

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

TRANSDATA, INC.,

Plaintiff,

v.

**WISCONSIN POWER & LIGHT
COMPANY,**

Defendant.

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CIVIL ACTION NO.

11-cv-745

JURY TRIAL DEMANDED

**PLAINTIFF TRANSDATA, INC.'S
COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff TransData, Inc., for its complaint against Defendant Wisconsin Power & Light Company, hereby demands a jury trial and alleges as follows:

THE PARTIES

1. Plaintiff TransData, Inc. ("TransData") is a Texas corporation having a place of business at 2560 Tarpley Road, Carrollton, Texas 75006.

2. TransData was founded in 1969, and has been involved in the design and manufacture of power and energy metering products for over 40 years. Specifically, TransData has been active in the design and manufacture of digital solid-state electric meters since approximately 1979 and has brought six generations of solid-state electric meters to market. TransData had its headquarters in Tyler, Texas from 1987 to 1990, and has occupied its current suburban-Dallas location since 1990.

3. TransData has provided electric meters and related products and services to over 500 electric utilities and power producers in more than 25 countries worldwide, including all of

the 50 largest electric utility companies in the United States.

4. Upon information and belief, Defendant Wisconsin Power & Light Company (“WP&L”) is a Wisconsin Corporation having a place of business at 4902 North Biltmore Lane, Madison, Wisconsin 53707.

JURISDICTION

5. This is an action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. §§ 1 *et seq.* This Court has original and exclusive subject matter jurisdiction over the patent infringement claims pursuant to 28 U.S.C. §§ 1331 and 1338.

6. This Court has personal jurisdiction over WP&L because WP&L has established contacts with the forum—including by voluntarily conducting business and soliciting customers in the State of Wisconsin—and the exercise of jurisdiction over WP&L would not offend the traditional notions of fair play and substantial justice. WP&L is a Wisconsin Corporation and has extensive business operations in Wisconsin.

VENUE

7. Venue is proper in this judicial district under 28 U.S.C. §§ 1391 and/or 1400 because the Defendant is subject to personal jurisdiction in the Western District of Wisconsin.

8. Venue is proper in this judicial district as to WP&L because WP&L is doing business in the Western District of Wisconsin, and also because it is currently using infringing electric meters (including but not limited to Sensus iCon electric meters) within the Western District of Wisconsin.

RELATED CASES

9. The following actions asserting the same patents-in-suit are pending: *TransData, Inc. v. CenterPoint Energy Houston Electric, LLC et al.*, 6:10-cv-557-LED-JDL (E.D.Tex.); *TransData, Inc. v. Tri-County Electric Cooperative, Inc.*, 6:11-cv-46-LED-JDL (E.D.Tex.); *TransData, Inc. v. Denton County Electric Cooperative, Inc. d/b/a CoServ Electric*, 6:11-cv-113-LED-JDL (E.D.Tex.); *TransData, Inc. v. Georgia Power Co.*, 5:11-cv-305-MTT (M.D.Ga.); *TransData, Inc. v. Alabama Power Co.*, 2:11-cv-635-MHT-TFM (M.D.Ala.); and *TransData, Inc. v. Mississippi Power Co.*, 3:11-cv-499-CWR-FKB (S.D.Miss.); *TransData, Inc. v. Oklahoma Gas & Electric Company*, 5:11-cv-01032-C (W.D.Okla.). TransData has filed a motion with the Judicial Panel on Multidistrict Litigation to transfer the above-listed cases to the United States District Court for the Eastern District of Texas for coordinated pretrial proceedings pursuant to 28 U.S.C. § 1407, which is styled as *In Re: TransData, Inc. Smart Meter Patent Litigation*, MDL No. 2309 (filed Oct. 5, 2011).

COUNT I – INFRINGEMENT OF U.S. PATENT NO. 6,181,294

10. TransData realleges and incorporates by reference the allegations in paragraphs 1 through 9 of this Complaint as though fully set forth herein.

11. United States Patent No. 6,181,294 (“the ‘294 Patent”), entitled “Antenna for Electric Meter and Method of Manufacture Thereof,” was duly and legally issued on January 30, 2001. The ‘294 Patent was duly and legally assigned to TransData, and TransData owns and has full rights to sue and recover damages for infringement of the ‘294 Patent. A copy of the ‘294 Patent is attached hereto as Exhibit 1.

12. TransData has complied with the requirements of 35 U.S.C. § 287 and marks its products by identifying the ‘294 Patent on its electric meters.

13. The '294 Patent is valid and enforceable.

14. WP&L has infringed, and is still infringing, at least claim 17 of the '294 Patent by making, using, offering to sell, selling, and/or importing electric meters, specifically including, without limitation, Sensus iCon electric meters. On information and belief, TransData believes that discovery will show that Sensus iCon electric meters also infringe one or more additional claims of the '294 Patent.

15. On information and belief, WP&L is also making, using, offering to sell, selling, and/or importing additional wireless electric meters, including without limitation Elster A3 electric meters with Sensus wireless modules, which are similar to the Sensus iCon electric meters and which may also infringe one or more claims of the '294 Patent. Although publicly-available information on these additional meters is very limited, TransData believes, on information and belief, that discovery will show that they also infringe one or more claims of the '294 Patent.

16. WP&L's infringement of the '294 Patent has injured TransData, and TransData is entitled to recover damages adequate to compensate it for WP&L's infringement, which in no event can be less than a reasonable royalty.

17. WP&L has caused TransData substantial damage and irreparable injury by its infringement of the '294 Patent, and TransData will continue to suffer damage and irreparable injury unless and until the infringement by WP&L is enjoined by this Court.

COUNT II – INFRINGEMENT OF U.S. PATENT NO. 6,462,713

18. TransData realleges and incorporates by reference the allegations in paragraphs 1 through 17 of this Complaint as though fully set forth herein.

19. United States Patent No. 6,462,713 ("the '713 Patent"), entitled "Antenna for

Electric Meter and Method of Manufacturing Thereof,” was duly and legally issued on October 8, 2002. The ‘713 Patent was duly and legally assigned to TransData, and TransData owns and has full rights to sue and recover damages for infringement of the ‘713 Patent. A copy of the ‘713 Patent is attached hereto as Exhibit 2.

20. TransData has complied with the requirements of 35 U.S.C. § 287 and marks its products by identifying the ‘713 Patent on its electric meters.

21. The ‘713 Patent is valid and enforceable.

22. WP&L has infringed, and is still infringing, at least claims 1 and 15 of the ‘713 Patent by making, using, offering to sell, selling, and/or importing electric meters, specifically including, without limitation, Sensus iCon electric meters. On information and belief, TransData believes that discovery will show that Sensus iCon electric meters also infringe one or more additional claims of the ‘713 Patent.

23. On information and belief, WP&L is also making, using, offering to sell, selling, and/or importing additional wireless electric meters, including without limitation Elster A3 electric meters with Sensus wireless modules, which are similar to the Sensus iCon electric meters and which may also infringe one or more claims of the ‘713 Patent. Although publicly-available information on these additional meters is very limited, TransData believes, on information and belief, that discovery will show that they also infringe one or more claims of the ‘713 Patent.

24. WP&L’s infringement of the ‘713 Patent has injured TransData, and TransData is entitled to recover damages adequate to compensate it for WP&L’s infringement, which in no event can be less than a reasonable royalty.

25. WP&L has caused TransData substantial damage and irreparable injury by its

infringement of the '713 Patent, and TransData will continue to suffer damage and irreparable injury unless and until the infringement by WP&L is enjoined by this Court.

COUNT III – INFRINGEMENT OF U.S. PATENT NO. 6,903,699

26. TransData realleges and incorporates by reference the allegations in paragraphs 1 through 25 of this Complaint as though fully set forth herein.

27. United States Patent No. 6,903,699 (“the ‘699 Patent”), entitled “Wireless Communication Device for Electric Meter and Method of Manufacture Thereof,” was duly and legally issued on June 7, 2005. The ‘699 Patent was duly and legally assigned to TransData, and TransData owns and has full rights to sue and recover damages for infringement of the ‘699 Patent. A copy of the ‘699 Patent is attached hereto as Exhibit 3.

28. TransData has complied with the requirements of 35 U.S.C. § 287 and marks its products by identifying the ‘699 Patent on its electric meters.

29. The ‘699 Patent is valid and enforceable.

30. WP&L has infringed, and is still infringing, at least claims 1 and 16 of the ‘699 Patent by making, using, offering to sell, selling, and/or importing electric meters, specifically including, without limitation, Sensus iCon electric meters. On information and belief, TransData believes that discovery will show that Sensus iCon electric meters also infringe one or more additional claims of the ‘699 Patent.

31. On information and belief, WP&L is also making, using, offering to sell, selling, and/or importing additional wireless electric meters, including without limitation Elster A3 electric meters with Sensus wireless modules, which are similar to the Sensus iCon electric meters and which may also infringe one or more claims of the ‘699 Patent. Although publicly-available information on these additional meters is very limited, TransData believes, on

information and belief, that discovery will show that they also infringe one or more claims of the '699 Patent.

32. WP&L's infringement of the '699 Patent has injured TransData, and TransData is entitled to recover damages adequate to compensate it for WP&L's infringement, which in no event can be less than a reasonable royalty.

33. WP&L has caused TransData substantial damage and irreparable injury by its infringement of the '699 Patent, and TransData will continue to suffer damage and irreparable injury unless and until the infringement by WP&L is enjoined by this Court.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff TransData respectfully requests that judgment be entered in favor of TransData and against Defendant WP&L, and further prays that the Court grant the following relief to TransData:

A. A judgment that WP&L has infringed the '294 Patent, the '713 Patent, and the '699 Patent, and continues to infringe the '294 Patent, the '713 Patent, and the '699 Patent;

B. Entry of a permanent injunction pursuant to 35 U.S.C. § 283 enjoining WP&L, as well as its officers, directors, servants, consultants, managers, employees, agents, attorneys, successors, assigns, affiliates, subsidiaries, and all persons in active concert or participation with any of them, from infringement of the '294 Patent, the '713 Patent, and the '699 Patent, including but not limited to making, using, offering to sell, selling, or importing any products that infringe or products that perform the patented processes set forth in the '294 Patent, the '713 Patent, and the '699 Patent;

C. An award of all damages adequate to compensate TransData for WP&L's

infringement, such damages to be determined by a jury and, if necessary, an accounting of all damages;

D. An award of prejudgment and post-judgment interest to TransData pursuant to 35 U.S.C. § 284;

E. A declaration that this case is exceptional under 35 U.S.C. § 285 and an award of the reasonable attorneys' fees, costs, and expenses incurred by TransData in this action; and

F. Such other and further relief as this Court may deem just and proper.

JURY DEMAND

TransData hereby demands a trial by jury on all issues and claims so triable.

Dated: November 1, 2011

Respectfully submitted,

/s/ Mark A. Pals, P.C.

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