

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

IBV SYSTEMS, LLC,
Plaintiff,

v.

AEROSCOUT, INC.
Defendants.

CIVIL ACTION NO. 2:13-cv-939

JURY TRIAL DEMANDED

PLAINTIFF'S ORIGINAL COMPLAINT

This is an action for patent infringement in which IBV Systems, LLC (“IBV”) makes the following allegations against AeroScout, Inc. (“Defendant” or “AeroScout”):

PARTIES

1. IBV Systems, LLC is a limited liability company formed under the laws of the State of Texas with a principle place of business located at 7005 Chase Oaks Blvd., Suite 180, Plano, Texas 75025.

2. Defendant AeroScout, Inc. is a corporation organized and existing under the laws of the State of Delaware with a principle place of business located at 130 Turner Street, Building #3, Waltham, MA 02453. AeroScout, Inc. can be served via its registered agent for service of process: The Corporation Trust Company, Corporation Trust Center, 1209 Orange St., Wilmington, DE 19801.

JURISDICTION AND VENUE

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

4. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391 and 1400(b). Upon information and belief, Defendant has transacted business in this district, and has committed and/or induced acts of patent infringement in this district.

5. 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; and (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.

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 6,222,440

6. On April 24, 2001, United States Patent No. 6,222,440 (the "'440 patent") was duly and legally issued by the United States Patent and Trademark Office for an invention entitled "Location, Identification and Telemetry System Using Strobed Signals at Predetermined Intervals". A true and correct copy of the '440 patent is attached hereto as Exhibit A.

7. IBV is the owner of the '440 patent with all substantive rights in and to that patent, including the sole and exclusive right to prosecute this action and enforce the '440 patent against infringers, and to collect damages for all relevant times.

8. AeroScout directly or through intermediaries, made, had made, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems (including at least AeroScout System and/or AeroScout Tags hardware and software) that infringed one or more claims of the '440 patent.

JURY DEMAND

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

PRAYER FOR RELIEF

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

a. Judgment that one or more claims of the '440 patent have been infringed, either literally and/or under the doctrine of equivalents, by Defendant and/or by others to whose infringement Defendant has contributed and/or by others whose infringement has been induced by Defendant;

b. A permanent injunction enjoining Defendant and their 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 '440 patent;

c. Judgment that Defendant account for and pay to IBV all damages and costs incurred by IBV, caused by Defendant's infringing activities and other conduct complained of herein;

d. That IBV 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 IBV reasonable attorneys' fees and costs in accordance with 35 U.S.C. § 285; and

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

Dated: November 5, 2013

Respectfully submitted,

By: /s/ Austin Hansley

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ATTORNEY FOR PLAINTIFF

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