

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

RAPIDDEPLOY, INC.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. _____
)	
RAPIDSOS, INC.,)	JURY TRIAL DEMANDED
)	
Defendant.)	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff RapidDeploy, Inc. (“RapidDeploy” or “Plaintiff”), through its undersigned counsel, brings this patent infringement action against Defendant RapidSOS, Inc. (“RapidSOS” or “Defendant”) as follows:

NATURE AND BASIS OF THE ACTION

1. RapidDeploy brings this civil action for infringement of United States Patent No. 10,264,122 (the “’122 Patent”) (Exhibit A) under the patent laws of the United States, 35 U.S.C. § 1 *et seq.*

2. On information and belief, Defendant RapidSOS deliberately copied RapidDeploy’s Emergency Data Gateway (“EDG”) inventions with full knowledge those features are claimed in the ’122 Patent. In or around January 2019, RapidDeploy described its EDG technology to RapidSOS and informed RapidSOS that it had applied for a United States patent to protect the technology. On information and belief, RapidSOS immediately saw the value in the technology and, without RapidDeploy’s permission, set about developing a gateway device of its own with the same patented features.

3. RapidDeploy recently learned from third-party vendor Kraus Associates, Inc. d/b/a AK Associates (“AK Associates”) that RapidSOS has partnered with AK Associates to

develop its gateway device. RapidDeploy also learned RapidSOS has already deployed prototypes of its gateway device to several public safety agencies in the United States, and that RapidSOS intends to bring the device to market in the near future.

4. Given the imminent and irreparable harm, RapidDeploy seeks a permanent injunction and may seek a preliminary injunction to stop RapidSOS from continuing to infringe RapidDeploy's patent rights and from making, using, selling or offering for sale infringing gateway devices in the United States. RapidDeploy also seeks past damages of no less than a reasonable royalty, enhanced damages due to RapidSOS's willful misconduct, attorneys' fees, and pre- and post-judgment interest.

SUMMARY OF THE DISPUTE

5. RapidDeploy was founded in 2013 by a volunteer paramedic and later joined by a Sea Rescue volunteer, who became a first responder after he experienced a personal tragedy; both were committed to creating a platform that would help alleviate the problems dispatchers, responders, and all others involved in emergency response faced. Since its founding, RapidDeploy has quickly become the market leader for Cloud Aided Dispatch ("CAD") systems and 9-1-1 analytics software. RapidDeploy's pioneering technologies have helped dramatically improve emergency response times and save lives. One of those technologies—RapidDeploy's Emergency Data Gateway—is at the core of this dispute.

6. RapidDeploy's EDG technology addresses a critical need in the emergency services industry—efficiently integrating legacy 9-1-1 call-handling equipment with CAD systems. With RapidDeploy's EDG technology, for example, a legacy 9-1-1 system can be fully integrated with a CAD system in minutes as opposed to weeks or months. In recognition of

these innovative contributions, the U.S. Patent and Trademark Office awarded RapidDeploy the 122 Patent.

7. On information and belief, Defendant RapidSOS deliberately copied RapidDeploy's patented EDG inventions with full knowledge of the '122 Patent. In January 2019, RapidDeploy described its EDG technology to RapidSOS and told RapidSOS that it had applied for a United States patent in May 2018 to protect the technology. RapidDeploy has been developing the EDG technology since January 2018. On information and belief, RapidSOS immediately saw the value in the technology and set about developing a gateway device that copied RapidDeploy's patented features and then deployed prototypes of its infringing gateway device to public safety agencies in the United States. RapidSOS's actions both harm RapidDeploy and do a disservice to these public safety agencies by creating systemic dependence on infringing devices. RapidDeploy is committed to working with these public safety agencies to ensure they can utilize this technology through non-infringing means, and continuing to support dispatchers, responders, and all others involved in emergency response.

FACTUAL ALLEGATIONS

8. RapidDeploy was founded in 2013 by a group of first responders who saw an urgent need for improved 9-1-1 emergency service response systems. Using an open-API software architecture, RapidDeploy developed an unprecedented CAD platform that provides mission critical reliability, cybersecurity, situational awareness, and state-of-the-art Artificial Intelligence. RapidDeploy is now the market leader in Cloud Aided Dispatch and 9-1-1 analytics software.

9. RapidDeploy has also developed the world's first IoT-based emergency data gateway device for integrating legacy 9-1-1 call-handling and dispatch systems with CAD systems. Legacy systems use widely varying equipment across the over 6,000 Public Safety

Answering Points (“PSAPs”) in the United States. For example, these legacy systems use different call-handling and dispatch equipment that communicate emergency data using different proprietary data protocols and formats. This makes integrating CAD solutions with legacy systems difficult, costly, and time-consuming.

10. RapidDeploy’s EDG solves these problems by drastically simplifying the integration process and enabling it to be performed remotely through the cloud. With RapidDeploy’s EDG, a legacy 9-1-1 system can be fully integrated with a cloud-based CAD system in minutes as opposed to weeks or months.

11. These and other benefits have quickly earned RapidDeploy’s EDG technology substantial commercial success in the market. In March 2019, for example, RapidDeploy won a multi-year, \$6.6 million contract with the California Governor’s Office of Emergency Services (“Cal OES”) under which RapidDeploy will deploy its patented EDG devices to every PSAP in the State of California. Exhibit B (<https://urgentcomm.com/2019/03/26/22213/>). RapidDeploy’s successful demonstration of its EDG technology to Cal OES at various pilot locations in California was instrumental in securing this agreement.

12. In April 2019, the United States Patent and Trademark Office awarded RapidDeploy the ’122 Patent on its innovative EDG technology.

13. Some of the largest companies in the world have recognized RapidDeploy’s pioneering contributions to the public safety industry. In August 2018, AT&T teamed with RapidDeploy to provide PSAPs access to RapidDeploy’s CAD platform. AT&T described RapidDeploy’s technology as “a modern update to the dispatch solutions currently used by PSAPs” and “cost-effective, scalable and easy to deploy, making it a viable solution for agencies of all sizes.” Exhibit C (https://about.att.com/story/rapid_deploy_cloud.html). Microsoft,

Samsung, Waze, Twitter, TomTom, and dozens of other technology leaders have also partnered with RapidDeploy.

14. In a joint press release dated May 7, 2019, Defendant RapidSOS itself acknowledged RapidDeploy's proprietary rights and recognized the value of RapidDeploy's patented EDG technology:

By using the power of Cloud Aided Dispatch and RapidDeploy's **patented *Emergency Data Gateway***, RapidDeploy makes all additional data feeds from RapidSOS immediately available to all customers without any interface fees, version requirements **or long implementations**.

Exhibit D (<https://www.rapiddeploy.com/blog/first-platinum-partner>) (emphasis added). RapidSOS also named RapidDeploy its first "Platinum Partner," the highest-distinction RapidSOS awards to its valued partners. *Id.*

15. RapidDeploy's innovations have also been widely praised by PSAPs and first responders. *See, e.g.*, Exhibit E (<https://www.nbcsandiego.com/news/local/911-call-center-state-update-rapiddeploy-cal-oes-responders-location-accuracy-fcc-506994881.html>) ("We're seeing lives being saved on a scale that we've never even dreamed."); Exhibit F (<https://www.policeone.com/police-products/communications/press-releases/481600011-Collier-County-Sheriffs-Office-Chooses-Cloud-Based-Solution-from-RapidDeploy/>) ("The ability to instantly deploy this system in the field adds important capabilities to our disaster preparedness and emergency response."); Exhibit G (<https://www.caloes.ca.gov/PublicSafetyCommunicationsSite/Documents/002-RapidDeploy.pdf>) ("RapidDeploy's cloud-native solution is easy to deploy, affordable, and provides enhanced cybersecurity protections and resilience especially for large scale emergencies. . . ."); Exhibit B (<https://urgentcomm.com/2019/03/26/22213/>) ("What we saw with RapidDeploy was the ability to easily integrate and implement something in a day or a week—even a month—versus years").

16. In or around January 2019, RapidDeploy described its EDG technology to RapidSOS to explore potential opportunities that could benefit both companies. RapidSOS expressed particular interest in the EDG's ability to be provisioned and configured through the cloud. On information and belief, RapidSOS immediately saw the value in RapidDeploy's EDG technology and, with the information it learned from that discussion and RapidDeploy's then-pending patent application, set about either developing its own emergency data gateway device or modifying existing gateway development efforts to adopt features described by RapidDeploy.

17. On or about May 1, 2019, RapidDeploy met with third-party vendor AK Associates to discuss certain CAD services offered by AK Associates. During the meeting, AK Associates said it was working with RapidSOS to develop and commercialize an IoT emergency data gateway device. AK Associates said it had already built a working prototype of the device on a Raspberry Pi platform and was in the process of commoditizing the solution for commercial production with an AK engineer working in RapidSOS' head office in New York City, New York. AK Associates also informed RapidDeploy that the prototype device had been deployed to at least five PSAPs in the United States, three in Florida, two in Kentucky.

18. Based on AK Associates' description, RapidDeploy is informed and believes the prototype gateway includes:

- an interface for receiving call event data—including Automatic Number Identification (ANI) data, Automatic Location Identification (ALI) data, and data indicating the position number of the dispatcher to whom a call is routed—from call handling equipment (CHE);
- a provisioning engine that receives instructions for parsing call event data;

- a message parsing engine that parses and formats call event data for transmission to cloud-based servers; and
- an internet port for communicating with cloud-based servers and receiving instructions for parsing call event data.

19. On or about May 2, 2019, RapidDeploy visited the St. Johns County, Florida Sheriff's Office Communications Center, one of the PSAPs identified by AK Associates. RapidDeploy confirmed that a RapidSOS prototype gateway had been deployed there. In observing its operation, RapidDeploy also determined that, on information and belief, the prototype gateway includes the patented features of RapidDeploy's EDG.

20. For example, RapidDeploy observed call event data from a Solacom CHE device being automatically displayed in a RapidSOS browser-based tool called RapidLite. The displayed call event data included ANI/ALI and dispatcher position data. On information and belief, the prototype gateway received this data from the Solacom CHE device, and parsed and formatted the data for transmission over the internet to RapidSOS cloud-based servers. On information and belief, the RapidSOS cloud-based servers then transmitted the data to RapidLite.

21. Given RapidDeploy's disclosure of the pending application for the '122 Patent to RapidSOS and the additional facts above, RapidSOS has had knowledge of the '122 Patent as of the date it issued and that its activities infringe the '122 Patent. At a minimum, RapidSOS willfully blinded itself to these facts since the '122 Patent issued.

THE PARTIES

22. Plaintiff RapidDeploy is a Delaware corporation with its principal place of business at 119 Nueces Street, Austin, Texas 78701.

23. Defendant RapidSOS is a Delaware corporation with its principal place of business at 234 West 39th Street, 9th Floor, New York, New York 10018.

JURISDICTION AND VENUE

24. The Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a) and the patent laws of the United States, 35 U.S.C. § 1 *et seq.*

25. The Court has personal jurisdiction over RapidSOS because it is incorporated under the laws of Delaware.

26. Venue is proper under 28 U.S.C. § 1400(b) because RapidSOS, as a Delaware corporation, resides in this district.

CLAIM FOR RELIEF: INFRINGEMENT OF THE '122 PATENT

27. RapidDeploy incorporates by reference the allegations set forth in paragraphs 1 through 26 as though fully set forth herein.

28. The allegations provided below are exemplary and without prejudice to RapidDeploy's infringement contentions which will be provided pursuant to the Court's scheduling order and local rules. In providing these allegations, RapidDeploy does not imply any particular claim constructions.

29. The '122 Patent is titled "Emergency Data Gateway Device" and issued on April 16, 2019, to RapidDeploy. RapidDeploy owns the entire right, title, and interest in and to the '122 Patent. The '122 Patent is valid and enforceable.

30. On information and belief, RapidSOS has made, had made, used, imported, provided, supplied, distributed, sold, and/or offered for sale devices that include features that infringe the '122 Patent ("Accused Products"). The Accused Products include at least the prototype gateway devices RapidSOS developed and distributed to PSAPs in the United States.

31. RapidDeploy identifies below one exemplary claim to demonstrate infringement by RapidSOS's prototype devices based on the information available to RapidDeploy. The selection of the exemplary claim and exemplary Accused Product should not be considered limiting, and any additional infringing products or services and infringed claims of the '122 Patent will be disclosed pursuant to the Court's rules.

32. Claim 1 of the '122 Patent recites:

A gateway device comprising:

a call handling equipment (CHE) listener interface configured to form a communication channel with a CHE and receive call event data from the CHE;

an Internet Protocol (IP) interface configured to communicate with a cloud-based processing system;

a provisioning engine configured to receive, from the cloud-based processing system via the IP interface, instructions for parsing data from a data output format of the CHE; and

a message parsing engine configured to:

parse the call event data received from the CHE via the CHE listener interface according to the instructions, and

format the call event data according to a consistent data format;

wherein the gateway device is configured to transmit the formatted call event data to the cloud-based processing system via the IP interface.

33. On information and belief, the Accused Products include a call handling equipment (CHE) listener interface configured to form a communication channel with a CHE and receive call event data from the CHE. For example, on information and belief, the prototype gateway includes a listener interface that receives call event data, such as ANI/ALI and dispatcher position data, over a communication channel with a CHE such as the Solacom device described above.

34. On information and belief, the Accused Products include an Internet Protocol (IP) interface configured to communicate with a cloud-based processing system. For example, on information and belief, the prototype gateway includes an internet port that communicates with RapidSOS cloud-based servers over the internet.

35. On information and belief, the Accused Products include a provisioning engine configured to receive, from the cloud-based processing system via the IP interface, instructions for parsing data from a data output format of the CHE. For example, on information and belief, the prototype gateway includes a provisioning engine that receives CHE call event data parsing instructions from RapidSOS cloud-based servers through the internet port.

36. On information and belief, the Accused Products include a message parsing engine configured to parse the call event data received from the CHE via the CHE listener interface according to the instructions, and format the call event data according to a consistent data format. For example, on information and belief, the prototype gateway includes a message parsing engine that parses call event data, such as ANI/ALI and dispatcher position data, received from the CHE through the listener interface according to the received CHE call event data parsing instructions. On information and belief, the message parsing engine formats the CHE call event data according to a data format for transmission to RapidSOS cloud-based servers.

37. On information and belief, the Accused Products are configured to transmit the formatted call event data to the cloud-based processing system via the IP interface. For example, on information and belief, the prototype gateway transmits formatted CHE call event data to RapidSOS cloud-based servers over the internet.

38. On information and belief, without license or permission from RapidDeploy, RapidSOS has made, used, offered to sell, and/or sold the Accused Products, which infringe at least claim 1 of the '122 Patent, literally and/or under the doctrine of equivalents.

39. RapidSOS knew of the '122 Patent and RapidDeploy's exclusive rights therein, recognizing those patent rights in a press release, and RapidSOS's infringement was willful.

40. As a result of RapidSOS's infringement of the '122 Patent and in the absence of injunctive relief, RapidDeploy is suffering irreparable harm that cannot be remedied by monetary compensation. RapidDeploy has suffered and continues to suffer damages as a result of RapidSOS's infringement of the '122 Patent.

JURY DEMAND

41. RapidDeploy demands a jury trial on all issues triable by a jury in this action.

PRAYER FOR RELIEF

WHEREFORE, RapidDeploy respectfully requests the following relief:

- (a) Judgment that RapidSOS has infringed the '122 Patent;
- (b) Preliminary and permanent injunctions preventing RapidSOS and its officers, agents, servants, and employees, and all those people acting in concert or participation, from further acts of infringement;
- (c) An award of damages adequate to compensate RapidDeploy for the infringement that has occurred, pursuant to 35 U.S.C. § 284, including pre- and post-judgment interest;
- (d) An accounting and/or supplemental damages for all damages occurring after any discovery cutoff and through final judgment;
- (e) An award of treble damages for willful infringement pursuant to 35 U.S.C. § 284;

- (f) An award of attorneys' fees based on this being an exceptional case pursuant to 35 U.S.C. § 285, including pre-judgment interest on such fees;
- (i) Costs and expenses in this action; and
- (j) Such other and further relief this Court deems just and proper.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

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