

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

SENSOR-TECH INNOVATIONS LLC,

Plaintiff,

v.

TEXAS-NEW MEXICO POWER
COMPANY,

Defendant.

§
§
§
§
§
§
§
§
§
§

CIVIL ACTION NO. 2:14-cv-701

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Sensor-Tech Innovations LLC (“Sensor-Tech”), for its complaint against the above-named defendant, alleges as follows:

THE PARTIES

1. Sensor-Tech is a Texas limited liability company with its principal place of business in Austin, Texas.

2. Defendant Texas-New Mexico Power Company (“TNMP”) is a Texas Corporation having its principal place of business in Lewisville, Texas. TNMP may be served with process through its Texas registered agent, Scott S. Seamster, located at 225 E. John Carpenter Freeway, Suite 1500 Irving, Texas 75062.

JURISDICTION AND VENUE

3. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a), because this action arises under the patent laws of the United States, 35 U.S.C. §§ 1 *et seq.* Venue is proper in this federal district pursuant to 28 U.S.C. §§1391(b)-(c) and 1400(b) in that TNMP resides in this district, a substantial part of the events giving rise to the claims occurred and continue to occur in this district, and/or the TNMP has a regular and established

practice of business in this district and has committed and continues to commit acts of infringement in this district.

4. This Court has general and specific personal jurisdiction over TNMP, because TNMP has substantial contacts with the forum as a result of conducting substantial business in the State of Texas and within this district. Upon information and belief, TNMP regularly solicits business in the State of Texas and this district; derives revenue from products and/or services provided to individuals residing in the State of Texas and this district; conducts business utilizing the claimed systems and methods with and for customers residing in the State of Texas and this district; and provides and/or markets products and services directly to consumers in the State of Texas and this district.

INFRINGEMENT OF U.S. PATENT NO. 6,505,086

5. On January 7, 2003, U.S. Patent No. 6,505,086 (the “’086 patent”) was duly and legally issued for an “XML Sensor System.” A true and correct copy of the ’086 patent is attached hereto as Exhibit A. Sensor-Tech is the owner by assignment of all rights, title, and interest in and to the ’086 patent.

6. On information and belief, TNMP has directly infringed and continues to infringe, literally or under the doctrine of equivalents, one or more of the claims of the ’086 patent. On information and belief, TNMP manufactures, uses, sells, and/or offers to sell infringing systems and/or services — including but not limited to TNMP’s Advanced Metering System and associated services — that infringe at least claims 1, 2, and 6 of the ’086 patent under 35 U.S.C. § 271.

7. Based on the information presently available to Sensor-Tech absent discovery, and in the alternative to direct infringement, TNMP is liable for indirect infringement of the ’086

patent by contributing to infringement of the '086 patent by others, by intentionally and voluntarily providing its Advanced Metering System – including but limited to Advanced Metering System sensors and servers and associated services – to persons within the Eastern District of Texas, knowing that its Advanced Metering System and associated services are especially made or adapted for use to infringe the '086 patent, at least from the time when TNMP became aware of said patent, which is at least the time of commencement of this action. On information and belief, TNMP's Advanced Metering System and associated services have no substantial non-infringing uses, and TNMP's actions are with knowledge that its Advanced Metering System and associated services are not a staple article or commodity of commerce suitable for substantially non-infringing use.

8. TNMP's acts of infringement have caused and continue to cause damage to Sensor-Tech, and Sensor-Tech is entitled to recover from TNMP the damages sustained by Sensor-Tech as a result of TNMP's wrongful acts in an amount subject to proof at trial. TNMP's infringement of Sensor-Tech's exclusive rights under the '086 patent will continue to damage Sensor-Tech, causing irreparable harm for which there is no adequate remedy at law, unless enjoined by this Court.

JURY DEMAND

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Sensor-Tech respectfully requests a trial by jury on all issues.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Sensor-Tech Group, LLC, respectfully requests entry of judgment in its favor and against TNMP as follows:

- (a) Declaration that TNMP has infringed U.S. Patent No. 6,505,086;

(b) Awarding the damages arising out of TNMP's infringement of U.S. Patent No. 6,505,086 to Sensor-Tech, together with pre-judgment and post-judgment interest, in an amount according to proof;

(c) Finding any continued infringement to be willful from the time that TNMP became aware of the infringing nature of its systems and services, which is the time of the filing and service of Sensor-Tech's Complaint at the latest, and awarding treble damages to Sensor-Tech for the period of such willful infringement pursuant to 35 U.S.C. § 284;

(d) Permanently enjoining TNMP and its respective officers, agents, employees, and those acting in privity with them, from further infringement, including indirect infringement, of U.S. Patent No. 6,505,086, or in the alternative, awarding a royalty for post-judgment infringement;

(e) Awarding attorneys' fees pursuant to 35 U.S.C. § 285 or as otherwise permitted by law; and

(f) Awarding such other costs and further relief as the Court may deem just and proper.

Dated: June 20, 2014

Respectfully Submitted,

By: /s/ William E. Davis, III
William E. Davis, III
Texas State Bar No. 24047416
THE DAVIS FIRM, PC
222 N. Fredonia Street
Longview, Texas 75601
Telephone: (903) 230-9090
Facsimile: (903) 230-9661
Email: bdavis@bdavisfirm.com

Michael A. Goldfarb
(pro hac vice application to be filed)
Christopher M. Huck
(pro hac vice application to be filed)
Kit W. Roth
(pro hac vice application to be filed)
**KELLEY, GOLDFARB,
HUCK & ROTH, PLLC**
700 Fifth Avenue, Suite 6100
Seattle, Washington 98104
Telephone: (206) 452-0260
Facsimile: (206) 397-3062
Email: goldfarb@kdg-law.com
huck@kdg-law.com
roth@kdg-law.com

Attorneys for Plaintiff
Sensor-Tech Innovations, LLC