

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. _____

AEGIS MOBILITY, INC.,

Plaintiff,

v.

KATASI LLC, and
OBDEDGE, LLC, d/b/a CELLCONTROL,

Defendants.

**COMPLAINT FOR DECLARATORY JUDGMENT
AND JURY DEMAND**

NATURE OF THE ACTION

1. This is a civil action under the Declaratory Judgment Act, 28 U.S.C. § 2201, et seq., for declaration of patent non-infringement and/or invalidity of U.S. Patent No. 6,690,940 (“the ’940 patent”).

THE PARTIES

2. Plaintiff Aegis Mobility, Inc. (“Aegis”) is a Canadian company with its principal place of business at 8525 Baxter Place, Suite 200, Burnaby, British Columbia, Canada, V5A 4V7.

3. Aegis is informed and believes, and thereupon alleges, that Defendant Katasi LLC (“Katasi”) is a Colorado Limited Liability Company, having its principal place of business at 7237 Spring Creek Circle, Suite 300, Longmont, CO 80503.

4. Aegis is informed and believes, and thereupon alleges that Katasi is the owner of the '940 patent, entitled, "System for Selective Prevention of Non-emergency Use of an Electronic Device." A copy of the '940 patent is attached as Exhibit 1.

5. Aegis is informed and believes, and thereupon alleges, that Defendant obdEdge L.L.C. ("obdEdge") is a Louisiana Limited Liability Company, having its principal place of business at 7117 Florida Blvd, Suite 306, Baton Rouge, LA 70806.

6. Aegis is informed and believes, and thereupon alleges that, pursuant to an agreement between Katasi and obdEdge, obdEdge is the exclusive licensee of the '940 patent.

JURISDICTION AND VENUE

7. This Court has personal jurisdiction over Katasi at least because it is a Colorado limited liability company with its principal place of business in this state.

8. This Court has personal jurisdiction over obdEdge at least because obdEdge purposefully directed its business activities at this state by seeking out business relationships and entering into licensing agreements, including the agreement relating to the '940 patent, in this State. The parties' dispute arises out of and relates directly to obdEdge's business activities in Colorado and its business relationship with Katasi. In addition, Aegis is informed and believes, and thereupon alleges that obdEdge regularly conducts business in this state, including by marketing and selling products that embody the inventions claimed in the '940 patent throughout this state.

9. This Court has subject matter jurisdiction pursuant to at least 28 U.S.C. §§ 1331, 1332, 1338, and 2201.

10. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391.

FACTUAL BACKGROUND

11. Aegis provides industry-leading products that address distracted driving due to the use of electronic devices in vehicles. In or about November, 2012, Aegis acquired ZoomSafer, Inc. (“ZoomSafer”).

12. ZoomSafer, Inc., (“ZoomSafer”) was a leading provider of enterprise software that prevents distracted driving. Among ZoomSafer’s products was its FleetSafer[®] products, which enable employers to measure, manage and enforce cell phone usage policies. For example, ZoomSafer’s FleetSafer[®] Mobile software detects when employees are driving and automatically enforces compliance with defined cell phone use policies.

13. On or about August 30, 2012, obdEdge’s counsel issued a letter to ZoomSafer regarding “Infringement of U.S. Patent No. 6,690,940.” The letter asserts that “ZoomSafer infringes multiple claims of [the ’940 patent], a patent under which obdEdge is an exclusive licensee (with the right to enforce).”

14. obdEdge’s counsel’s August 30th letter further asserts that ZoomSafer’s FleetSafer[®] Mobile product “infringes claim 15 of the ’940 patent because it selectively disables non-emergency use of a wireless communication device within a vehicle depending on the vehicle’s speed. ZoomSafer’s FleetSafer Mobile technology also infringes at least claims 17, 19, 21, 22, 26, 27 and 28, as well as other potential claims of the ’940 patent.”

15. obdEdge's counsel's August 30th letter further asserts that the letter constitutes "actual notice for all such potential infringement" and states that "obdEdge LLC has every intention of enforcing its legal . . . rights[.]"

16. On November 12, 2012, obdEdge's counsel sent a second letter and attached a claim chart purportedly "demonstrating ZoomSafer's infringement of [the '940 patent]."

17. As a result of the communications from obdEdge's counsel and obdEdge's purported relationship as Katasi's exclusive licensee of the '940 patent with the right to enforce the patent, an actual controversy exists between Aegis and Katasi and obdEdge regarding non-infringement of the '940 patent by Aegis' FleetSafer[®] products and the invalidity of the '940 patent.

**FIRST CLAIM FOR RELIEF- DECLARATORY JUDGMENT OF NON-INFRINGEMENT
OF THE '940 PATENT**

18. Aegis incorporates by reference and realleges each of the allegations set forth in Paragraph 1-16 above.

19. Aegis' FleetSafer[®] products do not directly infringe, indirectly infringe, contribute to, or induce infringement of any valid and enforceable claim of the '940 patent.

**SECOND CLAIM FOR RELIEF- DECLARATORY JUDGMENT OF INVALIDITY OF
THE '940 PATENT**

20. Aegis incorporates by reference and realleges each of the allegations set forth in Paragraphs 1-18 above.

21. One or more claims of the '940 patent is invalid for violation of one or more provisions of 35 U.S.C. §§ 102, 103, and/or 112.

PRAYER FOR RELIEF

WHEREFORE, Aegis requests that:

A. This Court enter a judgment declaring that Aegis' FleetSafer[®] products do not directly infringe, contributorily infringe, or induce others to infringe any valid and enforceable claim of the '940 patent;

B. This Court enter a judgment declaring that one or more claims of the '940 patent is invalid, including but not limited to claims 15, 17, 19, 21, 22, 26, 27 and 28;

C. This Court enter a judgment declaring that it is the right of Aegis to continue to make, use, sell, and/or import into the United States its products, including its FleetSafer[®] products, without any threat or other interference by Defendants;

D. That each of Katasi and obdEdge, and their agents, representatives, attorneys, and those persons in active concert or participation with them who receive actual notice thereof, be preliminarily and permanently enjoined from threatening or initiating infringement litigation against Aegis or any of its customers, distributors, or suppliers, or any prospective or present customers, distributors, or suppliers of Aegis, or charging any of them either orally or in writing with infringement of the '940 patent;

E. That the Court declare this case to be exceptional and award Aegis its attorneys' fees and expenses incurred in this action;

F. That Aegis be awarded costs pursuant to 28 U.S.C. § 1920;

G. That Aegis be awarded relief under 28 U.S.C. § 2202; and

H. That Aegis be awarded such other and further relief as this Court deems proper.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff Aegis demands a trial by jury of all issues raised by the pleadings which are triable by jury.

Respectfully submitted,

Dated: December 19, 2012

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