

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

GUARDIAN LOCATION SYSTEMS, LLC,	)	
	)	
Plaintiff,	)	
	)	Civil Action No. 10-547
v.	)	
	)	
CELLCO PARTNERSHIP, d/b/a	)	<b>JURY TRIAL DEMANDED</b>
VERIZON WIRELESS,	)	
AT&T INC.,	)	
AT&T MOBILITY, LLC,	)	
SPRINT NEXTEL CORPORATION,	)	
SPRINT SPECTRUM, LP,	)	
	)	
Defendants.	)	

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**COMPLAINT FOR PATENT INFRINGEMENT**

Guardian Location Systems, LLC states and alleges as follows:

**NATURE OF THE ACTION**

1. This is an action for patent infringement. Plaintiff Guardian Location Systems, LLC (“Plaintiff” or “Guardian Location Systems”) is the assignee of United States Patent No. 7,366,522 (“the ’522 patent”) entitled “Method and System for Location Tracking.” A copy of the ’522 patent is attached hereto as Exhibit 1. The ’522 patent is generally directed to a system and method for location tracking, location utilization, and dissemination and management of location information.

**THE PARTIES**

2. Plaintiff Guardian Location Systems, LLC is a Texas Limited Liability Company having its principal place of business at 6755 Phelan #24, Suite F, Beaumont, Texas 77706.

3. Defendant Cellco Partnership d/b/a Verizon Wireless Inc. (“Verizon”) is a Delaware Partnership having its principal place of business at One Verizon Way, Basking Ridge, New Jersey 07920, and doing business throughout this judicial district and throughout the United States.

4. Defendant AT&T Inc. is a Delaware Corporation having its principal place of business at 208 S. Akard St., Suite 3700, Dallas, Texas 75202, and doing business throughout this judicial district and throughout the United States.

5. Defendant AT&T Mobility, LLC is a Delaware Limited Liability Company having its principal place of business at 5565 Glenridge Dr. NE, Atlanta, Georgia 30342, and doing business throughout this judicial district and throughout the United States.

6. Defendant Sprint Nextel Corporation is a Kansas Corporation having its principal place of business at 6200 Sprint Parkway, Overland Park, Kansas 66251, and doing business throughout this judicial district and throughout the United States.

7. Defendant Sprint Spectrum, LP is a Delaware Limited Partnership having its principal place of business at 6160 Sprint Parkway, Overland Park, Kansas 66251, and doing business throughout this judicial district and throughout the United States.

## **JURISDICTION**

8. This is an action for patent infringement arising under the patent laws of the United States of America, 35 U.S.C. section 1, et seq., including 35 U.S.C. section 271. This Court has subject matter jurisdiction pursuant to 28 U.S.C. sections 1331 and 1338(a) in that this is a civil action arising out of the patent laws of the United States of America.

9. This Court has personal jurisdiction over Verizon because it has committed acts giving rise to this action within Texas and within this judicial district and has established minimum contacts within the forum such that the exercise of jurisdiction over Verizon would not offend traditional notions of fair play and substantial justice.

10. For example, Verizon has committed acts of infringement in this District, by among other things, offering to sell and selling its Family Locator product and/or service that infringes claims of the '522 patent.

11. Verizon has also established minimum contacts with the forum by purchasing and leasing real estate in Texas, operating retail stores in Texas, and paying property taxes in Texas. In 2009, Verizon paid taxes on at least 53 properties located in the Eastern District of Texas.

12. Verizon operates at least 27 retail stores in cities located in the Eastern District of Texas.

13. Moreover, according to the Federal Communication Commission's ("FCC") Antenna Structure Registration system, Verizon has registered at least 7 cell phone towers in the State of Texas.

14. This Court has personal jurisdiction over AT&T Inc. and AT&T Mobility LLC (collectively “AT&T”) because it has committed acts giving rise to this action within Texas and within this judicial district and has established minimum contacts within the forum such that the exercise of jurisdiction over AT&T would not offend traditional notions of fair play and substantial justice.

15. For example, AT&T has committed acts of infringement in this District, by among other things, offering to sell and selling its FamilyMap product and/or service that infringes claims of the ’522 patent.

16. AT&T is authorized to do business in Texas and maintains at least two registered agents for service of process in Texas at CT Corporation System, 350 N. St. Paul St., Dallas, Texas 75201 and at 701 Brazos Street, Suite 1050, Austin, Texas 78701.

17. AT&T has also established minimum contacts with the forum by purchasing and leasing real estate in Texas, operating retail stores in Texas, and paying property taxes in Texas. In 2009, AT&T paid taxes on at least 644 properties located in the Eastern District of Texas.

18. AT&T operates at least 19 retail stores in cities located in the Eastern District of Texas.

19. Moreover, according to the FCC’s Antenna Structure Registration system, AT&T has registered at least 113 cell phone towers in the State of Texas.

20. AT&T identifies Texas as one of the 22 states that are “key AT&T U.S. Service Regions.” *See* Exhibit 2.

21. This Court has personal jurisdiction over Sprint Nextel Corporation and Sprint Spectrum, LP (collectively “Sprint”) because it has committed acts giving rise to this action within Texas and within this judicial district and has established minimum contacts within the forum such that the exercise of jurisdiction over Sprint would not offend traditional notions of fair play and substantial justice.

22. For example, Sprint has committed acts of infringement in this District, by among other things, offering to sell and selling its Family Locator product and/or service that infringes claims of the ’522 patent.

23. Sprint has also established minimum contacts with the forum by purchasing and leasing real estate in Texas, operating retail stores in Texas, and paying property taxes in Texas. In 2009, Sprint paid taxes on at least 330 properties located in the Eastern District of Texas.

24. Sprint operates at least 27 retail stores in cities located in the Eastern District of Texas.

25. Moreover, according to the FCC’s Antenna Structure Registration system, Sprint has registered at least 117 cell phone towers in the State of Texas.

#### **VENUE**

26. Venue in the Eastern District of Texas is proper pursuant to 28 U.S.C. sections 1391(b), (c), and 1400(b) because Verizon, AT&T, and Sprint (collectively, the “Defendants”) have committed acts within this judicial district giving rise to this action, and the Defendants have and continue to conduct business in this judicial district,

including one or more acts of selling, using, importing, and/or offering for sale products or providing service and support to the Defendants' customers in this District.

27. Venue in the Eastern District of Texas is also proper because Guardian Location Systems is organized and governed by the limited liability company laws of Texas and subject to taxes in Texas. Guardian Location Systems maintains a registered agent for service of process in Texas. Guardian Location Systems maintains an office in Beaumont, Texas, within this District, at 6755 Phelan #24, Suite F. Guardian Location Systems maintains originals and copies of its documents in this office space, and has a staff person at this office space.

28. Venue in the Eastern District of Texas is also proper because this District is centrally located to resolve common issues of fact among Guardian Location Systems and the Defendants.

### **FACTUAL BACKGROUND**

29. On April 29, 2008, U.S. Patent No. 7,366,522 (the '522 patent) entitled "Method and System for Location Tracking" was duly and legally issued to inventor C. Douglass Thomas. The '522 patent is attached as Exhibit 1.

30. On August 1, 2010, inventor C. Douglass Thomas assigned the '522 patent to Guardian Location Systems, LLC. The assignment document is attached as Exhibit 3.

31. Guardian Location Systems, LLC owns all rights and interests in the '522 patent.

**U.S. PATENT NO. 7,366,522**

32. The '522 patent states that “[t]he present invention relates to computing or communication devices and, more particularly, to location tracking of computing or communication devices.” *See* Exhibit 1, at col. 1, ll. 16-18.

33. The '522 patent also states that “[t]he invention can be implemented in numerous ways including, a method, system, device, and a computer readable medium.” *See* Exhibit 1, at col. 1, ll. 42-44.

34. The '522 patent also states that “[a]s a location monitoring system, one embodiment of the invention includes at least: a plurality of mobile computing devices supported by a wireless network, each of the mobile computing devices being associated with and proximate to an object whose location is being monitored; and a web server coupled to a wired network that couples to the wireless network, the web server stores a plurality of locations of each of the mobile computing devices and enables authorized users to access the locations of each of the mobile computing devices via the wired network.” *See* Exhibit 1, at col.1, ll. 46-55.

35. The '522 patent also states that “[t]he invention pertains to techniques for location tracking, location utilization, and dissemination and management of location information.” *See* Exhibit 1, at col. 2, ll. 49-51.

**COUNT I**

**VERIZON’S INFRINGEMENT OF PATENT NO. 7,366,522**

36. Guardian Location Systems restates and realleges each of the allegations set forth above and incorporates them herein.

37. Verizon is a wireless telecommunications provider with over 99.7 million wireless phone customers. *See* Exhibit 4 (Verizon Wireless – About Us – Facts-at-a-Glance).

38. Verizon offers a product and/or service called Verizon Family Locator.

39. Verizon Family Locator provides account holders with “a convenient and valuable service to help [them] securely determine the location of [their] family members’ cell phones from the Family Locator website or the Family Locator Mobile Web Site on [their] cell phone[s].” *See* Exhibit 5 (Verizon Family Locator Questions & Answers – General Information – What is Family Locator?).

40. Verizon Family Locator is available to wireless phone customers with compatible phones subscribed to Verizon’s family cell phone plans.

41. Verizon charges \$9.99/month for each phone to be located. *See* Exhibit 6 (Verizon Family Locator Questions & Answers – General Information – How much does Family Locator cost?) (“Family Locator costs \$9.99 per month per Locatee line. There is no charge for the Locator line(s). Airtime or Megabyte charges may apply for the application downloads. There is no charge for the Updates or locate attempts associated with Family Locator made from a PC at <http://familylocator.vzw.com> or the Mobile Phone at <http://fl.vzw.com>.”).

42. Account holders who sign up for Verizon Family Locator sign in to the service using a password and phone number. *See* Exhibit 7 (Verizon Family Locator Questions & Answers – Configuring & Managing Family Locator – Can anyone else track my Family Member’s phone?) (“The account owner with access to account

information and the other family members designated as ‘Locators’, will be able to access the Family Locator account, view location information and set up Locations for Updates to be sent to other individuals that they designate. The location information is only viewable through the Internet on a cell phone or PC. Locations can only be accessed by entering your account information including your password. It is very important that you keep this information private and not disclose your account information and/or password to others.”).

43. Verizon Family Locator allows an account holder to locate his/her family members’ wireless phones on a map from the account holder’s mobile phone or PC. *See* Exhibit 9 (Verizon Parental Control Center – Verizon Family Locator) (“With Family Locator it’s easy to know where your family is. Simply use your mobile device or the Web to view the location of family members with Family Locator-capable devices. Your family members’ location information will be displayed on a detailed map.”); *see also* Exhibit 8 (Verizon Family Locator Questions & Answers – Configuring & Managing Family Locator – What are the system requirements to use the service?) (“For website use, Internet Explorer browser versions 6.0 and higher as well as Safari and Firefox browsers are supported. For cell phone use, any mobile browser can be used to locate other phones by accessing <http://fl.vzw.com>.”).

44. Verizon Family Locator operates on a wireless network.

45. Verizon Family Locator includes a server, including, but not limited to, a server found at <http://fl.vzw.com>. *See* Exhibit 8 (Verizon Family Locator Questions & Answers – Configuring & Managing Family Locator – What are the system requirements

to use the service?) (“For website use, Internet Explorer browser versions 6.0 and higher as well as Safari and Firefox browsers are supported. For cell phone use, any mobile browser can be used to locate other phones by accessing <http://fl.vzw.com>.”); *see also* Exhibit 10 (Verizon Family Locator Questions & Answers – Configuring & Managing Family Locator – How do I use my Family Locator from my cell phone?) (“Family Locator is available for use on your cell phone within My Verizon. Navigate to My Verizon, then click on My Services, then click on Family Locator. This will launch <http://fl.vzw.com> from which you can locate your Family Members, send Place Messages, send messages and review your Family Locator settings.”).

46. The server found at <http://fl.vzw.com> is accessible through a wireless network. *See* Exhibit 8 (Verizon Family Locator Questions & Answers – Configuring & Managing Family Locator – What are the system requirements to use the service?) (“For website use, Internet Explorer browser versions 6.0 and higher as well as Safari and Firefox browsers are supported. For cell phone use, any mobile browser can be used to locate other phones by accessing <http://fl.vzw.com>.”); *see also* Exhibit 10 (Verizon Family Locator Questions & Answers – Configuring & Managing Family Locator – How do I use my Family Locator from my cell phone?) (“Family Locator is available for use on your cell phone within My Verizon. Navigate to My Verizon, then click on My Services, then click on Family Locator. This will launch <http://fl.vzw.com> from which you can locate your Family Members, send Place Messages, send messages and review your Family Locator settings.”).

47. An account holder can access family members' locations through the Internet. *See* Exhibit 8 (Verizon Family Locator Questions & Answers – Configuring & Managing Family Locator – What are the system requirements to use the service?) (“For website use, Internet Explorer browser versions 6.0 and higher as well as Safari and Firefox browsers are supported. For cell phone use, any mobile browser can be used to locate other phones by accessing <http://fl.vzw.com>.”); *see also* Exhibit 9 (Verizon Parental Control Center – Verizon Family Locator) (“With Family Locator it’s easy to know where your family is. Simply use your mobile device or the Web to view the location of family members with Family Locator-capable devices. Your family members’ location information will be displayed on a detailed map.”).

48. Verizon Family Locator gives an account holder the ability to control the access to the locations of the mobile phones on the account. *See* Exhibit 7 (Verizon Family Locator Questions & Answers – Configuring & Managing Family Locator – Can anyone else track my Family Member’s phone?) (“The account owner with access to account information and the other family members designated as “Locators”, will be able to access the Family Locator account, view location information and set up Locations for Updates to be sent to other individuals that they designate. The location information is only viewable through the Internet on a cell phone or PC. Locations can only be accessed by entering your account information including your password. It is very important that you keep this information private and not disclose your account information and/or password to others.”); *see also* Exhibit 11 (Verizon Family Locator Questions & Answers – Using Family Locator – How do I manage my privacy settings?).

49. Verizon Family Locator is not able to locate phones on the account that have been powered off. *See* Exhibit 12 (Verizon Family Locator Questions & Answers – Using Family Locator – What can cause a delay . . . ?) (“Most often the phone has been turned off or is on a call both of which prevent completion of location requests.”).

50. One setting in the Verizon Family Locator requires that the locatee phone “first accept any Location or New Arrival [and] Departure Update request.” *See* Exhibit 11 (Verizon Family Locator Questions & Answers – Using Family Locator – How do I manage my privacy settings?).

51. An account holder can set up Scheduled Updates and/or Arrival and Departure alerts to verify when the designated locatee phone arrives at or departs from a specified location. *See* Exhibit 13 (Verizon Family Locator Questions & Answers – Using Family Locator – When do I receive Arrival and Departure updates on my phone?) (“An Arrival & Departure Update is sent to your cell phone when the designated Locatee arrives at or departs from a specified location. You set up locations within the Locations tab on the Family Locator website. You set up Arrival & Departure updates within the Updates tab on the Family Locator website.”); *see also* Exhibit 7 (Verizon Family Locator Questions & Answers – Configuring & Managing Family Locator – How do I find more details on setting up Scheduled Updates on the web site?) (“Scheduled Updates send messages describing the location of the person carrying the Locatee mobile phone on the time and day(s) of your choosing.”); *see also* Exhibit 5 (Verizon Family Locator Questions & Answers – General Information – What is Family Locator?) (“When the Family Member carrying the Family Locator Family Member phone arrives at or leaves a

Location, you can be notified via Text Message or Email. In addition, you can also elect to receive Scheduled Updates at specific dates and times”); *see also* Exhibit 14 (Verizon Family Locator Questions & Answers – Using Family Locator – How can I use Family Locator?”).

52. An account holder can assign labels such as “School,” “Home,” and “Work” to locations. *See* Exhibit 15 (Verizon Family Locator Questions & Answers – Using Family Locator – How do I create a Location?); *see also* Exhibit 9 (Verizon Parental Control Center – Verizon Family Locator) (“And with arrival and departure updates you can set predetermined locations – like school, home, and soccer practice – then get an instant update when your family members enter or leave the location.”); *see also* Exhibit 7 (Verizon Family Locator Questions & Answers – Configuring & Managing Family Locator – How do I find more details on setting up Scheduled Updates on the web site?) (“Scheduled Updates send messages describing the location of the person carrying the Locatee mobile phone on the time and day(s) of your choosing.”).

53. Verizon Family Locator does not allow an account holder to label two different places with the same label. For example, an account holder cannot label two places “Work.” *See* Exhibit 16.

54. After an account holder sets up Scheduled Updates and/or Arrival and Departure Alerts for a family member, Verizon Family Locator will locate the family member’s phone and send the account holder the location via email or text message, as defined by the account holder. *See* Exhibit 13 (Verizon Family Locator Questions & Answers – Using Family Locator – When do I receive Arrival and Departure updates?)

(“An Arrival & Departure Update is sent to your cell phone when the designated Locatee arrives at or departs from a specified location. You set up locations within the Locations tab on the Family Locator website. You set up Arrival & Departure updates within the Updates tab on the Family Locator website.”); *see also* Exhibit 7 (Verizon Family Locator Questions & Answers – Configuring & Managing Family Locator – How do I find more details on setting up Scheduled Updates on the web site?) (“Scheduled Updates send messages describing the location of the person carrying the Locatee mobile phone on the time and day(s) of your choosing.”); *see also* Exhibit 5 (Verizon Family Locator Questions & Answers – General Information – What is Family Locator?) (“When the Family Member carrying the Family Locator Family Member phone arrives at or leaves a Location, you can be notified via Text Message or Email. In addition, you can also elect to receive Scheduled Updates at specific dates and times.”).

55. Verizon has directly, indirectly, contributorily, and/or by inducement, infringed claims of the ’522 patent in this judicial district and elsewhere in the United States, literally and/or under the doctrine of equivalents. *See* Exhibit 17 (identifying preliminary exemplary evidence of Verizon’s infringement of the ’522 patent).

56. Verizon does not have a license or permission to use the claimed subject matter in the ’522 patent.

57. Verizon will continue to infringe the ’522 patent, and thus cause irreparable injury and damage to Guardian Location Systems, unless enjoined by this Court.

**COUNT II**

**AT&T'S INFRINGEMENT OF PATENT NO. 7,366,522**

58. Guardian Location Systems restates and realleges each of the allegations set forth above and incorporates them herein.

59. AT&T is a wireless telecommunications provider with over 87 million wireless customers. *See* Exhibit 18 (Consumer Services Quick Facts).

60. AT&T offers a product and/or service called AT&T FamilyMap.

61. AT&T's FamilyMap is available to wireless customers with compatible phones subscribed to the same AT&T wireless account.

62. After 30 days of free service, AT&T charges \$9.99 per month to locate up to two phones and \$14.99 per month to locate up to five phones. *See* Exhibit 20 (AT&T FamilyMap – Help – Signing Up) (“There are two pricing options. You can locate up to two phones for \$9.99 a month or you can locate up to five phones for \$14.99 a month. Your first 30 days of service are FREE! Standard data and messaging charges apply. If you do not cancel prior to the end of the free 30 days, you will automatically be subscribed and charged either \$9.99 per month thereafter to locate up to two family members or \$14.99 per month thereafter to locate up to five family members unless you cancel service.”).

63. Account holders who sign up for AT&T FamilyMap sign in to the service using a password and phone number. *See* Exhibit 21 (AT&T FamilyMap – Help – Locating) (“Simply enter familymap.att.com into your mobile browser and sign in with

the same phone number and password you use to access AT&T FamilyMap from your computer.”).

64. AT&T FamilyMap allows an account holder to conveniently locate his/her family members’ wireless phones on a map from the account holder’s mobile phone or computer. *See* Exhibit 19 (AT&T FamilyMap – Help – How It Works) (“Locate your family members with AT&T FamilyMap! Get peace of mind by being able to conveniently locate a family member’s wireless phone on a map from your mobile phone or PC.”); *see also* Exhibit 21 (AT&T FamilyMap – Help – Locating) (“AT&T FamilyMap has a mobile browser application that allows you to locate your family members from any mobile phone. Simply enter familymap.att.com into your mobile browser and sign in with the same phone number and password you use to access AT&T FamilyMap from your computer.”).

65. AT&T FamilyMap uses a number of techniques to determine a phone’s location. *See* Exhibit 22 (AT&T FamilyMap – Help – How It Works - How accurate is AT&T FamilyMap?) (“AT&T FamilyMap uses a number of techniques to determine a phone’s location.”).

66. AT&T FamilyMap operates on a wireless network.

67. AT&T FamilyMap includes a server, including, but not limited to, a server found at familymap.att.com. *See* Exhibit 21 (AT&T FamilyMap – Help – Locating) (“AT&T FamilyMap has a mobile browser application that allows you to locate your family members from any mobile phone. Simply enter familymap.att.com into your

mobile browser and sign in with the same phone number and password you use to access AT&T FamilyMap from your computer.”).

68. The server found at familymap.att.com is accessible through a wireless network. *See* Exhibit 21 (AT&T FamilyMap – Help – Locating) (“AT&T FamilyMap has a mobile browser application that allows you to locate your family members from any mobile phone. Simply enter familymap.att.com into your mobile browser and sign in with the same phone number and password you use to access AT&T FamilyMap from your computer.”).

69. An account holder can access family members’ locations through the Internet. *See* Exhibit 21 (AT&T FamilyMap – Help – Locating) (“AT&T FamilyMap has a mobile browser application that allows you to locate your family members from any mobile phone. Simply enter familymap.att.com into your mobile browser and sign in with the same phone number and password you use to access AT&T FamilyMap from your computer.”).

70. AT&T FamilyMap gives an account holder the ability to control the visibility of the locations of the mobile phones on the account. *See* Exhibit 23 (AT&T FamilyMap – Help – Security & Privacy – Are tools available to help manage privacy preferences on my family’s account?) (“Because AT&T values your privacy and knows that the visibility of your mobile phone’s location is information you should control, we created tools that give the Account Holder of your AT&T wireless account the ability to manage the privacy preferences of phones on your account. These tools let the Account Holder choose whether your phones are allowed to be tracked by others.”).

71. “For security reasons, phones receive a text message from AT&T FamilyMap when they become locatable. Additionally, locatable phones receive a periodic notification via text message that they can be located. These messages are received about once a month. Subscribers have the option of notifying a phone every time it is located in lieu of periodic notifications.” *See* Exhibit 24 (AT&T FamilyMap Security & Privacy – Do family members know when I locate them?).

72. AT&T FamilyMap is not able to locate phones on the account that have been powered off. *See* Exhibit 21 (AT&T FamilyMap – Help – Locating) (listing “The phone is powered off” under “Why don’t I always get a location?”).

73. An account holder can set up a Schedule Check to verify that his or her child arrived home from school each day. *See* Exhibit 19 (AT&T FamilyMap – Help – How It Works) (“Want to verify that your child arrives home from school each day? Set up a Schedule Check to automatically get location information sent to you via text message or email.”); *see also* Exhibit 25 (AT&T FamilyMap – Help – How It Works – What are Schedule Checks?) (“Schedule Checks allow you to set a day and time to automatically locate a family member’s phone. For example, you can set a Schedule Check for 4:00PM every weekday to make sure your child gets home from school when you expect them. Once you create a Schedule Check, AT&T FamilyMap will locate your family member’s phone and send you the location via email or text message.”).

74. An account holder can assign labels such as “School,” “Home,” and “Work” to places. *See* Exhibit 25 (AT&T FamilyMap – Help – How It Works – What are Schedule Checks?) (“Choose the Place where you expect your family member to be at

the time you will set in the Schedule Check. If you haven't created any places yet, select New Place and you will be able to make one.”).

75. AT&T FamilyMap does not allow an account holder to label two different places with the same label. For example, an account holder cannot label two places “Work.” *See* Exhibit 26.

76. After an account holder sets up Schedule Checks for a family member, AT&T FamilyMap will locate the family member's phone and send the account holder the location via email or text message, as defined by the account holder. *See* Exhibit 25 (AT&T FamilyMap – Help – How It Works – What are Schedule Checks?) (“Schedule Checks allow you to set a day and time to automatically locate a family member's phone. For example, you can set a Schedule Check for 4:00PM every weekday to make sure your child gets home from school when you expect them. Once you create a Schedule Check, AT&T FamilyMap will locate your family member's phone and send you the location via email or text message.”); *see also* Exhibit 19 (AT&T FamilyMap – Help – How It Works) (“Want to verify that your child arrives home from school each day? Set up a Schedule Check to automatically get location information sent to you via text message or email.”).

77. AT&T has directly, indirectly, contributorily, and/or by inducement, infringed claims of the '522 patent in this judicial district and elsewhere in the United States, literally and/or under the doctrine of equivalents. *See* Exhibit 27 (identifying preliminary exemplary evidence of AT&T's infringement of the '522 patent).

78. AT&T does not have a license or permission to use the claimed subject matter in the '522 patent.

79. AT&T will continue to infringe the '522 patent, and thus cause irreparable injury and damage to Guardian Location Systems, unless enjoined by this Court.

### **COUNT III**

#### **SPRINT'S INFRINGEMENT OF PATENT NO. 7,366,522**

80. Guardian Location Systems restates and realleges each of the allegations set forth above and incorporates them herein.

81. Sprint is a wireless telecommunications provider with over 48.2 million wireless customers. *See* Exhibit 28 (Sprint Nextel Reports Second Quarter 2010 Results).

82. Sprint offers a product and/or service called Sprint Family Locator.

83. Sprint Family Locator “empowers Moms and Dads to locate loved ones from the web or their mobile phones. Using GPS technology already built into Sprint phones, parents can view their child’s location on an interactive map.” *See* Exhibit 29 (Family Locator Quick Start Guide).

84. Sprint Family Locator is available to wireless customers with compatible phones from the same account. Once signed up for Sprint Family Locator, an account holder can locate compatible phones from other accounts. *See* Exhibit 29 (Family Locator Quick Start Guide).

85. After 15 days of free service, Sprint charges \$5.00 per month to locate up to four phones. *See* Exhibit 30 (Sprint Family Locator – About) (“First 15 days FREE, then

\$5 per month to locate 4 phones. Cancel any time from the web during the trial period. No obligation.”).

86. Account holders who sign up for Sprint Family Locator sign in to the service using a password and phone number. *See* Exhibit 31 (Sprint Family Locator – Help – Signing Up) (“Signing up for Sprint Family Locator is easy. Simply visit <http://www.sprint.com/familylocator> and click the link that says Sign Up Now. Enter your mobile phone number and you will receive a text message with a temporary password.”); *see also* Exhibit 32 (Sprint Family Locator – Help – Locating) (“Sprint Family Locator has a mobile browser application that allows you to locate your family members from any mobile phone. Simply point your phone browser to [www.SFLmobile.com](http://www.SFLmobile.com) and sign in with the same phone number and password you use to access Sprint Family Locator from your computer.”).

87. Sprint Family Locator allows an account holder to locate his/her family members’ wireless phones from the account holder’s mobile phone or computer. *See* Exhibit 29 (Family Locator Quick Start Guide) (“Keep Your Family Safe with Sprint Family Locator! Sprint Family Locator allows you to locate your loved ones using their Sprint phones.”); *see also* Exhibit 32 (Sprint Family Locator – Help – Locating) (“Sprint Family Locator has a mobile browser application that allows you to locate your family members from any mobile phone. Simply point your phone browser to [www.SFLmobile.com](http://www.SFLmobile.com) and sign in with the same phone number and password you use to access Sprint Family Locator from your computer.”).

88. Sprint Family Locator uses a combination of different techniques to locate a phone. *See* Exhibit 33 (Sprint Family Locator – Help – How It Works – How accurate is Sprint Family Locator?).

89. Sprint Family Locator operates on a wireless network.

90. Sprint Family Locator includes a server, including, but not limited to, a server found at [www.SFLmobile.com](http://www.SFLmobile.com). *See* Exhibit 32 (Sprint Family Locator – Help – Locating) (“Sprint Family Locator has a mobile browser application that allows you to locate your family members from any mobile phone. Simply point your phone browser to [www.SFLmobile.com](http://www.SFLmobile.com) and sign in with the same phone number and password you use to access Sprint Family Locator from your computer.”).

91. The server found at [www.SFLmobile.com](http://www.SFLmobile.com) is accessible through a wireless network. *See* Exhibit 32 (Sprint Family Locator – Help – Locating) (“Sprint Family Locator has a mobile browser application that allows you to locate your family members from any mobile phone. Simply point your phone browser to [www.SFLmobile.com](http://www.SFLmobile.com) and sign in with the same phone number and password you use to access Sprint Family Locator from your computer.”).

92. An account holder can access family members’ locations through the Internet. *See* Exhibit 31 (Sprint Family Locator – Help – Signing Up) (“Signing up for Sprint Family Locator is easy. Simply visit <http://www.sprint.com/familylocator> and click the link that says Sign Up Now. Enter your mobile phone number and you will receive a text message with a temporary password.”); *see also* Exhibit 32 (Sprint Family Locator – Help – Locating) (“Sprint Family Locator has a mobile browser application

that allows you to locate your family members from any mobile phone. Simply point your phone browser to [www.SFLmobile.com](http://www.SFLmobile.com) and sign in with the same phone number and password you use to access Sprint Family Locator from your computer.”).

93. Sprint Family Locator gives an account holder the ability to control the visibility of the locations of mobile phones on the account. *See* Exhibit 34 (Sprint Family Locator – Help – Security & Privacy) (“Sprint knows that your location information is sensitive and has taken steps to ensure that information is secure. All of your location information is stored in a secure facility and is deleted in seven-day intervals.”).

94. “For security reasons, phones receive a text message from Sprint Family Locator when they become locatable. Additionally, locatable phones receive a periodic notification via text message that they can be located. These messages are received about once a month.” *See* Exhibit 34 (Sprint Family Locator – Help – Security & Privacy).

95. If an account holder is locating phones that are not on the same account, these phones will receive notifications every time they are located. *See* Exhibit 34 (Sprint Family Locator – Help – Security & Privacy) (“If you are locating any phones that are not on your same Sprint account, these phones will receive notifications every time you locate them.”).

96. Sprint Family Locator is not able to locate phones that have been powered off. *See* Exhibit 35 (Sprint Family Locator – Why don’t I always get a location?) (listing “The phone is powered off” under “Why don’t I always get a location?”).

97. An account holder can set up a Safety Check to verify that his or her child arrived home from school each day. *See* Exhibit 36 (Sprint Family Locator – Help –

How It Works – What are Safety Checks?) (“Safety Checks allow you to set a day and time to automatically locate a family member. For example, you can set a Safety Check for 4:00PM every weekday to make sure your child gets home from school safely. Once you create a Safety Check, Sprint Family Locator will locate your family member and send you the location via email or text message.”).

98. An account holder can assign labels such as “School,” “Home,” and “Work” to places. *See* Exhibit 36 (Sprint Family Locator – Help – How It Works – What are Safety Checks?) (“Choose the Place where you expect your family member to be at the time you will set in the Safety Check. If you haven’t created any places yet, select New Place and you will be able to make one.”).

99. Sprint Family Locator does not allow an account holder to label two different places with the same label. For example, an account holder cannot label two places “Work.” *See* Exhibit 37.

100. After an account holder sets up Safety Checks for a family member, Sprint Family Locator will locate the family member’s phone and send the account holder the location via email or text message, as defined by the account holder. *See* Exhibit 36 (Sprint Family Locator – Help – How It Works – What are Safety Checks?) (“Safety Checks allow you to set a day and time to automatically locate a family member. For example, you can set a Safety Check for 4:00PM every weekday to make sure your child gets home from school safely. Once you create a Safety Check, Sprint Family Locator will locate your family member and send you the location via email or text message.”).

101. Sprint has directly, indirectly, contributorily, and/or by inducement, infringed claims of the '522 patent in this judicial district and elsewhere in the United States, literally and/or under the doctrine of equivalents. *See* Exhibit 38 (identifying preliminary exemplary evidence of Sprint's infringement of the '522 patent).

102. Sprint does not have a license or permission to use the claimed subject matter in the '522 patent.

103. Sprint will continue to infringe the '522 patent, and thus cause irreparable injury and damage to Guardian Location Systems, unless enjoined by this Court.

**PRAYER FOR RELIEF**

**WHEREFORE**, Guardian Location Systems prays for the following relief:

1. A declaration that the Defendants have infringed the '522 Patent, and are liable to Guardian Location Systems for infringement.
2. An award of damages adequate to compensate Guardian Location Systems for Defendants' infringement of the '522 patent.
3. A post-judgment equitable accounting of damages for the period of infringement of the Asserted Patents following the period of damages established by Guardian Location Systems at trial.
4. An order enjoining the Defendants from infringing, inducing others to infringe, or contributing to the infringement of the '522 patent.
5. If a permanent injunction is not granted, a judicial determination of the conditions of future infringement such as a royalty bearing compulsory license or such other relief as the Court deems appropriate.

6. An order requiring the Defendants to deliver for destruction all infringing products in its possession.
7. A finding that this case is exceptional pursuant to 35 U.S.C. section 285.
8. An award of prejudgment interest, costs and disbursements, and attorney fees.
9. Such other and further relief as the Court deems Guardian Location Systems may be entitled to in law and equity.

**JURY DEMAND**

A jury is demanded on all issues so triable, pursuant to Rule 38 of the Federal Rules of Civil Procedure.

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By: /s/ Claude E. Welch  
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