

Steven T. Lowe SBN 122208

steven@lowelaw.com

Kris S. LeFan SBN 278611

kris@lowelaw.com

LOWE & ASSOCIATES, P.C.

11400 Olympic Blvd., Suite 640

Los Angeles, CA 90064

Telephone: (310) 477-5811

Facsimile: (310) 477-7672

Hao Ni (*pro hac vice* to be submitted)

hni@nilawfirm.com

Timothy Wang (*pro hac vice* to be submitted)

twang@nilawfirm.com

Neal Massand (*pro hac vice* to be submitted)

nmassand@nilawfirm.com

NI, WANG & MASSAND, PLLC

8140 Walnut Hill Lane, Suite 500

Dallas, TX 75231

Telephone: (972) 331-4600

Facsimile: (972) 314-0900

Attorneys for Plaintiff:

Groundswell Technologies, Inc.

**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

**GROUNDSWELL TECHNOLOGIES,
INC.**, a Delaware corporation,

Plaintiff,

v.

SYNAPSENSE CORPORATION, a
Delaware corporation and **PANDUIT CORP.**,
a Delaware corporation,

Defendants.

Case No. **2:15-cv-06024**

**COMPLAINT FOR PATENT
INFRINGEMENT AND PERMANENT
INJUNCTION**

DEMAND FOR JURY TRIAL

COMPLAINT FOR PATENT INFRINGEMENT

This is an action for patent infringement in which Groundswell Technology, Inc. (“Plaintiff”) makes the following allegations against Defendants Synapsense Corporation and Panduit Corp (collectively “Defendants”) alleging as follows:

PARTIES

1. Plaintiff Groundswell Technologies, Inc., is a corporation organized and existing under the laws of the State of Delaware, having a principal place of business located at 7127 Hollister Avenue, #25A-108, Goleta, CA, 93117.

2. On information and belief, Defendant Synapsense Corporation is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located at 340 Palladio Pkwy, Ste. 530, Folsom, CA 95630. Synapsense Corporation may be served via its registered agent for service of process: Corporation Trust Center, 1209 Orange St, Wilmington, DE 19801.

3. On information and belief, Defendant Panduit Corp is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located at 18900 Panduit Drive, Tinley Park, IL 60487. Panduit Corp. may be served Corporation may be served via its registered agent for service of process: Corporation Trust Center, 1209 Orange St, Wilmington, DE 19801.

JURISDICTION AND VENUE

4. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

1 5. Venue is proper in this District under 28 U.S.C. §§ 1391(c) and 1400(b). On
2 information and belief, Defendants have transacted business in this District, and has committed
3 and/or induced acts of patent infringement in this District.

4 6. On information and belief, Defendants are subject to this Court's specific and general
5 personal jurisdiction pursuant to due process and/or the California Long Arm Statue, due at least to
6 its substantial business in this forum, including: (i) at least a portion of the infringements alleged
7 herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct,
8 and/or deriving substantial revenue from goods and services provided to individuals in California and
9 in this Judicial District.
10

11
12 **COUNT I**
INFRINGEMENT OF U.S. PATENT NO. 6,915,211

13 7. Plaintiff is the owner by assignment of United States Patent No. 6,915,211 ("the '211
14 Patent") titled "GIS Based Real-Time Monitoring and Reporting System." The '211 Patent issued on
15 July 5, 2005. A true and correct copy of the '211 Patent is hereto attached as **Exhibit A**.

16 8. Upon information and belief, Defendants have been and are now infringing the '211
17 Patent in the State of California, in this Judicial District, and elsewhere in the United States, by,
18 among other things, methods practiced by Defendants' LiveImaging system, for real-time monitoring
19 and reporting, employing sensor packages, and converting real-time sensor information into real-time
20 sensor data and site maps, covered by one or more claims of the '211 Patent to the injury of Plaintiff.
21 Defendants are directly infringing, literally infringing, and/or infringing the '211 Patent under the
22 doctrine of equivalents. Defendants thus liable for infringement of the '211 Patent pursuant to 35
23 U.S.C. § 271.
24

25 9. As a result of Defendants' infringement of the '211 Patent, Plaintiff has suffered
26 monetary damages and is entitled to a money judgment in an amount adequate to compensate for
27
28

1 Defendants' infringement, but in no event less than a reasonable royalty for the use made of
2 Plaintiff's invention by Defendants, together with interest and costs as fixed by the Court, and
3 Plaintiff will continue to suffer damages in the future unless Defendants' infringing activities are
4 enjoined by this Court.

5
6 10. On or about late October 26, 2011, members of Plaintiff met with Synapsense's
7 investor Frank Foster to speak with the Peter Van de Venter, CEO of Synapsense. Subsequently, in
8 December of 2011 and January of 2012, members of Plaintiff spoke with Peter Van de Venter and
9 CTO Raju Pandey regarding Plaintiff's interpolation algorithms as well as the claims of the '211
10 Patent in an effort to license the '211 Patent to Synapsense. After reviewing the '211 Patent,
11 Synapsense broke off all discussions and complained to Frank Foster to no longer work with
12 Plaintiff. As such, Defendants' infringement is willful and deliberate entitling Plaintiff to increased
13 damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action
14 under 35 U.S.C. § 285.

15
16 11. Unless a permanent injunction is issued enjoining Defendants and their agents,
17 servants, employees, representatives, affiliates, and all others acting on in active concert therewith
18 from infringing the '211 Patent, Plaintiff will be greatly and irreparably harmed.

19
20 **PRAYER FOR RELIEF**

21 WHEREFORE, Plaintiff respectfully requests that this Court enter:

- 22 1. A judgment in favor of Plaintiff that Defendants have infringed the '211 Patent;
23
24 2. A permanent injunction enjoining Defendants and their officers, directors, agents
25 servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in
26 active concert therewith from infringement, inducing the infringement of, or contributing to the
27 infringement of the '211 Patent, or such other equitable relief the Court determines is warranted;
28

1 3. A judgment finding Defendants' infringement to be willful and awarding treble
2 damages to Plaintiff for the period of such willful infringement pursuant to 35 U.S.C. § 284;

3 4. A judgment and order requiring Defendants to pay to Plaintiff its damages, costs,
4 expenses, and prejudgment and post-judgment interest for Defendants' infringement of the '211
5 Patent as provided under 35 U.S.C. § 284, and an accounting of ongoing post-judgment infringement;
6 and
7

8 5. Any and all other relief, at law or equity, to which Plaintiff may show itself to be
9 entitled.

10 **DEMAND FOR JURY TRIAL**

11 Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any
12 issues so triable by right.
13

14 DATED August 7, 2015.

Respectfully submitted,

15 /s/Kris S. LeFan
16 Steven T. Lowe SBN 122208
17 *steven@lowelaw.com*
18 Kris S. LeFan SBN 278611
19 *kris@lowelaw.com*
20 **LOWE & ASSOCIATES, P.C.**
21 11400 Olympic Blvd., Suite 640
22 Los Angeles, CA 90064
23 Telephone: (310) 477-5811
24 Facsimile: (310) 477-7672

25 Hao Ni
26 Texas Bar No. 24047205
27 *hni@nilawfirm.com*
28 Timothy T. Wang
Texas Bar No. 24067927
twang@nilawfirm.com
Neal G. Massand
Texas Bar No. 24039038
nmassand@nilawfirm.com
Stevenson Moore V
Texas Bar No. 24076573

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smoore@nilawfirm.com

Ni, Wang & Massand, PLLC

8140 Walnut Hill Ln., Ste. 500

Dallas, TX 75231

Tel: (972) 331-4600

Fax: (972) 314-0900

ATTORNEYS FOR PLAINTIFF:

GROUNDSWELL TECHNOLOGIES, INC.

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