

II. PARTIES

4. Plaintiff Wireless Communications Mobile LLC is a limited liability company organized and existing under the laws of Delaware. Its principal place of business is 200 Continental Dr., Suite 401, Newark, DE 19713.

5. On information and belief, Defendant is a limited liability company organized and existing under the laws of the State of Delaware with its principal place of business at 1595 Spring Hill Road, Suite 110, Vienna, Virginia 22182. Defendant can be served with process at Capitol Corporate Services, Inc. at 10 South Jefferson St, Ste 1400, Roanoke, VA, 24011.

6. On information and belief, Defendant's instrumentalities that are alleged herein to infringe were and continue to be used, imported, offered for sale, and/or sold in this District.

III. JURISDICTION AND VENUE

7. This is an action for patent infringement which arises under the patent laws of the United States, in particular, 35 U.S.C. §§ 271, 281, 283, 284, and 285.

8. This Court has exclusive jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331 and 1338(a).

9. On information and belief, Defendant is subject to this Court's specific and general personal jurisdiction, pursuant to due process and the Virginia Long-Arm Statute, due at least to being incorporated in this judicial district, its business in this forum, including at least a portion of the infringements alleged herein.

10. The Court has personal jurisdiction over Defendant because: Defendant is present within or has minimum contacts within the Commonwealth of Virginia and in this judicial district; Defendant has purposefully availed itself of the privileges of conducting business in the Commonwealth of Virginia and in this judicial district; Defendant has sought protection and

benefit from the laws of the Commonwealth of Virginia; Defendant regularly conducts business within the Commonwealth of Virginia and in this judicial district; and Plaintiff's cause of action arises directly from Defendant's business contacts and other activities in the Commonwealth of Virginia and in this judicial district.

11. More specifically, Defendant, directly and/or through intermediaries, ships, distributes, uses, offers for sale, sells, and/or advertises products and services in the Commonwealth of Virginia and in this judicial district including but not limited to the Accused Instrumentalities as detailed below. Upon information and belief, Defendant has committed patent infringement in the Commonwealth of Virginia and in this judicial district. Defendant solicits and has solicited customers in the Commonwealth of Virginia and in this judicial district. Defendant has paying customers who are residents of the Commonwealth of Virginia and in this judicial district who each use and have used the Defendants' products and services.

12. Venue is proper in the Virginia and in this judicial district pursuant to 28 U.S.C. §§ 1391 and 1400(b). On information and belief, Defendant has transacted business in this district, and has directly committed acts of patent infringement in this district.

IV. FACTUAL BACKGROUND

13. Plaintiff is the owner of the entire right, title, and interest of the '079 patent, including the right to recover for past infringement, covering wireless monitoring device technologies used in various wireless monitoring products, including the '079 patent.

14. The '079 patent, entitled "PROGRAMMABLE COMMUNICATOR," was filed on Aug. 8, 2014 and issued on Sep.1,2015.

15. The '079 patent is a continuation of application No. 14/175,171, filed on Feb. 7, 2014, now Pat. No. 8,872,624, which is a continuation of application No. 13/934,763, filed on

Jul. 3, 2013, now Pat. No. 8,648,717, which is a continuation of application No. 13/801,773, filed on Mar. 13, 2013, now Pat. No. 8,542,111, which is a continuation of application No. 12/538,603, filed on Aug. 10, 2009, now Pat. No. 8,094,010, which is a continuation of application No. 11/329,212, filed on Jan. 10, 2006, now Pat. No. 7,583,197, which is a continuation of application No. 10/296,571, filed as application No. PCT/EPO1/05738 on May 18, 2001, now abandoned.

V. COUNTS OF PATENT INFRINGEMENT

16. Plaintiff alleges that Defendant has infringed and continues to infringe the '079 patent (the "Asserted Patent").

COUNT ONE **INFRINGEMENT OF U.S. PATENT 9,125,079**

17. Plaintiff incorporates by reference the allegations in all preceding paragraphs as if fully set forth herein.

18. The '079 Patent provides a technical solution, by disclosing a technical data monitoring device establishing a wireless communication link with a programmable interface of a programmable cellular telephone comprising "a new and improved communicating apparatus to address the communication needs of children and elderly persons and for programmable data tags for monitoring the status of associated technical equipment." '079 Patent, Col. 9, Lns. 29 – 33.

Direct Infringement

19. On information and belief, Defendant, without authorization or license from Plaintiff, has been and is presently directly infringing the '079 Patent, either literally or equivalently, as infringement is defined by 35 U.S.C. § 271(a), including through making, using, (including for testing purposes), selling and offering for sale articles infringing one or more

claims of the '079 Patent. Defendant is thus liable for direct infringement pursuant to 35 U.S.C. § 271(a). Exemplary infringing instrumentalities include the technical data monitoring devices described at <https://shop.frontpointsecurity.com/products/hubkeypad.html> (attached hereto as **Exhibit B**) (collectively the "FrontPoint Accused Instrumentalities").

20. On information and belief, the FrontPoint Accused Instrumentalities are a non-limiting example that meets all limitations of claim 1 of the '079 Patent, either literally or equivalently.

21. Claim 1 of the '079 patent states:

A technical data monitoring device for use with a wireless data monitoring network, the technical data monitoring device comprising:

- (a) a wireless communications circuit, the technical data monitoring device configured to establish a wireless communication link with a programmable interface of a programmable cellular telephone,
- (b) the technical data monitoring device configured to send and/or receive wireless packet switched data transmissions,
- (c) the technical data monitoring device having an associated status condition,
- (d) the technical data monitoring device configured to generate data and send data over the wireless communication link for processing by the programmable cellular telephone periodically or in response to instructions received in a wireless packet switched message from the programmable cellular telephone,
- (e) wherein the data from the technical data monitoring device is (1) sent to be processed and displayed by the programmable cellular telephone and/or (2) sent to be processed and forwarded by the programmable cellular telephone to an Internet website via one or more General Packet Radio Service (GPRS), or other wireless packet switched data messages,
- (f) wherein the technical data monitoring device is configured to form part of the wireless data monitoring network in communication with the programmable cellular telephone; and
- (g) at least one technical device or system, the at least one technical device or system being at least one selected from the group consisting of a pressure sensor, a heat sensor, a mechanical displacement sensor, a speed sensor, a temperature sensor, a sound threshold sensor, a movement sensor, an electrical power sensor, an infra-red radiation detector, a

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