

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

IP CO., LLC, d/b/a Intus IQ)	
)	
Plaintiff,)	CIVIL ACTION FILE
)	
v.)	
)	
)	
INGERSOLL-RAND COMPANY;)	
INGERSOLL-RAND SCHLAGE LOCK)	
HOLDING COMPANY LLC;)	NO. 6:11cv439
SCHLAGE LOCK COMPANY LLC,)	
TRANE, INC.; TRANE U.S. INC.,)	<u>JURY TRIAL DEMANDED</u>
SCHNEIDER ELECTRIC BUILDINGS)	
AMERICAS, INC.; SCHNEIDER)	
ELECTRIC USA, INC.; and)	
SCHNEIDER ELECTRIC BUILDINGS,)	
LLC)	
)	
Defendants.)	
)	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff IP CO, LLC d/b/a Intus IQ (“Intus IQ”) hereby makes this Complaint for patent infringement against Defendants INGERSOLL-RAND COMPANY (“Ingersoll-Rand”), INGERSOLL-RAND SCHLAGE LOCK HOLDING COMPANY LLC (“Schlage Holding”), SCHLAGE LOCK COMPANY LLC (“Schlage LLC”), TRANE, INC. (“Trane”), Trane U.S. Inc. (“Trane US”), SCHNEIDER ELECTRIC BUILDINGS AMERICAS, INC. (“Schneider Buildings”), SCHNEIDER ELECTRIC USA, INC. (“Schneider USA”), and SCHNEIDER ELECTRIC BUILDINGS, LLC (“Schneider LLC”) (collectively, “Defendants”), and in support alleges as follows:

NATURE OF THE ACTION

1. This is an action for patent infringement, brought under the Patent Act, 35 U.S.C. §§ 101 et seq. Plaintiff Intus IQ is the owner of a number of patents that, as set forth more fully below, Defendants are willfully infringing.

2. U.S. Patent No. 6,044,062 (the “‘062 Patent”), entitled “Wireless Network System And Method For Providing Same,” was duly and legally issued on March 28, 2000 by the U.S. Patent and Trademark Office to CommUnique, LLC, the assignee of the named inventors Edwin B. Brownrigg and Thomas W. Wilson. A copy of the ‘062 Patent, including the reexamination certificate issued on May 3, 2011, is attached hereto as Exhibit A.

3. U.S. Patent No. 6,249,516 (the “‘516 Patent”), entitled “Wireless Network Gateway And Method For Providing Same,” was duly and legally issued on June 19, 2001 by the U.S. Patent and Trademark Office to Communique Wireless Communications, the assignee of the named inventors Edwin B. Brownrigg and Thomas W. Wilson. A copy of the ‘516 Patent, including the reexamination certificate issued November 18, 2008, is attached hereto as Exhibit B.

4. Intus IQ is the sole owner of the entire right, title, and interest in the ‘062 Patent and the ‘516 Patent (collectively, the “Patents-in-Suit”) by virtue of assignment.

5. Each Defendant, as provided in more detail below, has made, used, imported, and/or sold and/or continues to make, use, import, and/or sell the technology claimed by the ‘062 Patent and/or the ‘516 Patent in systems and methods without Intus IQ’s permission.

6. Plaintiff Intus IQ seeks damages for each Defendant’s infringement of the ‘062 Patent and/or the ‘516 Patent.

PARTIES

7. Plaintiff IP CO, LLC d/b/a Intus IQ is a Georgia limited liability corporation. Intus IQ's offices are in Atlanta, Georgia and McKinney, Texas.

8. Upon information and belief, Defendant Ingersoll-Rand is a New Jersey corporation, having its principal place of business at 2100 N. First Street, Garland, Texas 75040.

9. Upon information and belief, Defendant Schlage Holding is a California corporation, having its principal place of business at One Centennial Avenue, Piscataway, NJ 08855.

10. Upon information and belief, Defendant Schlage LLC is a Delaware corporation, having its principal place of business as 2720 Tobey Drive, Indianapolis, Illinois 46219.

11. Upon information and belief, Defendant Trane is a Delaware corporation, having its principal place of business at One Centennial Avenue, Piscataway, New Jersey 08855.

12. Upon information and belief, Defendant Trane US is a Delaware Corporation having its principal place of business at 3600 Pammel Creek Road, La Crosse, Wisconsin 54601.

13. Upon information and belief, Defendant Schneider Buildings is a Delaware corporation, having its principal place of business at 1415 South Roselle Road, Palatine, Illinois 60067.

14. Upon information and belief, Defendant Schneider USA is a Delaware corporation, having its principal place of business at 1415 South Roselle Road, Palatine, Illinois 60067.

15. Upon information and belief, Defendant Schneider LLC is a Delaware corporation, having its principal place of business 1354 Clifford Avenue, Loves Park, Illinois 61111.

JURISDICTION AND VENUE

16. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 101 et seq.

17. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

18. This Court has personal jurisdiction over Ingersoll-Rand. Ingersoll-Rand has branch offices throughout Texas, is registered in Texas, regularly conducts business in the State of Texas and is subject to the jurisdiction of this Court. Ingersoll-Rand has been doing business in this judicial district by manufacturing, distributing, marketing, using, selling and/or offering for sale its products including, but not limited to, products that practice the subject matter claimed in the Patents-in-Suit, in this judicial district and elsewhere in the United States. Ingersoll-Rand can be served with process through its registered agent, CT Corp System, 350 N. St. Paul St. Ste. 2900, Dallas, Texas 75201.

19. This Court has personal jurisdiction over Schlage Holding. Schlage Holding regularly conducts business in the State of Texas and is subject to the jurisdiction of this Court. Schlage Holding has been doing business in this judicial district by manufacturing, distributing, marketing, using, selling and/or offering for sale its products including, but not limited to, products that practice the subject matter claimed in the Patents-in-Suit, in this judicial district and elsewhere in the United States. Schlage Holding can be served with process through its registered agent, C T Corporation System, 818 West 7th Street, Suite 200, Los Angeles, California 90017-3407.

20. This Court has personal jurisdiction over Schlage LLC. Schlage LLC regularly conducts business in the State of Texas and is subject to the jurisdiction of this Court. Schlage

LLC has been doing business in this judicial district by manufacturing, distributing, marketing, using, selling and/or offering for sale its products including, but not limited to, products that practice the subject matter claimed in the Patents-in-Suit, in this judicial district and elsewhere in the United States. Schlage LLC can be served with process through its registered agent, C T Corporation System, 818 West 7th Street, Suite 200, Los Angeles, California 90017-3407.

21. This Court has personal jurisdiction over Trane. Trane regularly conducts business in the State of Texas, and is subject to the jurisdiction of this Court. Trane has been and is doing business in this judicial district by manufacturing, distributing, marketing, using, selling and/or offering for sale its products including, but not limited to, products that practice the subject matter claimed in the Patents-in-Suit, in this judicial district and elsewhere in the United States. Trane can be served with process through its registered agent, The Corporation Trust Company, 820 Bear Tavern Road, West Trenton, New Jersey 08628.

22. This Court has personal jurisdiction over Trane US. Trane US has a divisional headquarters located at 6200 Troup Highway, Tyler, Texas 75707, is registered in Texas, regularly conducts business in the State of Texas, and is subject to the jurisdiction of this Court. Trane has been and is doing business in this judicial district by manufacturing, distributing, marketing, using, selling and/or offering for sale its products including, but not limited to, products that practice the subject matter claimed in the Patents-in-Suit, in this judicial district and elsewhere in the United States. Trane US can be served with process through its registered agent, CT Corp System, 350 N. St. Paul St., Suite 2900, Dallas, Texas 75201. Ingersoll-Rand, Schlage Holding, Schlage LLC, Trane, and Trane US will be referred to herein individually and collectively as “the Ingersoll-Rand Defendants.”

23. This Court has personal jurisdiction over Schneider Buildings. Schneider Buildings formerly listed its principal place of business as 1650 W. Crosby Road, Carrollton,

Texas 75006, is registered in Texas, regularly conducts business in the State of Texas, and is subject to the jurisdiction of this Court. Schneider Buildings has been and is doing business in this judicial district by manufacturing, distributing, marketing, using, selling and/or offering for sale its products including, but not limited to, products that practice the subject matter claimed in the Patents-in-Suit, in this judicial district and elsewhere in the United States. Schneider Buildings can be served with process through its registered agent, The Prentice-Hall Corporation System, 211 E. 7th Street Suite 620, Austin, Texas 78701.

24. This Court has personal jurisdiction over Schneider USA. Schneider USA regularly conducts business in the State of Texas, is registered in Texas, and is subject to the jurisdiction of this Court. Schneider USA has been and is doing business in this judicial district by manufacturing, distributing, marketing, using, selling and/or offering for sale its products including, but not limited to, products that practice the subject matter claimed in the Patents-in-Suit, in this judicial district and elsewhere in the United States. Schneider USA can be served with process through its registered agent, Corporation Service Company d/b/a CSC-Lawyers INCO, 211 E. 7th Street Suite 620, Austin, Texas 78701.

25. This Court has personal jurisdiction over Schneider LLC. Schneider LLC regularly does business in Texas and is subject to the jurisdiction of this Court. Schneider LLC has been doing business in this judicial district by manufacturing, distributing, marketing, using, selling and/or offering for sale its products including, but not limited to, products that practice the subject matter claimed in the Patents-in-Suit, in this judicial district and elsewhere in the United States. Schneider LLC can be served with process through its registered agent, Illinois Corporation Service Co., 801 Adlai Stevenson Drive, Springfield, Illinois 62703. The Schneider Buildings, Schneider USA, and Schneider LLC Defendants will be referred to herein individually and collectively as the “Schneider Defendants.”

26. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391 and 1400(b).

Defendants have done business in this District, committed acts of infringement in this District, and continue to commit acts of infringement in this District, all of which entitle Intus IQ to relief.

COUNT I - INFRINGEMENT OF THE '062 PATENT

27. Intus IQ restates and realleges the allegations set forth in paragraphs 1 through 26 of this Complaint and incorporates them by reference.

28. The Ingersoll-Rand Defendants have infringed and continue to infringe one or more claims of the '062 Patent, directly, contributorily, and/or by inducement, by making, using, selling, and/or offering for sale in this country, and/or importing into this country, and inducing others to use, without license, certain products that consist of and/or incorporate infringing wireless network systems, including without limitation the Ingersoll-Rand Defendants' Schlage LiNK System, and all devices, services and components operating thereon including without limitation the ComfortLink Remote Thermostat, in violation of 35 U.S.C. § 271.

29. The Schneider Defendants have infringed and continue to infringe one or more claims of the '062 Patent, directly, contributorily, and/or by inducement, by making, using, selling, and/or offering for sale in this country, and/or importing into this country, and inducing others to use, without license, certain products that consist of and/or incorporate infringing wireless network systems, including without limitation the Schneider Defendants' Andover Continuum Wireless Solution; its Cassia Energy Management System; and its Wiser Home Energy Management System; and all devices, services and components operating thereon, in violation of 35 U.S.C. § 271.

30. Defendants directly contribute and induce infringement through supplying infringing systems and components to their respective customers. Defendants' customers who purchase systems and components thereof and operate such systems and components thereof in

accordance with Defendants' instructions directly infringe one or more claims of the '062 Patent in violation of 35 U.S.C. § 271.

31. The acts of infringement of the '062 Patent by the Defendants, and each of them, have caused damage to Intus IQ and Intus IQ is entitled to recover from the Defendants, and each of them, the damages sustained by Intus IQ as a result of their wrongful acts in an amount subject to proof at trial. The infringement of Intus IQ's exclusive rights under the '062 Patent by the Defendants, and each of them, will continue to damage Intus IQ, causing irreparable harm, for which there is no adequate remedy at law, unless enjoined by this Court.

32. The Defendants, and each of them, have had actual or constructive knowledge of the '062 Patent, yet each of them continues to infringe said patent. The infringement of the '062 Patent by the Defendants, and each of them, is willful and deliberate, entitling Intus IQ to increased damages under 35 U.S.C. § 284 and to attorney's fees and costs incurred in prosecuting this action under 35 U.S.C. §285.

COUNT II - INFRINGEMENT OF THE '516 PATENT

33. Intus IQ restates and realleges the allegations set forth in paragraphs 1 through 32 of this Complaint and incorporates them by reference.

34. The Ingersoll-Rand Defendants have infringed and continue to infringe one or more claims of the '516 Patent, directly, contributorily, and/or by inducement, by making, using, selling, and/or offering for sale in this country, and/or importing into this country, and inducing others to use, without license, certain products that consist of and/or incorporate infringing wireless network systems, including without limitation the Ingersoll-Rand Defendants' Schlage LiNK System, and all devices, services and components operating thereon including without limitation the ComfortLink Remote Thermostat, in violation of 35 U.S.C. § 271.

35. The Schneider Defendants have infringed and continue to infringe one or more claims of the '516 Patent, directly, contributorily, and/or by inducement, by making, using, selling, and/or offering for sale in this country, and/or importing into this country, and inducing others to use, without license, certain products that consist of and/or incorporate infringing wireless network systems, including without limitation the Schneider Defendants' Andover Continuum Wireless Solution; its Cassia Energy Management System; and its Wiser Home Energy Management System; and all devices, services and components operating thereon, in violation of 35 U.S.C. § 271.

36. Defendants directly contribute and induce infringement through supplying infringing systems and components to their respective customers. Defendants' customers who purchase systems and components thereof and operate such systems and components thereof in accordance with Defendants' instructions directly infringe one or more claims of the '516 Patent in violation of 35 U.S.C. § 271.

37. The acts of infringement of the '516 Patent by the Defendants, and each of them, have caused damage to Intus IQ and Intus IQ is entitled to recover from the Defendants, and each of them, the damages sustained by Intus IQ as a result of their wrongful acts in an amount subject to proof at trial. The infringement of Intus IQ's exclusive rights under the '516 Patent by the Defendants, and each of them, will continue to damage Intus IQ, causing irreparable harm, for which there is no adequate remedy at law, unless enjoined by this Court.

38. The Defendants, and each of them, have had actual or constructive knowledge of the '516 Patent, yet each of them continues to infringe said patent. The infringement of the '516 Patent by the Defendants, and each of them, is willful and deliberate, entitling Intus IQ to increased damages under 35 U.S.C. § 284 and to attorney's fees and costs incurred in prosecuting this action under 35 U.S.C. §285.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for the following relief against Defendants, and each of them:

A. A judgment that Defendants, and each of them, have directly infringed the '062 Patent, contributorily infringed the '062 Patent, and/or induced infringement of the '062 Patent;

B. A judgment that Defendants, and each of them, have directly infringed the '516 Patent, contributorily infringed the '516 Patent, and/or induced infringement of the '516 Patent;

C. An award of all damages recoverable under the laws of the United States and the laws of the State of Texas in an amount to be proven at trial;

D. An award of treble damages against Defendants, and each of them, as a result of their willful infringement;

E. A preliminary, and thereafter permanent, injunction enjoining and restraining Defendants, and each of them, and their officers, directors, agents, servants, employees, attorneys, and all others acting under, by or through them, from directly infringing, contributorily infringing, and inducing the infringement of the '062 Patent, as set forth herein;

F. A preliminary, and thereafter permanent, injunction enjoining and restraining Defendants, and each of them, and their officers, directors, agents, servants, employees, attorneys, and all others acting under, by or through them, from directly infringing, contributorily infringing, and inducing the infringement of the '516 Patent, as set forth herein;

G. A judgment and order requiring Defendants, and each of them, to pay Plaintiff's pre-judgment and post-judgment interest on the full amounts of the damages awarded;

H. A judgment requiring Defendants, and each of them, to pay the costs of this action (including all disbursements) and attorneys' fees as provided by 35 U.S.C. § 285, with prejudgment interest; and

I. Such other and further relief as this Court may deem just and equitable.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands that all issues so triable be determined by a jury.

Respectfully submitted, this 25th day of August, 2011.

ROBBINS GELLER RUDMAN & DOWD LLP

/s/ John Herman (w/permission Wesley Hill)

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