

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

AXCESS INTERNATIONAL, INC.,

Plaintiff,

v.

TRANSCORE, LP,

Defendant.

CIVIL ACTION NO. 3:17-CV-1697

PATENT CASE

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

This is an action for patent infringement in which Axxess International, Inc. (“Plaintiff”) makes the following allegations against TransCore, LP (“Defendant”):

PARTIES

1. Plaintiff is a corporation formed under the laws of the State of Delaware with a principle place of business located at 2108 Dallas Parkway, Ste. 214, #568, Plano, TX 75093.

2. Defendant is a limited partnership organized and existing under the laws of the State of Delaware with a regular place of business at 3414 Midcourt Rd., Ste. 106, Carrollton, TX 75006. Defendant can be served via its registered agent at Corporation Service Company, 2711 Centerville Road, Ste. 400, Wilmington, DE 19808.

JURISDICTION AND VENUE

3. This is an action for infringement of a United States patent arising under 35 U.S.C. §§ 271(a), 281, and 284 - 85. This Court has subject matter jurisdiction over this action under 28 U.S.C. §1331 and §1338(a).

4. Defendant is subject to this Court’s specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to Defendant’s substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; (ii)

regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this district; and (iii) having a regular place of business in this District..

5. Venue is proper in this district pursuant to 28 U.S.C. § 1400(b). Defendant has a regular and established place of business in this District located at 3410 Midcourt Rd., Carrollton, TX 75006.

FACTUAL BACKGROUND

6. On October 23, 2007, United States Patent No. 7,286,158 (the “’158 patent”) was duly and legally issued by the United States Patent and Trademark Office for an invention entitled “Method and System for Providing Integrated Remote Monitoring Services.” A true and correct copy of the ’158 patent is attached hereto as Exhibit A.

7. Plaintiff is the owner by assignment of the ’158 Patent, with all rights in and to that patent.

8. Allan R. Griebenow is the inventor of the ’158 patent.

9. On April 28, 2017, Plaintiff filed suit against Defendant in the Eastern District of Texas accusing Defendant of infringing claims 1 and 2 of the ’158 Patent. *Axcess International, Inc. v. TransCore, LP*, No. 2:17-cv-369 (E.D. Tex. Apr. 28, 2017) (the “EDTX Action”).

10. Plaintiff served Defendant with the EDTX Action complaint on May 2, 2017, which included detailed allegations of how Defendant’s Infinity Digital Lane System infringed claims 1 and 2 of the ’158 Patent. Also included with the complaint was a true and correct copy of the ’158 Patent.

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 7,286,158

11. Defendant directly or through intermediaries, makes, uses, imports, sells, and/or offers for sale products and/or systems (*i.e.*, Infinity Digital Lane System (the “Accused Instrumentality”)) that infringe claims 1 and 2 of the ’158 patent.

12. Upon information and belief, Defendant has been and is now infringing claims 1 and 2 of the ’158 Patent in the State of Texas, in this Judicial District, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, importing, selling and/or offering for sale an access control system that implements a radio frequency identification tag access system with video recording, *i.e.*, the Accused Instrumentality, covered by one or more claims of the ’158 Patent to the injury of Plaintiff. Defendant is directly infringing, literally infringing, and/or infringing the ’158 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the ’158 Patent pursuant to 35 U.S.C. § 271(a).

13. The Accused Instrumentality infringes claim 1 of the ’158 Patent and performs a method of providing integrated remote motoring services comprising: receiving and storing radio frequency identification (RFID) data from an RFID system at a remote facility of a subscriber (*i.e.*, RFID data is recorded from passing vehicles and stored at a remote facility from the RFID capture device); receiving and storing video data from a video system at the facility (*i.e.*, video data from each passing car is received and recorded at a remote facility from the VCARS system); providing the subscriber with access to the stored RFID and video data (*i.e.*, a video of the passing car and any RFID associated therewith); providing the subscriber with access to and control of a video camera in the video system at the facility (*i.e.*, the VCARS camera units can be accessed remotely and adjusted in terms of panning, tilting, and zooming); and processing the RFID data to generate

a report for the subscriber (*i.e.*, reports related to RFID data are generated). *See* Exhibit B, Figs. 1-3.

14. The Accused Instrumentality infringes claim 2 of the '158 Patent and performs a method wherein the RFID information (*i.e.*, RFID information captured from passing vehicles) and video information is received over the Internet and the subscriber is provided with access to the stored data and to the video camera through a web portal (*e.g.*, the Transcore Toll Management Console receives the RFID and Video information over the internet and provides access to the video camera through a web portal). *See* Ex. B, Fig. 4.

15. As a result of Defendant's infringement of the '158 Patent, Plaintiff has suffered monetary damages is entitled to a money judgment in an amount adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the court, and Plaintiff will continue to suffer damages in the future unless Defendant's infringing activities are enjoined by this Court.

16. Unless a permanent injunction is issued enjoining Defendant and its agents, servants, employees, representatives, affiliates, and all others acting in active concert therewith from infringing the '158 Patent, Plaintiff will be greatly and irreparably harmed.

COUNT II
WILLFUL INFRINGEMENT OF U.S. PATENT NO. 7,286,158

17. Defendant has had knowledge of the '158 Patent since at least May 2, 2017, when Plaintiff served its complaint in the EDTX Action.

18. Defendant has had knowledge that the Accused Instrumentalities infringe the '158 Patent since at least May 2, 2017, when Plaintiff served its complaint in the EDTX Action.

19. Defendant has been willfully infringing the '158 Patent by, directly or through intermediaries, continuing to make, use, sell, and/or offer for sale the Accused Instrumentality with full knowledge of the '158 Patent, and with the intent to infringe the '158 Patent since at least May 2, 2017.

20. As a result of Defendant's willful infringement of the '158 Patent, Plaintiff has suffered monetary damages is entitled to a treble damages and attorneys' fees and costs incurred in this action, along with prejudgment interest under 35 U.S.C. §§ 284, 285.

JURY DEMAND

Plaintiff hereby requests a trial by jury on all issues so triable by right.

PRAAYER FOR RELIEF

Plaintiff requests that the Court find in its favor and against Defendant, and that the Court grant Plaintiff the following relief:

a. Judgment that one or more claims of the '158 patent have been infringed, either literally and/or under the doctrine of equivalents, by Defendant;

b. A permanent injunction enjoining Defendant and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith from infringement, inducing infringement of, or contributing to infringement of the '158 patent;

c. Judgment that Defendant account for and pay to Plaintiff all damages and costs incurred by Plaintiff, caused by Defendant's infringing activities and other conduct complained of herein, including enhanced damages pursuant to 35 U.S.C. § 284, together with pre- and post-judgment interest, costs and disbursements;

d. That Plaintiff be granted pre-judgment and post-judgment interest on the damages caused by Defendant's infringing activities and other conduct complained of herein;

e. That this Court declare this an exceptional case and award Plaintiff reasonable attorneys' fees and costs in accordance with 35 U.S.C. § 285; and

f. That Plaintiff be granted such other and further relief as the Court may deem just and proper under the circumstances.

DATED June 27, 2017.

Respectfully submitted,

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**ATTORNEYS FOR PLAINTIFF
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