

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

LONG RANGE SYSTEMS, LLC

Plaintiff,

v.

HME WIRELESS, INC.

Defendant.

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CIVIL ACTION NO.

PLAINTIFF LONG RANGE'S ORIGINAL COMPLAINT

Long Range Systems, LLC ("Plaintiff" or "Long Range") files this Original Complaint for patent infringement against Defendant HME Wireless, Inc. ("HME").

PARTIES

1. Plaintiff Long Range, LLC is a limited liability company organized and existing under the laws of the State of Texas. Long Range maintains its principal place of business in this judicial district at 4550 Excel Pkwy., Suite 200, Addison, Texas 75001.

2. Upon information and belief, Defendant HME Wireless, Inc. is a corporation existing under the laws of the State of Georgia. Defendant may be served with process by serving its registered agent, CT Corporation System, at 1201 Peachtree Street NE, Atlanta, Georgia 30361. On information and belief, HME conducts its business throughout the United States and in this judicial district, including by offering for sale and selling

JURISDICTION AND VENUE

3. This is an action for patent infringement under the Patent Laws of the United States, 35 U.S.C. §§ 1 *et seq.*, including 35 U.S.C. § 271(a), (b), and (c).

4. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over Defendant HME. Among other reasons, upon information and belief, Defendant has done business in this judicial district, has continuous and systematic contacts with this district, has committed and continues to commit acts of patent infringement in this judicial district, and has harmed and continues to harm Long Range in this judicial district by, among other things, selling and offering to sell infringing products in this judicial district.

6. Venue is proper pursuant to 28 U.S.C. §§ 1391 and 1400 because, among other reasons, Defendant is subject to personal jurisdiction and has committed acts of patent infringement in this judicial district.

GENERAL ALLEGATIONS

7. On April 1, 2003, U.S. Patent No. 6,542,751 B1 (“the ‘751 patent”) was issued by the United States Patent and Trademark Office (“USPTO”) for a “Multi-Mode Paging System.” A true and correct copy of the ‘751 patent is attached as Exhibit A.

8. Long Range is the owner by assignment of the ‘751 patent and has the right to bring an action for infringement of the ‘751 patent. The Plaintiff, Long Range Systems L.L.C. is the owner of all right, title and interest by assignment from Long Range2, Inc. (f/k/a Long Range Systems, Inc.)¹ the original assignee of the patent. The assignment from the inventors to Long Range Systems, Inc. was recorded on May 28, 2002, Reel: 012949, Frame: 0224. The assignment from Long Range 2, Inc. to Long Range Systems, L.L.C. was recorded on August 30, 2012, Reel: 28878, Frame 0658.

¹ Long Range Systems, Inc. filed a change of name with the Texas Secretary of State on December 14, 2011 thereby changing its name from Long Range Systems, Inc. to Long Range 2, Inc.

9. On June 13, 2006, U.S. Patent No. 7,062,281 B2 (“the ‘281 patent”) was issued by the United States Patent and Trademark Office (“USPTO”) for a “Multi-Mode Paging System.” A true and correct copy of the ‘281 patent is attached as Exhibit B.

10. Long Range is the owner by assignment of the ‘281 patent and has the right to bring an action for infringement of the ‘281 patent. The Plaintiff, Long Range Systems L.L.C. is the owner of all right, title and interest by assignment from Long Range2, Inc. (f/k/a Long Range Systems, Inc.)² the original assignee of the patent. The assignment from the inventors to Long Range Systems, Inc. was recorded on May 28, 2002, Reel: 012949, Frame: 0224. The assignment from Long Range 2, Inc. to Long Range Systems, L.L.C. was recorded on August 30, 2012, Reel: 28878, Frame 0658.

COUNT 1: INFRINGEMENT OF THE ‘751 PATENT

11. Plaintiff refers to and incorporates all preceding paragraphs as though fully set forth herein.

12. Defendant HME has infringed and continues to infringe – directly, contributorily, and/or by active inducement – one or more claims of the ‘751 patent, by making, importing, offering to sell, selling, causing to be supplied, using, and/or causing to be used systems and methods that embody or practice the inventions claimed in the ‘751 patent. Such systems and methods include SmartCall SMS.

13. For example, Defendant directly infringes the ‘751 patent by selling and/or offering to sell HME’s SmartCall SMS system in this judicial district.

14. Alternatively, Defendant indirectly infringes the ‘751 patent by contributing to and/or actively inducing its food establishment clients to operate SmartCall SMS. Defendant’s

² Long Range Systems, Inc. filed a change of name with the Texas Secretary of State on December 14, 2011 thereby changing its name from Long Range Systems, Inc. to Long Range 2, Inc.

infringing paging systems have no substantial non-infringing uses as to the '751 patent. For example, HME advertises that "SmartCall SMS' integrated system lets you give waiting customers the option of being contacted with a restaurant pager, or via text message on their very own cell phone or smart phone." *See* Exhibit C, attached. On information and belief, HME has been aware of the '751 patent at least as of the filing of this Complaint. Moreover, by marketing and selling the SmartCall SMS systems, HME has intended that its food establishment clients infringe the '751 patent.

15. Long Range has been damaged as a result of Defendant's infringing conduct. Thus, Defendant is liable to Long Range in an amount that adequately compensates Long Range for the Defendant's infringement, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

16. The Defendant will continue to infringe the claims of the '751 patent unless a post judgment royalty is awarded.

17. As a result of the Defendant's acts of infringement, Long Range has suffered and will continue to suffer damages in an amount to be proved at trial.

COUNT 2: INFRINGEMENT OF THE '281 PATENT

18. Plaintiff refers to and incorporates all preceding paragraphs as though fully set forth herein.

19. Defendant HME has infringed and continues to infringe – directly, contributorily, and/or by active inducement – one or more claims of the '281 patent, by making, importing, offering to sell, selling, causing to be supplied, using, and/or causing to be used systems and methods that embody or practice the inventions claimed in the '281 patent. Such systems and methods include SmartCall SMS.

20. For example, Defendant directly infringes the '281 patent by selling and/or offering to sell HME's SmartCall SMS system in this judicial district.

21. Alternatively, Defendant indirectly infringes the '281 patent by contributing to and/or actively inducing its food establishment clients to operate SmartCall SMS. Defendant's infringing paging systems have no substantial non-infringing uses as to the '281 patent. For example, HME advertises that "SmartCall SMS' integrated system lets you give waiting customers the option of being contacted with a restaurant pager, or via text message on their very own cell phone or smart phone." *See* Exhibit C, attached. On information and belief, HME has been aware of the '281 patent at least as of the filing of this Complaint. Moreover, by marketing and selling the SmartCall SMS systems, HME has intended that its food establishment clients infringe the '281 patent.

22. Long Range has been damaged as a result of Defendant's infringing conduct. Thus, Defendant is liable to Long Range in an amount that adequately compensates Long Range for the Defendant's infringement, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

23. The Defendant will continue to infringe the claims of the '281 patent unless a post judgment royalty is awarded.

24. As a result of the Defendant's acts of infringement, Long Range has suffered and will continue to suffer damages in an amount to be proved at trial.

PRAYER FOR RELIEF

Plaintiff Long Range prays for judgment and the following relief:

A. Judgment that Defendant HME has infringed the '751 patent as alleged herein, directly, contributorily, and/or by active inducement of the '751 patent, as alleged herein;

B. Judgment that Defendant HME has infringed the '281 patent as alleged herein, directly, contributorily, and/or by active inducement of the '281 patent, as alleged herein;

C. An award to Long Range for the damages necessary to compensate it for Defendant's infringement of the '751 and '281 patents pursuant to 35 U.S.C. § 284;

D. An award to Long Range of its attorneys' fees, costs, expert witness fees, and expenses incurred by Long Range in connection with this action pursuant to 35 U.S.C. § 285;

E. Prejudgment and post-judgment interest; and

F. Award Plaintiff any and all other relief as the Court deems just and equitable.

DEMAND FOR JURY TRIAL

Long Range hereby demands that all issues be determined by a jury.

DATED: October 16, 2012

Respectfully submitted,

/s/ J. David Cabello

J. David Cabello

Lead Attorney

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