

# **Exhibit 1**

**To Defendants' Notice Regarding Related Litigation**

**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. 1:15-CV-00319-AT

**PLAINTIFFS' MOTION TO ENJOIN DEFENDANTS  
FROM PROSECUTING THE SECOND-FILED ACTION**

Plaintiffs Emerson Electric Co., Fisher-Rosemount Systems, Inc., and Rosemount Inc., (collectively, "Emerson"), respectfully request an Order enjoining Defendants SIPCO LLC and IP CO., LLC (collectively "SIPCO") from prosecuting a second-filed action in the U.S. District Court for the Eastern District of Texas. Through this motion Emerson seeks this Court's assistance in ending SIPCO's effort to compound and complicate this dispute by forcing two different district courts, operating in parallel, to decide the same issues. A grant of Emerson's present motion would also effectively end SIPCO's effort to change the

venue of this dispute from SIPCO's home court to a district where neither it nor Emerson has any substantial connection.

## **I. BACKGROUND**

The dispute between the instant parties has a history. SIPCO first contacted Emerson to discuss a license in early 2007. Emerson responded to that request by asking SIPCO to identify the products it believed needed a license. Nothing further was heard from SIPCO for more than six years.

On February 27, 2013, SIPCO wrote to Emerson to again invite it to consider taking a license under two families of patents. The first patent family, known as "the IP CO patents," consists of at least five patents, each of which is entitled "Wireless Network System and Method for Providing Same." Each of the IP CO patents identifies the same two inventors, Edwin Brownrigg and Thomas Wilson, and each derives from a common patent application, an application that matured into United States Patent No. 6,044,062 ("the '062 patent"). The '062 patent is one of the two patents at issue in this case. Given this common ancestry, these five patents are considered to be part of the same "patent family."

The second patent family, known as "the SIPCO patents," consists of at least eight patents, many of which are entitled "System and Method for Monitoring and

Controlling Remote Devices.”<sup>1</sup> Each of these patents identifies a common inventor, T. David Petite, and all eight patents claim priority to a common patent application. That application, Serial No. 60/059,643, did not mature into an issued patent, but it provides the common ancestry for all eight of the SIPCO patents including United States Patent No. 7,103,511 (“the ‘511 patent”) at issue in this case. These eight patents are considered to be part of the same “patent family.”

The patents in these two patent families are all directed to the same technology – wireless networks and routing of data within those networks. For example, the patents in the ‘062 patent family describe radios (“clients”) that transmit information to a central location such as a plant manager’s office (“server”) either directly or, if that radio is too far away, indirectly through one or more relay radios (other “clients”). IP CO contends that it invented a system by which the client radios themselves determine whether they will send their messages directly to the server or through one or more neighboring relay radios. If the indirect route is chosen, the client radios themselves determine which relay radios will be used to route the message to the server.

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<sup>1</sup> One of the patents in this family of patents, U.S. Patent No. 8,908,842, is directed to the same technology but is entitled “Multi-Functional General Purpose Transceivers and Devices.”

Emerson markets and sells several products that are claimed to infringe on these two families of patents owned by Defendants. These products are pressure gauges, thermometers, flow meters and similar process management devices, some of which are coupled to a radio that wirelessly communicates to the plant manager. These products are used by plant managers to monitor conditions such as temperature, pressure or flow at a location within the plant. Each of the Emerson products route data within a wireless network, but those products do not infringe because the routes used to transmit data to the plant manager are controlled by the plant manager's server, not the individual client radios as required by the IP CO patents. Indeed, no client radio even knows the identity of the radio relays being used to route messages to the plant manager – each client radio knows only the identity of the radio to which it will send its message.

Emerson's products are constructed and operate differently than those claimed in the SIPCO patents, as well. For example, Emerson's wireless products do not provide data from the wireless network to a "wide area network" (*e.g.*, the internet). All claims of the '511 patent asserted in this action require that feature.

These facts (and others) complicated the parties' license discussions. SIPCO identified one claim from eight patents from the IP CO and SIPCO patent families and presented Emerson with an explanation of how Emerson's Smart Wireless

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