use to implement various planning, scheduling, and supervision tasks, such as management of a work week section, scheduled job section, unscheduled job section, short notice outage section, planned outage section, and work orders. Using the Visual Planner Suite's user interface, a customer can drag and drop work orders from one week section and another, as well from scheduled to unscheduled job sections, from short notice outage to planned outage sections, and to backlog sections.

22. Furthermore, Visual Planner Suite displays scheduled job section simultaneously with the unscheduled job section, provides a real time indication of resource loading, where that resource loading may be determined based on whether a customer's work group has been overloaded with too much work. Visual Planner Suite also includes features through which it implements color coding to indicate the status of planning a work order and can indicate when a work order is complete and ready to work. Color coding rules in Visual Planner Suite are controlled by the customer.

23. Visual Planner Suite runs on one or more computers that may be part of a broader computer network and in communication with a database server. The one or more computers on which Visual Planner Suite runs allow for customer control of all of the above-mentioned features through the user interface. Visual Planner Suite further has a management control for executing work week sections. Moreover, the sections that appear on the Visual Planner Suite are user configurable to display planning and scheduling data in a variety of ways, including using tabs that select for certain data. Visual Planner Suite additionally provides customers with the ability to insert work orders into a time disconnected work week schedule in advance of being assigned to a fixed schedule. Further, customers can use content filters on data in Visual Planner Suite to print out work order data.

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