

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

M2M SOLUTIONS LLC,
a Delaware limited liability company,

Plaintiff,

v.

AMAZON.COM, INC.,
a Delaware corporation,

Defendant.

Civil Action No. _____

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff M2M Solutions LLC (“M2M Solutions”) brings this action for patent infringement under the laws of the United States relating to patents, 35 U.S.C. §§ 1 *et seq.*, against Defendant Amazon.com, Inc. (“Amazon.com”), hereby alleging as follows:

THE PARTIES

1. Plaintiff M2M Solutions is a limited liability company organized and existing under the laws of the State of Delaware, having a principal place of business at 4878 Kearneysville Pike, Shepherdstown, West Virginia 25443-4861.

2. Upon information and belief, Defendant Amazon.com is a corporation organized and existing under the laws of the State of Delaware, having its principal place of business at 410 Terry Avenue North, Seattle, Washington 98109-5210. Upon information and belief, Amazon.com has appointed Corporation Service Company, 251 Little Falls Drive, Wilmington, Delaware 19808 as its registered agent for service of process.

JURISDICTION AND VENUE

3. This Court has exclusive 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.

4. Amazon.com has elected, upon information and belief, to incorporate under Delaware law and it has thereby acquiesced to personal jurisdiction in the courts of the State of Delaware. Upon further information and belief, Amazon.com has also submitted to the personal jurisdiction of this Court by committing the acts described below that establish its legal presence within the State of Delaware, including by purposefully directing the supply of services to Delaware residents, and/or contracting to do the same, wherein the provision of such services has involved and necessitated Amazon.com's unauthorized and infringing practicing and use of the claimed inventions of the Patents-in-Suit. Moreover, upon information and belief, in conjunction with it selling or otherwise causing digital e-reader devices and e-reader software applications to be made available to Delaware residents, Amazon.com has actively and knowingly induced Delaware residents to make unauthorized and infringing use of the claimed inventive systems of the Patent-in-Suit, and/or it has knowingly contributed to the same, by disseminating or making available within this judicial district promotional and marketing materials, instructional materials, product user's guides, and technical materials and assistance that illustrate and advocate such infringing use. By virtue of its above-described actions, while engaging in the unauthorized and infringing practicing and use of the claimed inventions of the Patent-in-Suit, Amazon.com has transacted business, performed services, contracted to supply services, caused tortious injury, regularly done or solicited business, and/or engaged in a persistent course of conduct within the State of Delaware, and it has additionally derived substantial revenues from or as the result of products, digital content, and infringing services used or consumed in Delaware. In light of Amazon.com's aforementioned contacts with the State of Delaware and its

purposeful availment of the rights and benefits of Delaware law, maintenance of this suit would not offend traditional notions of fair play and substantial justice.

5. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b), (c), and (d) and 1400(b) because, *inter alia*, a substantial part of the events or omissions giving rise to the claim occurred in this judicial district, Amazon.com is subject to personal jurisdiction in and therefore resides in this judicial district, and Amazon.com has committed acts of patent infringement and has a regular presence in this judicial district.

THE PATENT-IN-SUIT

6. On September 29, 2020, United States Patent No. 10,791,442 (the “’442 Patent” or “Patent-in-Suit”), entitled “System And Method For Remote Asset Management,” was duly and legally issued by the United States Patent and Trademark Office to inventor Philip Bernard Wesby. M2M Solutions is the sole owner by assignment of the entire rights, title, and interest in and to the ’442 Patent, including the rights to sue on and recover damages for any past, current, or future infringements thereof. A true and correct copy of the ’442 Patent is attached hereto as Exhibit 1.

7. The Patent-in-Suit is a continuation patent within M2M Solutions’ Remote Asset Management patent family, the members of which share a common specification and a common priority date of May 21, 2002. By way of background, this Remote Asset Management patent family is comprised of a series of seminal patents covering wireless machine-to-machine communications systems (hereinafter, “wireless M2M systems” or “remote asset management systems”) that collectively have been forwardly cited more than 500 times in other patents and published applications prosecuted in related fields of art before the United States Patent and Trademark Office. In general, wireless M2M systems have historically involved systems in which various types of electronic technical equipment wirelessly connected to communications

networks have been monitored, and to varying degrees managed, by remote computer server platforms. More recently, such wireless M2M systems have come to be known in common parlance as “Internet of Things” applications.

8. As taught in the specification of the Patent-in-Suit, prior art wireless M2M systems were directed to remotely monitoring and managing “industrial assets,” such as the types of electronic technical equipment used in factory automation applications, or the kinds of security and alarm sensors used in remote facilities management applications. By contrast, the Patent-in-Suit claims innovative methods for operating improved wireless M2M systems in such a manner that they can serve in a new and useful capacity as *consumer services platforms* for autonomously delivering valuable technology-based services to users of “consumer device assets” (*e.g.*, consumer electronics products). The preambles of the asserted independent claims expressly indicate that the objective and desired result of the innovative claimed methods is to “operate a remote computer server platform...[so as to] provide a range of consumer services by autonomously managing monitoring and managing...consumer device assets” in the particular prescribed manner. In turn, the bodies of the asserted independent claims recite specific active steps to be performed by the server platform for accomplishing this objective in one particular unconventional way, and which result in providing one particular type of consumer service wherein the server platform causes certain specified “display data content files” stored in non-volatile memory on the consumer device assets to be “automatically modified” in a fashion that would be desirable and beneficial to their consumer users.

9. The innovative method claims of the Patent-in-Suit recite and are directed to several features that constitute specific and concrete technological improvements for advancing the computer functionality and computer capabilities of the various computer-related

components that had historically been present in prior art wireless M2M systems (hereinafter, “technological improvements”). Alone and in combination, these claimed technological improvements serve to improve and beneficially modify the functioning and capabilities of prior art wireless M2M systems as a whole, allowing them to be employed in a new and novel capacity as consumer services platforms to achieve the new and useful purposes and ends of beneficially providing certain technology-based consumer services in a particular specified manner.

10. As one example of claimed technological improvements over prior art systems, independent Claims 1 and 20 of the Patent-in-Suit recite and are directed to several limitations pertaining to “consumer usage information,” which those claims self-define as being a specific kind of information that identifies the particular manner in which a consumer user has used a particular feature of a “consumer device asset.” The claims require a plurality of “consumer device assets” that each has the capability to automatically send “consumer usage information” about itself to a remote computer server platform in wireless packet switched data message communications. In turn, the claims further require the receiving server platform to have the capability of then automatically communicating wireless management instructions back to one or more of the “consumer device assets” that are based upon the results of the server platform having processed the received “consumer usage information.” Finally, the claims require that the one or more “consumer device assets” have the capability to accept and execute these wireless management instructions, which results in causing specified “display data content files” stored in their non-volatile memory to be “automatically modified so as to provide a consumer service” to their consumer users. In this way, the claimed system is able to act on a fully autonomous basis -- in the absence of contemporaneous human direction -- to make optimizing

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.