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15 Attorneys for Plaintiff SAMSARA INC.

16 SUPERIOR COURT OF THE STATE OF CALIFORNIA
17 FOR THE COUNTY OF SAN FRANCISCO

18 SAMSARA INC.,

19 Plaintiff,

20 v.

21 MOTIVE TECHNOLOGIES, INC.,

22 Defendant.
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ELECTRONICALLY
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Superior Court of California,
County of San Francisco

11/12/2024
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CGC-24-619720

CASE NO.

**COMPLAINT FOR TRADE
SECRET MISAPPROPRIATION**

DEMAND FOR JURY TRIAL

REDACTED

1 Plaintiff Samsara Inc. (“Samsara” or “Plaintiff”) alleges against Defendant Motive
2 Technologies, Inc. (“Motive”) as follows:

3 INTRODUCTION

4 1. Samsara brings this action to put an end to the massive, years-long scheme of trade
5 secret theft by Motive to unlawfully compete with Samsara—a brazen scheme masterminded and
6 executed by Motive’s CEO Shoab Makani (“Makani”) himself. Motive’s theft of Samsara’s
7 confidential information and trade secrets is not only condoned but *orchestrated* and *encouraged* by
8 Makani. Among other things, at Makani’s urging, Motive has been covertly soliciting Samsara’s
9 employees to leave Samsara for Motive, and to bring with them Samsara’s most valuable and secret
10 information. Makani has personally instructed Motive’s employees to hire away these Samsara
11 employees and extensively mine them for any and all information about Samsara’s proprietary
12 information, business operations, and products—despite knowing that these individuals remain bound
13 by confidentiality agreements with Samsara that expressly prohibit the disclosure or use of such
14 information. Motive then used Samsara’s proprietary information to develop its own products and
15 grow its customer base, and compete unfairly with Samsara in the market. Instead of dedicating its
16 own time and resources to build its business lawfully (as Samsara itself did), Motive went the unlawful
17 route of using *Samsara’s valuable and secret information* to do so, saving years of research and
18 development and accelerating Motive’s sales at Samsara’s expense. Motive’s trade secret
19 misappropriation is willful and malicious, and must be stopped, and Samsara must be compensated for
20 the harm Motive has already caused to Samsara’s business and operations.

21 2. Samsara was founded in 2015 to digitize the world of physical operations. Samsara has
22 pioneered industry-leading technology that enables businesses that depend on physical operations to
23 harness data from their assets to help them monitor and manage everything from vehicle fleets to
24 warehouse operations and worker safety. Samsara brings its customers’ physical operations online to
25 help them better and more efficiently manage their business—providing them with information about
26 their operations in the cloud, so they can operate more safely, efficiently, and sustainably. These
27 customers span critical industries such as transportation, wholesale and retail trade, construction, field
28 services, logistics, utilities and energy, government, healthcare and education, manufacturing, food and

1 beverage, and many others.

2 3. Samsara’s platform, the Connected Operations™ Cloud, is a cloud-based solution that
3 gives customers visibility into their operations using Internet of Things (“IoT”) devices. These devices
4 collect, manage, and analyze information from vehicles, equipment, and industrial assets using
5 advanced AI tools. Customers use Samsara’s technology to visualize and analyze their operations in
6 real time on a single integrated platform, in a way that was impossible only a few years ago.

7 4. Samsara’s commitment to reliable, high-quality products for its customers is the result
8 of a significant investment of time, human and financial capital, and resources. In addition to
9 developing cutting-edge products and technologies, Samsara heavily invests in the research and
10 development of its technology, sales, and business strategies tailored for both the specific needs of its
11 enterprise customers and expanding Samsara’s reach into new markets. As a result of these efforts,
12 Samsara successfully completed an IPO on December 15, 2021, to list on the New York Stock
13 Exchange. Samsara’s continued growth since its IPO reflects its culture of innovation, its commitment
14 to developing and investing in new opportunities, and its dedication to working alongside customers to
15 understand and address their challenges.

16 5. Instead of investing in innovation like Samsara, Motive and its CEO have been
17 executing a playbook based on theft and deceit. Motive was originally named KeepTruckin, and was
18 initially focused on the routine, already-known business of logging driver hours and other information.
19 But by 2019, it sought to reorient its business towards developing systems for enterprise-level
20 customers, and—at the instruction of Makani—turned its efforts and attention to ripping off Samsara.
21 This has been a coordinated, unlawful campaign to compete unfairly with Samsara to raise Motive’s
22 own profile among consumers and investors—involving, among other things, efforts by Motive to
23 introduce products to the market that clone Samsara’s products, copying Samsara’s tagline and mission
24 statement, and mimicking Samsara’s website designs. Motive has raised hundreds of millions of
25 dollars in funding on the heels of this unlawful campaign.

26 6. At the tip of the iceberg has been Motive’s efforts to steal Samsara’s proprietary
27 confidential information and trade secrets through former Samsara employees. Motive has caused
28 certain Samsara employees to betray their legal duties to Samsara by disclosing proprietary Samsara

1 information and trade secrets to Motive as a condition to hiring those individuals to work at Motive.
2 Motive systematically debriefs former Samsara employees after they become Motive employees, acting
3 in concert with those individuals to unlawfully disclose and use proprietary Samsara information and
4 trade secrets while those individuals are within the scope of Motive’s employ. Makani personally,
5 explicitly, and repeatedly has been carrying out and directing others to carry out these unlawful
6 activities for years.

7 7. Consistent with the intentional acts of deception by Motive’s leadership team and
8 employees, Motive did not alert Samsara to the theft or return the pilfered materials received from
9 former Samsara employees. Instead, Motive used that proprietary information for its own benefit, and
10 its conduct has only worsened over time. Motive continues to profit from Samsara’s trade secrets to
11 Samsara’s detriment, by leveraging, among other things, the same sales and business strategies in the
12 fleet management industry.

13 8. Portions of transcripts from an International Trade Commission (“ITC”) proceeding
14 involving the parties were made public with Motive’s consent and document certain evidence of this
15 covert, unlawful conduct by Motive and its CEO:

- 16 • “Motive had been systematically getting Samsara’s confidential information from the
17 former Samsara employees that Motive hired and from other sources”;
- 18 • “Motive had confidential Samsara documents within Motive’s possession”; and
- 19 • “[T]here were multiple conversations directed by Motive’s own CEO where he would tell
20 the Motive employees to interview the former Samsara employees that they had hired, get
21 as much information about Samsara and its business operations and its products and features
22 as they could from those employees, and then use that information to help Motive sell
23 products . . . into the domestic industry.”

24 Ex. A at 4, Mem. in Supp. of Motion to Declassify, *In the Matter of Certain Vehicle Telematics, Fleet*
25 *Management, and Video-Based Safety Systems, Devices, and Components Thereof*, Inv. No. 337-TA-
26 1393 (Int’l Trade Comm’n Sept. 25, 2024), Doc. ID 833281. At the direction of its CEO, Motive has
27 been engaged in a massive, years-long scheme to unlawfully solicit and steal Samsara’s confidential
28 information and trade secrets from former Samsara employees—the full scope of which is not yet

1 known to Samsara.

2 9. Samsara seeks to fully and finally put an end to Motive’s pattern of misappropriating
3 trade secrets that it did not, and could not, develop on its own. Without this Court’s intervention,
4 Motive will continue its unlawful behavior to the detriment of Samsara’s business and reputation, and
5 the public at large. Samsara brings this case to protect its proprietary and confidential trade secrets and
6 its investment therein. Samsara also seeks injunctive and declaratory relief and monetary damages for
7 the harm that has been caused by Motive’s theft and for Motive’s unjust enrichment resulting from its
8 unlawful conduct.

9 **PARTIES, JURISDICTION, AND VENUE**

10 10. Plaintiff Samsara is a Delaware corporation, with its headquarters and principal place
11 of business located at 1 Haro Street, San Francisco, CA 94107.

12 11. Defendant Motive is a Delaware corporation, with its headquarters and principal place
13 of business located at 55 Hawthorne Street, Suite 400, San Francisco, CA 94105.

14 12. Jurisdiction is proper in San Francisco County pursuant to section 410.10 of the
15 California Code of Civil Procedure because Samsara asserts claims under the California Uniform Trade
16 Secrets Act, Cal. Civ. Code § 3426 et seq.

17 13. Venue is proper in San Francisco County pursuant to section 395(a) of the California
18 Code of Civil Procedure because Motive is located in San Francisco County at the commencement of
19 this action, and during all relevant times, and because the cause of action alleged herein arose in
20 significant part in San Francisco County.

21 **FACTUAL ALLEGATIONS**

22 **A. Samsara Pioneered the Field of IoT Data-Driven Operations**

23 14. Samsara is a pioneer and leader in the field of data-driven operations powered by IoT
24 device connectivity. Founded in 2015, Samsara has been on a mission to increase the safety, efficiency,
25 and sustainability of physical operations that power the global economy. Samsara advances this
26 mission through its array of products and services—including Connected Operations™ Cloud
27 technology, proprietary AI software, and AI-enabled hardware with IoT connectivity (e.g., AI dash
28 cams). These innovative solutions allow organizations that depend on physical operations to visualize

1 and analyze their operations in real time on a single integrated platform, and to make their operations
2 safer, more sustainable, and more efficient.

3 15. Samsara was founded on a culture of innovation and collaboration. Samsara is
4 dedicated to working alongside its customers, understanding their toughest challenges, and then
5 developing and employing innovative new solutions to overcome those challenges. Samsara has
6 devoted significant resources to understanding its customers, their businesses, and the challenges they
7 face. Through that investment, Samsara has developed products and services to enable its customers
8 to overcome those challenges, as well as business strategies and networks to effectively service its
9 customers. Samsara continuously analyzes and compiles information about its target markets and
10 customer base to plan its company strategy and better serve its customers. This unrelenting focus on
11 market analysis, customer feedback, and incorporating that feedback directly into the product
12 development process has fueled Samsara's growth and innovation across its entire business. Samsara
13 has also expended enormous time and resources growing its market share and customer base, including
14 by identifying potential customers and their needs, qualifying customers, and introducing new
15 customers to Samsara's suite of products and services by enrolling them in trials. Likewise, Samsara
16 has developed unique mechanisms for assessing the anticipated value of its various customer
17 relationships.

18 16. Samsara's innovation and market leadership has been praised within the industry and
19 by leading publications. For example, Samsara was recently honored by FORTUNE on its 2024
20 Change the World List, which spotlights an elite group of companies that drive positive social impact
21 through their core business strategy. Samsara was named Company of the Year in 2023 by Frost &
22 Sullivan, an award that is reserved for companies at the forefront of innovation and growth in their
23 respective industries. And Samsara was recognized as one of North America's fastest-growing
24 companies on the Deloitte Technology Fast 500™ in 2022 for the third consecutive year. In fact,
25 Samsara's culture of innovation has fueled Samsara's praise. For example, Inc. Magazine named
26 Samsara to its list of Best-Led Companies. Fast Company named Samsara a Best Workplace for
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1 Innovators. And Glassdoor named Samsara one of the Best Places to Work.¹

2 17. Samsara has developed proprietary procedures that allow it to tailor strategies to market-
3 specific and customer-specific needs. Samsara uses these proprietary procedures and information to
4 develop and offer to its customers unique products and services. Additionally, Samsara has developed
5 curated and particularized pricing models, customer lists, and growth strategies—all of which serve as
6 a secret to Samsara’s success in the marketplace. The specific strategies and information Samsara
7 compiles and prepares is not available to other companies or competitors. Samsara has put in place
8 significant protections to keep this information secret, and Samsara derives value from these strategies
9 and information being kept secret from the public, including from Samsara’s competitors.

10 18. Samsara’s continuing investments and developments include the following strategies
11 and information, each of which standing alone and/or in combination, comprises Samsara trade secrets
12 (the “Samsara Trade Secrets”):

13 Samsara’s **Technical Strategy Trade Secrets** include technical details, specifications, and
14 development information regarding Samsara’s product and service offerings:

- 15 • **Product Concepts:** Information regarding new product concepts and strategies, developed
16 and adapted in part based on confidential requests and feedback from Samsara’s customers;
- 17 • **Product Development:** Information regarding technical product development for past,
18 present, and future Samsara products, including knowledge, results, and “negative know
19 how” gained through researching and developing Samsara’s products and interfacing
20 directly with Samsara’s customer base; and
- 21 • **Product Roadmap:** Information regarding new and existing product strategy, forecasting
22 for new products, and new product launches, which includes confidential customer
23 feedback on these issues.

24 Samsara’s **Business Strategy Trade Secrets** include business strategies for developing, marketing,
25 and selling Samsara’s product and services offerings:

- 26 • **Go-to-Market (GTM):** Information regarding Samsara’s current and future global go-to-

27
28 ¹ <https://www.businesswire.com/news/home/20240110974365/en/Samsara-Named-One-of-the-Best-Places-to-Work-by-Glassdoor>.

1 market strategies for products and services, which include Samsara’s analysis of the needs
2 and demands of the marketplace on a three-year go-forward basis, complete with pricing,
3 opportunity notes, proposals, and product development information;

- 4 • **Marketing Strategy:** Information regarding Samsara’s marketing strategies for its current
5 and future products and services, including information on the results of customer trials and
6 Samsara’s strategy for leveraging such customer trials;
- 7 • **Sales Strategy:** Information regarding Samsara’s sales methodology, strategies, and
8 techniques, including knowledge, results, and “negative know how” gained over many
9 years through analysis of customer sales interactions; and
- 10 • **Sales Organization:** Information regarding Samsara’s internal sales organization structure
11 and strategy, including personnel, assignments and resource allocation, compensation,
12 roles, and resources.

13 Samsara’s **Customer Strategy Trade Secrets** include Samsara’s details surrounding proprietary
14 customer information, the nature of such data, and the strategy for leveraging the data in developing
15 and maintaining customer relationships:

- 16 • **Current Customer Data:** Proprietary data regarding Samsara’s current customers,
17 including information regarding customer engagement, purchasing information, and
18 customer preferences; and
- 19 • **Prospective Customer Data:** Proprietary identification and analysis of prospective
20 customers in Samsara’s customer pipeline, including data and analysis concerning the
21 anticipated value of a contract, whether Samsara had already conducted trial runs of its
22 products and services for the customer, an assessment of the likelihood of retention and
23 success rates, and detailed information concerning engagement and relationship building.

24 Samsara’s **Pricing Strategy Trade Secrets** include Samsara’s proprietary pricing information,
25 analysis, and methodologies:

- 26 • **Pricing Models:** Information and analysis regarding Samsara’s past, present, and future
27 pricing models for its products and services; and

- **Customer Pricing:** Detailed data and analysis concerning particularized customer pricing, customer-specific pricing considerations, and discount-related analysis.

19. Samsara derives independent economic value from the fact that the Samsara Trade Secrets are not generally known to, or readily ascertainable by proper means by competitors or other persons who can obtain economic value from acquiring, disclosing, or using the Samsara Trade Secrets.

20. Each of the Samsara Trade Secrets provides Samsara with significant competitive advantages over competitors and would-be competitors. Samsara's Technical Strategy Trade Secrets enable Samsara to more effectively conceptualize and develop its suite of product offerings to best meet industry and customer needs and demands, while incorporating customer feedback into future development and strategic investment. Samsara's Business Strategy Trade Secrets have helped Samsara optimize the potential of its suite of innovative product offerings by facilitating a comprehensive go-to-market process, marketing, and sales strategy that efficiently leverages Samsara's internal sales organization and effectively engages Samsara's customers. Samsara's Customer Strategy Trade Secrets empower Samsara's customer relationships through the analysis of detailed data concerning current and prospective customers. Samsara's Pricing Strategy Trade Secrets help to drive Samsara's business strategy through modeling and pricing information developed through its experience and research into applicable markets.

21. These significant competitive advantages collectively enhance Samsara's ability to develop, make, and sell its products as innovative and differentiated technology with features highly tailored to meet customer and industry needs; to attract and retain customers with such innovative and differentiated products; and to realize appropriate returns on its investments. The Samsara Trade Secrets are some of Samsara's most valuable assets.

B. Samsara Diligently Protects the Samsara Trade Secrets

22. The Samsara Trade Secrets are critical to Samsara's success in innovating its development of products and services, creating and maintaining effective business strategies, and growing and investing in its customer base. Accordingly, Samsara goes to great lengths to protect the secrecy of each of the Samsara Trade Secrets.

1 23. Samsara expends significant resources protecting the Samsara Trade Secrets. It has
2 invested over tens of millions of dollars in its information technology (IT) infrastructure and systems
3 and employs dozens of people in its Security Engineering department who are responsible for ensuring
4 the security of Samsara’s technology environment. For example, Samsara invested in a device
5 management system that tracks and authenticates company-owned devices and accounts accessing
6 Samsara’s data to protect its data and guard against unauthorized network access.

7 24. Samsara’s reasonable—indeed, significant—efforts to maintain the secrecy of the
8 Samsara Trade Secrets include restricting access to the Samsara Trade Secrets to employees with a
9 demonstrated need to access them for Samsara’s business purposes, such as the research, development,
10 creation, marketing, and sale of Samsara’s products.

11 25. Among other things, Samsara (1) requires employees with access to the Samsara Trade
12 Secrets to enter into confidentiality agreements and/or abide by Samsara’s employee conduct
13 guidelines that require employees to protect Samsara’s trade secrets and proprietary and confidential
14 information and not disclose such information outside of Samsara without Samsara’s authorization; (2)
15 restricts access to the Samsara Trade Secrets based on employee position and business need (i.e., on a
16 need to know basis); (3) uses device management systems; (4) requires that employees use passwords
17 on company devices; (5) restricts remote access to data; (6) requires that employees enroll their
18 company devices in a secure device management system; (7) requires employees to “check-in” to the
19 company’s device management system in order to access documents in the Samsara environment; (8)
20 requires use of Virtual Private Networks (VPNs) on company devices; (9) trains employees on the
21 protection of confidential information and trade secrets; (10) requires annual affirmations of
22 compliance with Samsara’s Code of Conduct and Acceptable Use Policy, as well as other policies
23 containing confidentiality obligations; (11) maintains company policies regarding protection of
24 confidential information and trade secrets and requires employees to acknowledge receipt of same; (12)
25 identifies and marks certain data as restricted; (13) conducts investigations when security protocols are
26 breached; and (14) implements other related steps and practices.

27 26. Samsara also imposes contractual confidentiality and non-disclosure obligations on
28 Samsara employees who have access or could gain access to the Samsara Trade Secrets. All such

1 employees receive an offer of employment letter, requiring them to sign a confidentiality agreement as
2 a condition of their employment with Samsara. By signing, each employee promises to keep and hold
3 all Samsara proprietary information, including the Samsara Trade Secrets, in strict confidence during
4 the employment and after its termination. The confidentiality agreement also requires employees, upon
5 termination of their employment with Samsara, to promptly deliver to Samsara all documents and
6 materials of any kind pertaining to their employment with Samsara, including the Samsara Trade
7 Secrets, and to not take or retain in any form any documents or materials or copies of documents or
8 materials containing any Samsara proprietary information, including the Samsara Trade Secrets.

9 27. Therefore, all Samsara employees, including those Motive solicited, employed, and
10 extracted trade secrets from, know or should know (and at the time of their Samsara employment, knew
11 or should have known) of their obligations to: (1) hold the Samsara Trade Secrets in confidence and
12 protect their secrecy; (2) disclose the Samsara Trade Secrets, if at all, only while employed at Samsara
13 and only to persons authorized by Samsara; (3) refrain from disclosing any of the Samsara Trade
14 Secrets to unauthorized persons, including Motive and any of its employees or others acting on
15 Motive’s behalf, including Makani; and (4) refrain from relying on or using any of the Samsara Trade
16 Secrets except while a Samsara employee and then only when authorized and in connection with
17 performing their corresponding duties.

18 28. Samsara reasonably relied on the representations and obligations contained in its
19 employees’ agreements, and reasonably understood its employees would abide by their terms—both
20 during and following their employment at Samsara. Samsara has since learned that certain of its former
21 employees who were subject to the aforementioned agreements joined Motive and violated their
22 confidentiality obligations and other obligations to Samsara—at the behest and direction of Motive and
23 Makani.

24 **C. Motive Could Not Successfully Compete with Samsara by Lawful Means**

25 29. Motive was founded as KeepTruckin in 2013 by Shoaib Makani, Ryan Johns, and Obaid
26 Khan. Makani said the name KeepTruckin “captured the essence of [the company’s] mission and the
27 people [it] wanted to serve” because the company was narrowly focused on helping trucking customers
28

1 gather data about routine trucking tasks such as logging drivers' hours.² KeepTruckin began by
2 offering an electronic logbook app for truck drivers to record their hours of service,³ as well as
3 electronic logging devices ("ELDs") for trucking companies that sought to meet U.S. regulatory
4 mandates around how long truck drivers could work and drive. On information and belief, the
5 KeepTruckin ELD connected to the truck driver's smartphone app, creating a digital log of hours
6 worked that could not be altered. Even at KeepTruckin's founding, an ELD was a well-known device
7 for automatically recording a driver's driving time and other aspects of the hours-of-service ("HOS")
8 recordkeeping.⁴ ELDs date back at least to the 1980's.⁵

9 30. KeepTruckin initially focused on digital freight brokerage.^{6,7} But by Makani's
10 admission, it had a "middling" growth trajectory and faced existential moments during which it almost
11 ran out of money.⁸ Starting in 2018, KeepTruckin began to realize that its bet on digital freight
12 brokerage was a mistake, and by late 2019 sought to exit that business altogether⁹ and re-orient towards
13 developing systems for connecting physical operations and developing AI tools to automate
14 workflows—the same market Samsara had pioneered years earlier.

15 31. Motive was not prepared to enter the enterprise fleet management market and compete
16 with Samsara. On information and belief, Motive had historically focused its business strategy on the
17 Selling to Small Businesses ("SMB") market, i.e., fleet businesses with less than 100 vehicles, and had
18 failed to develop the enterprise strategy to target and penetrate the middle market for larger accounts,
19 i.e., fleet businesses with 100 to 500 vehicles that make up a significant portion of the Total Address
20 Market ("TAM") for fleet vehicle management. On information and belief, due to its lacking enterprise
21 business and technology strategy, Motive's TAM realization was limited—until Motive began stealing
22

23 ² <https://gomotive.com/blog/meet-motive/>.

24 ³ <https://web.archive.org/web/20131213071205/https://keeptruckin.com/>.

25 ⁴ <https://www.fmcsa.dot.gov/hours-service/elds/eld-fact-sheet-english-version>.

26 ⁵ <https://gpstrackit.com/blog/a-timeline-of-the-eld-mandate-history-and-important-dates/>.

27 ⁶

28 https://www.supplychain247.com/article/keeptruckin_raises_18_million_as_silicon_valley_eyes_trucking_industry/CSA.

⁷ *CEO Motive, Shoaib Makani w/ special guest Illya Fushman: Powering the Physical Economy*, Grit Podcast (available at: <https://podcasts.apple.com/us/podcast/grit/id1510985491?i=1000613035204>) ("Grit Podcast") at 37:20–37:50; 38:56–39:00.

⁸ *Id.* at 18:40–18:53; 27:30–27:44.

⁹ *Id.* at 37:50–38:38; 41:31–41:43.

1 from and copying Samsara by targeting former and current Samsara employees to divulge Samsara
2 Trade Secrets.

3 **D. Motive’s Scheme to Steal, Copy, and Use Samsara Trade Secrets**

4 32. Motive engaged in a multi-year campaign to procure the Samsara Trade Secrets, which
5 Motive used, on information and belief, to pivot away from digital freight brokerage and compete
6 directly with Samsara. Rather than investing in its own research and development into understanding
7 consumer needs, creating specialized approaches to product development, or designing associated sales
8 and marketing strategies, Motive resorted to its familiar tactics: copying from Samsara to get a head
9 start in the AI fleet management market. As part of its scheme to copy Samsara’s technology and
10 business plan, Motive, at the direction of Makani, has actively solicited Samsara employees to join
11 Motive’s workforce in order to acquire Samsara Trade Secrets to build its enterprise business and divert
12 Samsara’s current and future customers away from Samsara to Motive.

13 33. Samsara filed a complaint with the ITC in early February concerning Motive’s
14 importation and use of products that infringe three of Samsara’s patents. Ex. B, Complaint, *In the*
15 *Matter of Certain Vehicle Telematics, Fleet Management, and Video-Based Safety Systems, Devices,*
16 *and Components Thereof*, Inv. No. 337-TA-1393 (Int’l Trade Comm’n Sept. 25, 2024), Doc. ID
17 813743. On March 11, 2024, the ITC instituted its investigation into Motive’s patent infringement,
18 and the parties engaged in expedited discovery. It soon became evident that Motive’s misconduct did
19 not stop with patent infringement.

20 34. Information made public in the ITC proceeding with Motive’s consent has revealed that,
21 in addition to patent infringement, Motive has been engaged in a massive, years-long campaign to
22 misappropriate the Samsara Trade Secrets and any and all other proprietary information belonging to
23 Samsara. Ex. A at 1-5. The information made public makes clear that Motive possesses documents
24 reflecting its misappropriation of the Samsara Trade Secrets, including documents summarizing
25 Samsara’s confidential and proprietary business strategies and information. The information made
26 public also makes clear that this misappropriation scheme has been orchestrated at the highest levels
27 of Motive—masterminded and carried out by Makani, as well as by Motive’s employees—to gain
28 access to the Samsara Trade Secrets without Samsara’s authorization or consent.

1 **E. Motive Misappropriated Samsara Trade Secrets to Get a Head Start in the Enterprise**
2 **Fleet Management Market**

3 35. Motive has systematically sought and procured the Samsara Trade Secrets by
4 identifying, recruiting, and hiring former Samsara employees; encouraging them to steal Samsara’s
5 files and information before resigning from Samsara; and extracting Samsara’s confidential
6 information and the Samsara Trade Secrets from these individuals—despite Motive’s knowledge and
7 understanding of the confidentiality restrictions by which all these former Samsara employees remain
8 bound. Public information from the ITC Proceeding reflects that Motive has documents that “show
9 Motive’s culture of copying” and “its ongoing practice of hiring former Samsara employees and grilling
10 them for confidential information about every aspect of Samsara’s internal business and sales strategies
11 and product plans.” Ex. A at 2-3. Such documents also show “multiple conversations directed by
12 Motive’s own CEO where he would tell the Motive employees to interview the former Samsara
13 employees that they had hired, get as much information about Samsara and its business operations and
14 its products and features as they could from those employees, and then use that information to help
15 Motive sell products.” *Id.*

16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]
26 [REDACTED]

1 [REDACTED]
2 [REDACTED] This obsession on the part of Motive and Makani with Samsara has fueled the scheme to
3 solicit Samsara employees in aid of misappropriation.

4 37. Motive’s solicitation efforts directed at Samsara have been widespread. Motive has
5 been recruiting and seeking to recruit professionals from Samsara across junior roles, senior roles, and
6 everyone in between, to gain access to secret information about Samsara. Motive has sought out
7 individuals from Samsara’s Sales Operations team, a Senior Account Executive, and other Samsara
8 employees, enticing them by offering, on information and belief, outsized compensation packages. In
9 many instances, Motive will contact individual Samsara employees while they are still employed by
10 Samsara, either directly or through third-party intermediaries, and, on information and belief,
11 encourage these individuals to copy or download information before departing Samsara for Motive and
12 to take those copies or downloads with them upon departing Samsara for Motive.

13 38. Makani is directly involved in this misappropriation scheme. Some of the Samsara
14 employees who left for Motive were in direct contact with Makani while they were still employed by
15 Samsara. And Makani has personally texted and met in person with Samsara’s mid-level sales
16 representatives to lure them to Motive. On information and belief, Makani has personally offered
17 Samsara’s employees compensation packages of half-a-million dollars or more for positions that
18 typically command a market rate at a fraction of that amount. Earlier, a Motive “User Researcher”
19 contacted a former Samsara Sales Engineer and offered him a £125 Amazon gift card in exchange for
20 an hour-long meeting—not as a hiring interview—but to discuss his experience at Samsara and
21 telematics in the EMEA region.

22 39. Motive has had some success in soliciting Samsara’s employees. And if hiring Samsara
23 employees were all that Motive had done, Samsara would not be filing this lawsuit. On information
24 and belief, however, certain of these employees took steps to steal Samsara’s confidential information
25 for Motive and at its direction (including, in some cases, the specific direction of Makani), actively
26 downloading and transferring Samsara’s files to personal devices in the weeks leading up to their
27 departure from Samsara for Motive. These individuals used Apple Airdrop, Google Chrome, and
28 Google Drive to transfer data between Samsara-issued devices to personal, non-Samsara devices. The

1 stolen files contain Samsara Trade Secrets, such as confidential competitive playbooks, sales strategies,
2 blueprints for marketing campaigns, and Salesforce files, which contain hundreds of unique Salesforce
3 accounts and unique Salesforce opportunities, none of which are generally known or readily
4 ascertainable by proper means.

5 40. On information and belief, once Samsara employees joined Motive, Motive
6 systematically plied them for Samsara's proprietary information, including the Samsara Trade Secrets.
7 Motive conducted invasive and detailed interviews with former and current Samsara employees to
8 breach their confidentiality obligations to Samsara and divulge Samsara Trade Secrets. Makani himself
9 participated in or directed multiple conversations designed to misappropriate Samsara Trade Secrets—
10 instructing Motive employees to interview former Samsara employees who Motive had hired, procure
11 as much information about Samsara and its business operations and its products and features as they
12 could from those employees, including the Samsara Trade Secrets, and then use the information and
13 secrets to give Motive an unearned competitive advantage in selling Motive's products to compete with
14 Samsara. On information and belief, Motive's scheme of mining Samsara affiliates for Samsara Trade
15 Secrets continues to this day.

16 **F. Motive's Misappropriation and Use of the Samsara Trade Secrets Has Harmed Samsara**

17 41. Samsara developed and exploited the Samsara Trade Secrets through significant
18 expense and years of diligent research, experimentation, and trial and error. Samsara and its thousands
19 of employees invest enormous amounts of time and resources in the technology, business, sales,
20 customer, and pricing strategies relating to its suite of market-leading products and services.

21 42. Motive misappropriated Samsara Trade Secrets by improperly siphoning them from
22 Samsara's former employees without Samsara's authorization or consent, and then used these trade
23 secrets in the development, creation, and commercial marketing and sale of Motive's own products
24 designed to compete with Samsara's.

25 43. On information and belief, Motive knew or should have known that Samsara's
26 employees, former employees, and others were required to (1) hold the Samsara Trade Secrets in
27 confidence; (2) disclose the Samsara Trade Secrets only while employed at Samsara and only to persons
28 authorized by Samsara; and (3) refrain from disclosing any of the Samsara Trade Secrets to any

1 unauthorized persons, including Motive and any of its employees and representatives.

2 44. On information and belief, by misappropriating the Samsara Trade Secrets, Motive has
3 unlawfully and unfairly gained a significant competitive advantage over Samsara and other competitors
4 in the enterprise fleet market. On information and belief, Motive has unlawfully and unfairly used
5 Samsara Trade Secrets to (1) develop, create, and sell Motive's products, including in competition with
6 Samsara's products and services; (2) build and deploy a sales organization and sales, marketing, and
7 pricing strategy with respect to those products; and (3) obtain and exploit customer and prospective
8 customer relationships and grow market share for Motive's products, all saving Motive years of
9 research and development and accelerating Motive's sales at Samsara's expense.

10 45. On information and belief, Motive has used the misappropriated Samsara Trade Secrets
11 to target Samsara's market and consumer base—resulting, among other things, in the diminished
12 secrecy or confidentiality of the Samsara Trade Secrets, thereby devaluing the secrets.

13 46. Motive's misappropriation has resulted, or is reasonably likely to result, in significant
14 reduction to or interference with Samsara's fairly and legitimately obtained position as a market leader
15 for enterprise fleet management industry. Motive's misappropriation also has resulted, or is reasonably
16 likely to result, in significant impairment to Samsara's status as an innovator in the enterprise fleet
17 management industry. Due to loss of market leadership and loss of innovative status, Motive's
18 misappropriation has further resulted, or is likely to result, in significant reduction in the goodwill that
19 Samsara has steadily built with employees, customers, and the public by being a market leader and
20 innovator in the enterprise fleet management industry.

21 47. Motive's misappropriation has resulted, or is reasonably likely to result, in significant
22 reduction in sales of Samsara's products and services due to current and potential customers buying
23 Motive's competing products. Motive's misappropriation also has resulted, or is reasonably likely to
24 result, in the erosion of the prices for Samsara's products and services due to Samsara's necessity or
25 likely necessity to lower prices or provide discounts or other concessions to compete with Motive.

26 48. On information and belief, Motive's costs are expected to be lower, and/or commercial
27 exploitation timelines shorter, than they otherwise would be if, instead of misappropriating the Samsara
28 Trade Secrets, Motive had invested the required time, money, and effort to legitimately research,

1 develop, engineer, and commercially implement its own technical, sales, marketing, and consumer
2 strategies.

3 49. As a result of the above, Motive's misappropriation has further resulted, or is reasonably
4 likely to further result, in significant reduction in Samsara's revenue. And as a result of lost revenue,
5 Motive's misappropriation further results in, or is reasonably likely to result in, a significant reduction
6 in Samsara's ability to continue investing in the ongoing research, development, and industry growth
7 for Samsara's products and services.

8 50. By reason of Motive's misconduct, Samsara has suffered irreparable injury.

9 CAUSE OF ACTION

10 Violation of the California Uniform Trade Secrets Act (Cal. Civ. Code § 3426 *et seq.*)

11 51. Samsara re-alleges and incorporates by reference the allegations in paragraphs 1 through
12 50 as though fully set forth herein.

13 52. California law prohibits the misappropriation of trade secrets, and authorizes legal
14 actions to enjoin actual or threatened misappropriation and to recover damages for the actual loss
15 caused by misappropriation. (See Civ. Code § 3426 *et seq.*)

16 53. Samsara is the owner of the Samsara Trade Secrets, which constitute trade secrets within
17 the meaning of Cal. Civil Code § 3426.1.

18 54. The Samsara Trade Secrets derive independent economic value, both actual and
19 potential, from not being generally known to, and not being readily ascertainable through proper means
20 by, the public or Samsara's competitors, including Motive, who could obtain economic value from
21 their disclosure or use. Having access to such information would give a competitor, like Motive, a
22 tremendous head-start on prospective new operations and a roadmap for how to compete with
23 Samsara's operation.

24 55. At all relevant times, Samsara has taken the above-described reasonable—indeed,
25 significant—measures to protect the secrecy of the Samsara Trade Secrets.

26 56. At Motive's direction, Motive's employees gained access to the Samsara Trade Secrets
27 in the course of an employer-employee relationship between Samsara and its former employees. At
28 Motive's direction, Samsara's former employees improperly acquired and retained Samsara Trade

1 Secrets upon termination of their employment with Samsara for improper disclosure to Motive and use
2 in their competing work for Motive.

3 57. Motive is in possession of the foregoing trade secrets due to Samsara's former
4 employees subsequently taking these trade secrets, which are subject to confidentiality agreements
5 between Samsara and Samsara's former employees who provided these trade secrets to Motive. Such
6 former Samsara employees expressly acknowledged and confirmed the confidential nature of these
7 secrets. At all relevant times, Motive was aware that such former Samsara employees had obligations
8 to Samsara to refrain from taking Samsara's trade secrets with them when they left Samsara.

9 58. Motive improperly acquired Samsara's trade secrets from former Samsara employees
10 and have since improperly used those trade secrets, including by incorporating them into technical,
11 sales, marketing, and business documents and strategies Motive uses as its own. Motive thus accessed,
12 used, copied, forwarded, and/or downloaded Samsara's trade secrets by improper means, without
13 Samsara's express or implied consent.

14 59. Motive knew or had reason to know at the time it accessed, used, copied, forwarded,
15 and/or downloaded Samsara's trade secrets that this information was acquired and maintained by
16 improper means and/or under circumstances giving rise to a duty to maintain its secrecy or limit its use.

17 60. Motive has failed to return to Samsara the trade secrets it misappropriated. On
18 information and belief, Motive has retained and is using the Samsara Trade Secrets to compete with
19 and/or otherwise harm Samsara.

20 61. Samsara has suffered and will continue to suffer damages and irreparable harm as a
21 result of Motive's misappropriation, including but not limited to, loss of profits, goodwill, competitive
22 advantage, and business opportunities, and the diminution of the value of Samsara's trade secrets.

23 62. Motive has been unjustly enriched as a further proximate result of its misappropriation
24 of Samsara's trade secrets.

25 63. Samsara has no adequate remedy at law for such present and future harm and, therefore,
26 is entitled to equitable relief in addition to compensatory relief.

27 64. Motive's actions will continue to cause irreparable harm to Samsara if not enjoined.
28 Accordingly, Samsara is entitled to temporary, preliminary, and permanent injunctive relief to protect

1 the secrecy of its trade secrets and to remedy injury to Samsara's business interests and reputation, by
2 1) enjoining Motive from using or disclosing Samsara's trade secrets; 2) enjoining Motive from altering
3 or deleting Samsara's trade secrets; and 3) requiring Motive to turn over any and all copies of the
4 Samsara Trade Secrets to Samsara.

5 65. Motive's actions in misappropriating Samsara's trade secrets were willful, fraudulent,
6 malicious, and were done with the intent to injure and oppress Samsara and improve Motive's own
7 economic opportunities, thereby justifying an award of punitive damages against Motive pursuant to
8 Cal. Civ. Code § 3426.3(c) and attorneys' fees pursuant to Cal. Civ. Code § 3426.4.

9 **PRAYER FOR RELIEF**

10 WHEREFORE, Plaintiff prays for judgment in its favor and against Defendant Motive,
11 inclusive as follows:

12 1. Awarding monetary relief in favor of Samsara and against Motive in amounts to
13 be determined at trial;

14 2. Granting temporary, preliminary, and permanent injunction against Motive and
15 all persons or entities acting in concert or participation with Motive, from accessing, obtaining, using,
16 transmitting, or disclosing any of the Samsara Trade Secrets or Samsara's confidential information;

17 3. Granting temporary, preliminary, and permanent injunction against Motive and
18 all persons or entities acting in concert or participation with Motive, from destroying, manipulating, or
19 otherwise altering any of the Samsara Trade Secrets or Samsara's confidential information in their
20 possession, custody, or control, including any electronic information such as metadata that shows last
21 access date and creation date;

22 4. Granting temporary, preliminary, and permanent injunction against Motive and
23 all persons or entities acting in concert or participation with Motive, requiring them to return all stolen
24 information and documents (and all material derivative to such information) to Samsara, and other such
25 injunctive relief as is proper;

26 5. Awarding punitive and exemplary damages in favor of Samsara and against
27 Motive in an amount to be determined at trial;

28 6. Awarding Samsara pre-judgment and post-judgment interest, attorneys' fees and

1 costs, and other expenses incurred in this action; and

2 7. Granting Samsara such other further relief as this Court deems just and proper.

3 **JURY DEMAND**

4 Samsara demands a jury trial for all issues triable.

5
6 DATED: November 12, 2024

Respectfully submitted,

7 GIBSON, DUNN & CRUTCHER LLP

8
9 By: /s/ Josh Krevitt
Josh Krevitt

10
11 *Attorneys for Plaintiff Samsara Inc.*

EXHIBIT A

**UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C.**

**Before the Honorable Doris Johnson Hines
Administrative Law Judge**

In the Matter of

**CERTAIN VEHICLE TELEMATICS,
FLEET MANAGEMENT, AND VIDEO-
BASED SAFETY SYSTEMS, DEVICES,
AND COMPONENTS THEREOF**

Investigation No. 337-TA-1393

**COMPLAINANT SAMSARA INC.'S MOTION TO DECLASSIFY DOCUMENTS
IMPROPERLY DESIGNATED CONFIDENTIAL BUSINESS INFORMATION BY
RESPONDENT**

Pursuant to Commission Rules 210.20(a) and 201.6(a)(1), and Paragraphs 2(b) and 10 of the Protective Order (Order No. 1), Complainant Samsara Inc. moves to declassify, either in full or in part, 37 documents produced by Respondent Motive Technologies, Inc. in this Investigation that contain Samsara's confidential information and relate to Motive's extensive and concerted efforts to copy Samsara's products and misappropriate Samsara's trade secrets.

Pursuant to Ground Rule 5.1, Complainant certifies that the parties made good-faith efforts to resolve the matter, including through a meet and confer, a prior case management conference, and another meet and confer that occurred on Monday, September 23, 2024. Motive contends that the information Samsara seeks to declassify is Motive's own confidential business information. As explained in the accompanying memorandum, this is not so. Motive's characterization of the documents is both overbroad and incorrect—many of the documents contain CBI that belongs to

Samsara, not Motive.¹ Further, to the extent the documents contain Motive CBI, Samsara has proposed extensive redactions that would de-designate only the portions of those documents that do not contain Motive's CBI. Samsara's request is thus narrowly tailored, and should be granted.

DATED: September 25, 2024

Respectfully submitted,

/s/ Ellisen S. Turner

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¹ After declassification, Complainant intends to seek re-designation of Samsara CBI after in-house review.

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been filed and served on October 3, 2024, on the following:

<p>The Honorable Lisa R. Barton Secretary to the Commission U.S. INTERNATIONAL TRADE COMMISSION 500 E Street, S.W., Room 112-A Washington, D.C. 20436</p>	<p><input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Via Hand Delivery <input type="checkbox"/> Via FedEx <input type="checkbox"/> Via Electronic Mail <input checked="" type="checkbox"/> Via Electronic Filing (EDIS)</p>
<p>The Honorable Doris Johnson Hines Administrative Law Judge U.S. INTERNATIONAL TRADE COMMISSION 500 E Street, S.W. Washington, D.C. 20436 JohnsonHines1393@usitc.gov</p>	<p><input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Via Hand Delivery <input type="checkbox"/> Via FedEx <input checked="" type="checkbox"/> Via Electronic Mail <input checked="" type="checkbox"/> Via Electronic Filing (EDIS)</p>
<p>Megan Wantland Investigative Attorney Office of Unfair Import Investigations U.S. INTERNATIONAL TRADE COMMISSION 500 E Street, S.W. Washington, D.C. 20436 megan.wantland@usitc.gov</p>	<p><input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Via Hand Delivery <input type="checkbox"/> Via FedEx <input checked="" type="checkbox"/> Via Electronic Mail <input type="checkbox"/> Via Electronic Filing (EDIS)</p>
<p>Aamir A. Kazi FISH & RICHARDSON P.C. 1180 Peachtree St. NE, 21st Floor Atlanta, GA 30309 kazi@fr.com ServiceMotive-SamsaraITC1393@fr.com COUNSEL FOR MOTIVE TECHNOLOGIES, INC.</p>	<p><input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Via Hand Delivery <input type="checkbox"/> Via FedEx <input checked="" type="checkbox"/> Via Electronic Mail <input type="checkbox"/> Via Electronic Filing (EDIS)</p>

/s/ Vicki Merideth

Vicki Merideth

**UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C.**

**Before the Honorable Doris Johnson Hines
Administrative Law Judge**

In the Matter of

**CERTAIN VEHICLE TELEMATICS,
FLEET MANAGEMENT, AND VIDEO-
BASED SAFETY SYSTEMS, DEVICES,
AND COMPONENTS THEREOF**

Investigation No. 337-TA-1393

**COMPLAINANT SAMSARA INC.'S MEMORANDUM IN SUPPORT OF ITS
MOTION TO DECLASSIFY DOCUMENTS IMPROPERLY DESIGNATED
CONFIDENTIAL BUSINESS INFORMATION BY RESPONDENT**



TABLE OF CONTENTS

I. Introduction..... 1

II. Factual and Procedural Background 2

III. Legal Standard 5

IV. Motive’s Blanket Designations Fall Short of Its Burden to Show The Challenged Documents Contain CBI..... 7

V. Declassification of the Challenged Information Will Not Impair the Commission’s Function 10

VI. Samsara Has Acted in Good Faith and in Accordance with the Parties’ Protective Order 15

VII. Conclusion 19

TABLE OF AUTHORITIES

	Page(s)
Cases	
<i>Certain Foodservice Equipment and Components Thereof</i> , Inv. No. 337-TA-1166, Order No. 45 at 7 n. 5 (June 1, 2020) (“ <i>Foodservice Equipment</i> ”)	6, 7, 14
<i>Certain High-Potency Sweeteners</i> , Inv. No. 337-TA-1030, Order No. 8 at 7 (Mar. 28, 2017).....	16
<i>Certain Integrated Circuit Products and Devices Containing the Same</i> , Inv. No. 337-TA-1295, Order No. 16 at 2 (May 31, 2022) (“ <i>Integrated Circuit</i> ”)	<i>passim</i>
<i>Certain Network Devices, Related Software and Components Thereof</i> , Inv. No. 337-TA-944, Comm’n Declassification Op. at 6 (Apr. 19, 2017) (“ <i>Network Devices</i> ”)	6, 9
<i>Samsara v. Motive</i> , Case No. 1:24-cv-00084-UNA, Dkt. No. 1	15
Other Authorities	
19 C.F.R. § 201.6(a)(1).....	5, 6, 11
19 C.F.R. § 210.5	4
19 C.F.R. § 210.20(a).....	5, 12
19 C.F.R. § 210.33	13
<i>Works</i> , MERRIAM-WEBSTER ONLINE, https://www.merriam-webster.com/dictionary/works (last accessed Sept. 24, 2024).....	5



I. INTRODUCTION

Motive has produced at least hundreds of documents that evidence a massive, years-long campaign to access and copy Samsara’s products and misappropriate Samsara trade secrets and confidential information. Motive designated all of those documents as containing Motive Confidential Business Information (CBI). That includes documents that summarize Samsara’s own internal business strategies and information, and documents that evidence Motive’s efforts to obtain that Samsara confidential information from former Samsara employees. Although some of those documents appear to contain *Samsara* CBI, none can credibly be alleged to be entirely *Motive* CBI. Samsara has therefore asked Motive to declassify, and to allow Samsara’s in-house counsel to review, only (a) 12 documents that Motive improperly marked as containing Motive CBI, and (b) narrow portions of 25 other documents, which can easily be redacted to remove any arguable Motive CBI (collectively, the “challenged documents”).¹ Motive has refused.

Motive improperly maintains its overbroad and unsupportable assertion that every challenged document discloses only Motive’s CBI. But the documents, on their face, show otherwise—they contain only Samsara confidential information, the dates and nature of Motive’s unlawful efforts to obtain that information, and the specific people involved. Other than the actions and people involved in Motive’s unlawful acts, nothing substantive about Motive’s business appears anywhere in the redacted portions of any of the challenged documents. And no Commission rule or policy, and nothing in the Protective Order, supports Motive’s efforts to hide

¹ For documents that contain Samsara CBI, Samsara would seek re-designation after Samsara in-house review. This motion includes one additional document that Motive recently produced that was referenced within documents previously addressed in the parties’ letter briefs.

[REDACTED]

the mere fact that Motive’s unlawful conduct occurred, or the identities of the people who directed and undertook its unlawful actions, from the public eye.

Motive also argues that, irrespective of whether any of the documents have actually been demonstrated to contain Motive CBI (and they have not), any declassification of even a portion of the challenged documents, and even disclosing the fact that they exist and demonstrate Motive’s misconduct, will impede the Commission’s investigatory functions. But Commission Rules and precedent demonstrate that the ALJ can and should selectively declassify improperly designated materials. Thus, pursuant to Commission Rules 210.20(a) and 201.6(a)(1), and Paragraphs 2(b) and 10 of the Protective Order, Samsara moves to declassify the documents in **Appendix A**, which are a small subset of the hundreds if not thousands of documents that demonstrate or relate to Motive’s misconduct and unfair competition.

II. FACTUAL AND PROCEDURAL BACKGROUND

To address secondary considerations of non-obviousness, Complainant Samsara served discovery in this Investigation seeking information on Respondent Motive’s efforts to copy Samsara’s domestic industry (DI) products. In particular, Samsara sought discovery on both Motive’s long-standing culture of copying Samsara generally, and Motive’s specific efforts to access and use Samsara’s DI products and otherwise copy patented product features. But Motive’s resulting document production and testimony revealed something far more alarming. For years, Motive has gone to even greater lengths than Samsara could have ever suspected to not only copy Samsara’s products, but to also engage in a massive and ongoing campaign to misappropriate trade secrets and other confidential information about Samsara’s entire business. In many instances, the very same documents that show Motive’s culture of copying also evidence Motive’s other unfair acts. But the challenged documents all relate to just one aspect of Motive’s scheme—its ongoing

[REDACTED]

practice of hiring former Samsara employees and grilling them for confidential information about every aspect of Samsara's internal business and sales strategies and product plans.

As discussed during the August 14, 2024 monthly case management conference (CMC), Samsara wanted to amend its Complaint in the present Investigation to address Motive's trade secret misappropriation. But upon further review of the evidence that Motive produced near the end of fact discovery, Samsara agreed with the Staff and Motive that, due to the apparently massive scale of Motive's misconduct, the further discovery needed to fully investigate it, and the additional witnesses and time that would be necessary to address it during an evidentiary hearing, the ALJ could not reasonably incorporate Samsara's trade secret claims into this Investigation at this late stage and maintain an acceptable schedule.

Motive asserted during the August 14, 2024 CMC that "[i]f they [Samsara] want to file a new case and believe they have the evidence to do it and consistent with the protective order, then they are entitled to," while objecting to all possible approaches to adjudicating the trade secret claims in the present Investigation. Ex. 1, Aug. 14, 2024 CMC Hearing Tr. at 72:7-12. Samsara now seeks to do exactly as Motive proposed, without being blocked by Motive's baseless CBI designations or accused of violating the Protective Order (PO). Samsara is entitled to seek redress for Motive's misconduct, including the misconduct that came to light during discovery. But Motive has made clear that (unless the documents are declassified) Motive will try to leverage the PO to prevent Samsara from using the information revealed in Motive's produced documents to file any claim for relief in any future litigation or administrative proceeding to address Motive's misconduct. And Motive intends to block that effort even if neither the produced documents nor their specific contents are disclosed to the public when Samsara's trade secret claims are filed. Motive is also blocking Samsara's outside counsel from showing any of the documents to Samsara

[REDACTED]

so that counsel can comprehensively advise on the scope of Motive’s copying and misappropriation, and the bases that Motive’s documents reveal for filing trade secret or other claims based on that misconduct.

In essence, Motive’s assertion is that even though Motive produced clear evidence of its unlawful conduct shortly before discovery closed, the PO stands as a blockade that prevents Samsara from relying on that evidence to pursue any remedy, anywhere. This cannot be so—the purpose of a PO is to protect specific and demonstrable confidentiality, not shield unlawful behavior from redress. *See generally* Order No. 1; 19 C.F.R. § 210.5. Moreover, Motive previously agreed that there is nothing confidential about the fact that Motive has produced evidence in this Investigation that shows:

1. “Motive had been systematically getting Samsara’s confidential information from the former Samsara employees that Motive hired and from other sources.”
2. Motive had confidential Samsara documents within Motive’s possession.
3. “[T]here were multiple conversations directed by Motive’s own CEO where he would tell the Motive employees to interview the former Samsara employees that they had hired, get as much information about Samsara and its business operations and its products and features as they could from those employees, and then use that information to help Motive sell products, the same products at issue here, into the domestic industry.”

Ex. 1, Aug. 14, 2024 CMC Hearing Tr. at 60:15–24, 61:3–10; *id.* at 75:18-21 (Motive’s counsel stating “I know we went on the confidential record for that portion of the discussion. From our perspective, there wasn’t any Motive confidential business information.”); *Id.* at 76:8-10 (ALJ instructing “the court reporter to designate the entirety of the transcript as public” in light of Motive’s confirmation that all of the above points are not CBI). These admittedly non-CBI facts are precisely the type of activity that the challenged documents demonstrate.

The 12 documents Samsara seeks to fully declassify (or reclassify as only Samsara CBI) include communications between Motive employees demonstrating Motive’s solicitation of

[REDACTED]

confidential information from former Samsara employees and misappropriation of Samsara’s trade secrets, all without any information related to any protectable “processes, operations, or style of works” of Motive. As for the remaining 25 documents, Samsara has proposed extensive redactions that would declassify (or reclassify as only Samsara CBI) only narrow portions of those documents, completely avoiding any potential for disclosure of any supposed Motive CBI. Samsara’s request is thus narrowly tailored and should be granted.

III. LEGAL STANDARD

Commission Rules allow any party to move to declassify documents, either in full or in part, that do not meet the Commission’s definition of “confidential business information” (CBI). See 19 C.F.R. § 210.20(a). CBI is defined as:

[A] information which concerns or relates to the *trade secrets, processes, operations, style of works*, or apparatus, or to the production, sales, shipments, purchases, transfers, identification of customers, inventories, or amount or source of any income, profits, losses, or expenditures of any person, firm, partnership, corporation, or other organization, or other information of commercial value, [B] the disclosure of which is likely to have the effect of either impairing the Commission’s ability to obtain such information as is necessary to perform its statutory functions, or causing substantial harm to the competitive position of the person, firm, partnership, corporation, or other organization from which the information was obtained,

19 C.F.R. § 201.6(a)(1) (emphasis added); Order No. 1 at ¶ 1 (same definition).² Textually, part [B] of the definition is an explicit, further limitation on whether any materials listed in Part [A] of the definition will be entitled to protection.

² The ALJ asked the parties to address what “style of works” means in this context. Samsara’s review of the legislative history and ITC precedent has not revealed any further definition or explanation of this specific term. But the surrounding context (“operations, style of works, or apparatus”) indicates that the word “works” refers either to (1) an object that is designed with a certain style that is not yet public, *i.e.*, “something produced or accomplished by effort, exertion, or exercise of skill” (as in “works of art”) or (2) specific manufacturing or industrial activities (as in “ironworks”). *Works*, MERRIAM-WEBSTER ONLINE, <https://www.merriam->



In evaluating motions to declassify, the Commission applies a two-part test. *Certain Integrated Circuit Products and Devices Containing the Same*, Inv. No. 337-TA-1295, Order No. 16 at 2 (May 31, 2022) (“*Integrated Circuit*”) (citing *Certain Network Devices, Related Software and Components Thereof*, Inv. No. 337-TA-944, Comm’n Declassification Op. at 6 (Apr. 19, 2017) (“*Network Devices*”). **First**, to avoid declassification, the information must fall within the CBI definition set forth in 19 C.F.R. § 201.6(a)(1). *Id.* If the information falls within the Commission’s definition, it will be protected. *Id.* But the party seeking to maintain confidentiality (Motive) has the burden to demonstrate that the information falls within that definition. *Id.* at 1–2. Mere attorney argument does not suffice to meet that burden. *Id.* at 3, 5 (relying on declarations submitted by the non-moving party to evaluate the confidential nature of the challenged material); *Certain Foodservice Equipment and Components Thereof*, Inv. No. 337-TA-1166, Order No. 45 at 7 n. 5 (June 1, 2020) (“*Foodservice Equipment*”) (suggesting that proposed redactions to public orders should be supported by “declarations from individuals with personal knowledge, justifying each proposed redaction and specifically explaining why the information sought to be redacted meets the definition for [CBI under Commission Rules].”).

Second, the Commission evaluates whether the disclosure of the information is “likely to have the effect of either (1) impairing the Commission’s ability to obtain such information as is necessary to perform its statutory functions, or (2) causing substantial harm to the competitive position of the person, firm, partnership, corporation, or other organization from which the

[webster.com/dictionary/works](https://www.merriam-webster.com/dictionary/works) (last accessed Sept. 24, 2024). “Works” in this context cannot be an indefinite, amorphous concept that would apply to any and all activities or tasks undertaken by a business, as Motive appears to contend, or there would be no need for the other terms in the CBI definition, and all business activity of any kind would automatically be CBI.

[REDACTED]

information was obtained.” *Integrated Circuit* at 2. Publicly available information is not CBI, nor is otherwise unprotectable information that would be embarrassing or disreputable. *Id.*

IV. MOTIVE’S BLANKET DESIGNATIONS FALL SHORT OF ITS BURDEN TO SHOW THE CHALLENGED DOCUMENTS CONTAIN CBI

Motive broadly contends “[a]ll of the [37]³ documents Samsara seeks to have declassified are internal to Motive and all include confidential information regarding Motive’s ‘processes, operations, [and] style of work.’” Ex. 2 at 1. Motive’s basis for this argument is that the documents Samsara seeks to de-designate are internal emails and Slack communications. *Id.* at 2. But Motive fails to support any contention that any of the specific content within each document meets the CBI definition. Similarly, Motive contends that the entire documents constitute Motive CBI “such that redaction is not feasible.” *See* Ex. 3, 4. With this blanket designation and mere attorney argument,⁴ Motive has not met its burden to establish that the narrow set of information Samsara seeks to de-designate constitutes CBI. The Commission has found an “all-or-nothing” approach to confidentiality designations to be “inappropriate.” *Integrated Circuit* at 3. The analysis must instead “focus on the exact words alleged to be confidential,” rather than on “the

³ Since submission of the parties’ letters on this issue and the September 12, 2024 CMC, Samsara has identified an additional document (MOTIVE-ITC-1393-1099516) that it seeks to de-designate in part, as outlined in Appendix A. It appears to be [REDACTED] that was linked in the previously challenged document at MOTIVE-ITC-1393-0465176 (Ex. 20). Samsara no longer seeks declassification of MOTIVE-ITC-1393-0432148 or MOTIVE-ITC-1393-0432150 at this time as they are partially redundant.

⁴ Samsara does not challenge Motive’s practice of broadly applying initial CBI designations to voluminous company internal documents during ESI discovery. Rather, Samsara challenges Motive’s unsupported attempts to *maintain* its CBI designations for the few, specific documents addressed in this motion, where there is either no CBI involved, or the only CBI is either redacted or actually belongs to Samsara.

[REDACTED]

nature of the document containing the allegedly confidential information.” *Id.* at 2–4. Thus, confidentiality is evaluated on a “word-by-word” basis. *Id.*

In *Integrated Circuit*, the respondent sought to declassify portions of a license agreement, which had been designated as CBI in its entirety. *Id.* at 2. The complainant opposed the respondent’s motion, arguing the license overall “relat[ed] to the amount and source of income of [complainant], and is of commercial value, and meets both prongs of the second part of the CBI definition, that is, its disclosure would impair the Commission’s ability to obtain CBI in the future and would cause [complainant] competitive harm.” *Id.* at 3 (internal quotations omitted). The Commission rejected this argument and the complainant’s “all-or-nothing” approach to CBI designation. *Id.* Though the Commission agreed that the complainant was “in the business of licensing its intellectual property rights,” *id.* (internal quotations omitted), it was publicly known that complainant had entered into such license agreements. *Id.* Thus, the Commission found that the existence of the license agreement was public knowledge without commercial value, and determined to de-designate the agreement in part.

Like the complainant in *Integrated Circuit*, Motive’s blanket designations of the challenged documents as containing Motive CBI merely because they are internal communications is inappropriate. The required “word-by-word” analysis shows that the documents contain information that is not *Motive* CBI as defined by the Commission. For example, two documents, as redacted, contain [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED].

Exs. 15–18.

[REDACTED]

Another document is [REDACTED]

[REDACTED] Ex. 19. [REDACTED]

[REDACTED]

[REDACTED] but any potential CBI regarding any supposed Motive competitive advantages are not revealed. Motive argues that this calendar invite contains “information concerning Motive’s ‘processes, operations, [and] style of work’ by revealing the subjects of internal company meetings.” Ex. 2 at 2. But Motive has offered no basis to conclude that the mere fact that companies have meetings, or that the subject of those meetings includes discussions about their competitors, is confidential. Indeed, the fact that Motive conducts competitive intelligence of its competitors, including Samsara, is public knowledge, *see* Motive’s Response to the Complaint and NOI at ¶ 13, and thus is not a reasonable basis for full designation of the documents.

Motive’s CBI argument also fails because Motive has not established that the mere fact that it conducts internal meetings with former Samsara employees, about Samsara’s products and internal business, has commercial value to Motive that would be impacted if those facts became known. *See Integrated Circuit* at 5–6. Motive has also offered no basis to conclude that its attempts (through its CEO and other senior executives and employees) to secure confidential information from any former Samara employee is confidential, and indeed Motive already agreed during the August 14, 2024 CMC that such topics, and the fact that Motive produced documents that demonstrate that activity, are not CBI. Ex. 1, Aug. 14, 2024 CMC Hearing Tr. at 61:3–10, 75:17-23; *Cf. Integrated Circuits* at 5 (citing *Network Devices*) (describing public characterizations leading to declassifications of the associated information). The information that Samsara seeks to declassify from the challenged documents evidences that admitted non-CBI activity. *See, e.g.,* Exs. 13–14, 21.

[REDACTED]

Another challenged document shows that [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]. Ex. 20. Motive’s possession of Samsara’s trade secrets, and efforts to obtain them, is not CBI deserving protection—it’s a violation of Section 337. And, even if the underlying documents were partially entitled to CBI protection, the fact that Motive engaged in such misconduct, and that Motive produced documents in this Investigation evidencing that conduct, are not CBI under the Commission’s Rules or the Protective Order.

Motive argues that “Samsara has not identified any publicly available material among the [37] documents.” Ex. 2 at 2. But it is Motive’s burden—not Samsara’s—to demonstrate that each piece of information it seeks to protect falls within the Commission’s definition of CBI. *Integrated Circuit* at 1-2. Motive has not done so, and the challenged documents should be declassified.

V. DECLASSIFICATION OF THE CHALLENGED INFORMATION WILL NOT IMPAIR THE COMMISSION’S FUNCTION

Motive has failed to show that disclosure of the challenged information would “[impair] the Commission’s ability to obtain such information as is necessary to perform its statutory functions.” *Integrated Circuit* at 2. Motive relies on the factually unsupported theory, masquerading as an empirical prediction, that declassifying the challenged materials will result in some future parties somehow becoming reluctant to participate in the discovery process. This, says Motive will hinder the Commission’s “investigative mandate” which requires “obtain[ing] all information necessary, including a private party’s most sensitive information.” Ex. 2 at 2. Staff has echoed this point, further arguing that “permitting such declassification may also have the impact of dissuading (often necessary) third-party participation and cooperation during discovery as such parties would not be confident that the information provided to the Commission pursuant to a protective order would remain protected.” Ex. 5 at 2. As a result, Motive argues this chilling

[REDACTED]

effect will “multiply motion practice before the ITC.” Ex. 6, Sept. 12, 2024 CMC Hearing Tr. at 15:24–16:7.⁵ These arguments, unsupported by any demonstration that any such dissuasion or discouragement would actually occur in practice, presume that the information Samsara seeks to declassify is actually sensitive and protectible Motive confidential information to begin with. That presumption is wrong, and the unsupported policy arguments therefore fall apart at the seams. In the specific circumstances of the present case, declassification will actually serve and support the Commission’s core functions to investigate and put an end to unfair acts in multiple respects.

First, the mere fact that produced documents demonstrate that misconduct has occurred, while uncomfortable to admit for the guilty party, typically becomes public in the ordinary course of any proceedings that assert claims based on those documents. Motive cannot hide the mere fact that it possesses documents that support Samsara’s claims. Further, the *content* of the documents that reveal a party’s misconduct are also not shielded unless they demonstrably would disclose the producing party’s CBI. Here, none of the documents contain Motive CBI—they include only Samsara CBI and logistical information regarding Motive’s efforts to obtain it. Commission Rules guarantee only that “a private party’s most sensitive information” that meets the CBI definition is protected. *Integrated Circuit* at 2.⁶ Granting Samsara’s motion will not change or compromise that guarantee in any way. Here, the challenged documents do not reveal any of Motive’s “most sensitive information” as described by the Commission and embodied in its rules. Thus, de-

⁵ If any such chilling effect were a real concern, and a legitimate standalone basis upon which to maintain confidentiality, the ALJ and Commission could completely avoid it by ordering the challenged material declassified but then keeping the declassification order itself confidential.

⁶ Even that guarantee is qualified: the Commission may in some circumstances disclose information that it is required by law to disclose, despite otherwise applicable CBI protections. *See* 19 C.F.R. § 201.6(a)(1).

[REDACTED]

classification will not and cannot result in any chilling effect on future discovery because no party to an ITC investigation could or should have ever expected to be able to misuse the Commission's protective order to shield its non-sensitive information, to shield itself from remedy against its own unlawful conduct, to hide the fact that it possesses sensitive information belonging only to its opposing party, or to hide the dates that it obtained that information and the people directly involved.

Second, Motive and the Staff's position would yield the untenable conclusion that *any* opposed declassification, even where documents are clearly not CBI, would hinder the Commission's investigative function. That sweeping and unsupported generalization is insufficient because it contradicts the Commission Rules and the Protective Order, which have procedures in place for declassifying documents. *See* 19 C.F.R. § 210.20(a). The Rules demonstrate that lawmakers already balanced the Commission's investigative functions against (1) the possibility that a party would over-designate its documents to hide information, and (2) the needs for, and public's interest in, full disclosure of non-confidential information in the pursuit of justice and remedies for unfair acts. The Commission's and the public's interest in identifying, investigating, and preventing misconduct of the kind evidenced in the challenged documents is paramount. And both the Rules and the PO clearly and conclusively establish that declassification can and will occur in appropriate circumstances, such as this. Nothing about complying with the black letter of the Commission's established rules can plausibly be found to discourage law-abiding parties with legitimate confidentiality concerns about actual CBI from complying with document requests or otherwise fully participating in the discovery process. Instead, Motive's approach encourages broad over-designation of non-CBI materials in a manner designed to disrupt parties and the Commission from investigating and halting unfair acts disclosed late in the

[REDACTED]

discovery process, such as Motive’s massive efforts to misappropriate trade secrets here. Such injustice cannot possibly be consistent with Commission law or policy.⁷

Moreover, all the documents in question are *party* discovery. The Commission provides every administrative law judge with the ability to compel discovery and to sanction parties who fail to timely comply. *See* 19 C.F.R. § 210.33. Wrongdoers, who improperly withhold relevant documents, may be sanctioned. The Commission thus has a full ability to obtain all necessary discovery, and to timely conduct and complete its Investigation if a party completely fails to provide what is required. It is those discovery and sanction procedures, and the ethical obligations of parties and counsel, that encourage and ensure discovery compliance. No just system could reach the conclusion that merely enforcing the black letter of its rules and orders (which here strictly limit the class of CBI documents) would somehow discourage honest, timely and forthright compliance. To the contrary, strict adherence to those rules and orders, even when they result in declassification, provides assurance that the Commission’s Rules and Orders actually mean what they say, and will not be subject to the whims and wishes of one party to hide whatever information it desires from scrutiny. Further, Motive’s argument that de-designation will result in increased motion practice because parties will be more reluctant to “liberally produce documents” ignores that Motive produced the challenged documents only after Samsara was forced to resort to motion

⁷ Staff points out that “[d]iscovery documents are generally not available to the public unless and until those documents become part of the investigatory or evidentiary record via citation in a motion and/or as part of the documents submitted as evidence during the hearing.” Ex. 5 at 2. But that is merely a question of timing and procedural posture, not a substantive argument against declassification. It makes no difference to a document’s CBI status whether its declassification was sought before use in a proceeding rather than after. Notably, Samsara also sought to use all but one of the challenged documents in a draft Amended Complaint, an effort that both Motive and the Staff rebuffed (albeit each for their own different reasons).

[REDACTED]

practice and the ALJ ordered the documents produced. *See* Ex. 8, June 18, 2024 CMC Hearing Tr.

Third, the Commission (and the ALJ here) has demonstrated thoughtful evaluation of motions to declassify—including those implicating third-party CBI—inspiring trust in the Rules and the system, and ensuring that no parties or third-parties will not be dissuaded from fully participating in the discovery process. Indeed, as the instant motion practice and the three letter briefs and hearing that preceded it demonstrate, a future party can rest assured that before any of its produced materials are even considered for declassification, it will have a full and fair opportunity to be heard, and that only truly non-CBI will be declassified. For example, in *Foodservice Equipment*, the Commission evaluated the respondents’ request to declassify documents that contained the third-party CBI of a private investigator who had procured the challenged documents for the complainant. *See generally Foodservice Equipment*, Inv. No. 337-TA-1166, Order No. 45 (June 1, 2020). The Commission, acknowledging that the documents would reveal the investigator’s valuable CBI insofar as it revealed the proprietary methods and personnel employed to obtain such evidence, determined to not declassify the documents. *Id.* at 5–6. Thus, *Foodservice Equipment* illustrates the Commission’s careful consideration and handling of third-party CBI in its declassification analysis, negating any concern that motions to declassify will result in thoughtless, mass-declassification of properly designated, third-party CBI.

The Commission’s thoughtful analysis is further demonstrated in *Integrated Circuit*. There, the Commission chose to declassify only portions of the challenged license agreement, rather than the entire document, with careful consideration of what information declassified might actually “cause substantial harm to the competitive position” of the affected non-moving party and third party. *See generally Integrated Circuit*. Indeed, *Integrated Circuit* serves as an example that

[REDACTED]

the Commission *has* declassified documents without a resulting chilling effect on the discovery process. In short, the weight of the Commission’s many decisions carefully evaluating the scope and nature of alleged CBI protections inspire confidence and trust, rather than skepticism, that the Commission will protect true CBI from public disclosure.

Finally, Samsara’s identification and selection of a narrow set of information for challenge and review further mitigates any alleged chilling effect that Motive or Staff argues declassification may create. Motive has produced over 230,000 documents in this Investigation, with potentially hundreds or thousands of them relating to Motive’s efforts to copy Samsara products and misappropriate Samsara’s trade secrets. Samsara requests declassification of only 37 of those documents. Of those 37, Samsara requests full declassification of only 12. For the remaining 25, Samsara has only requested a narrow set of information to be declassified. Therefore, such declassification is narrow and will not strike fear that true CBI will ever be declassified by the Commission.

VI. SAMSARA HAS ACTED IN GOOD FAITH AND IN ACCORDANCE WITH THE PARTIES’ PROTECTIVE ORDER

Motive has expressed doubt that declassification of the challenged documents is necessary for Samsara to advise its client, arguing that Samsara’s “public complaints already include recitations of Motive’s alleged conduct,” and that Samsara’s CEO is aware of some of Motive’s conduct. Ex. 2 at 3. Motive claims that “eight months before taking discovery, Samsara was alleging that Motive was engaged in trade secret misappropriation.” *Id.* at 2. This is not so. Samsara’s complaints against Motive, both in the ITC and in other forums, did not allege trade secret misappropriation. *See* Complaint ¶¶ 4, 14; *see also Samsara v. Motive*, Case No. 1:24-cv-00084-UNA, Dkt. No. 1 at ¶¶ 4, 92–96. Those filings show only that Samsara was generally aware that Motive was hiring its former employees and potentially soliciting them for information about

[REDACTED]

Samsara’s products, not that Motive, at its CEO’s behest, had engaged in the years of massive efforts to misappropriate Samsara’s business and technical trade secrets from a dozen or more former Samsara employees as the discovery in this Investigation has now revealed.

Motive’s overbroad designations impede Samsara’s counsel’s ability to advise its client on case developments and further evaluate the scope of the trade secrets that Motive misappropriated. *See Certain High-Potency Sweeteners*, Inv. No. 337-TA-1030, Order No. 8 at 7 (Mar. 28, 2017) (granting respondent’s motion to de-designate alleged CBI where respondents argued that they “have been deprived of crucially important information about the development of this case” and “[t]he lack of information has significantly impeded counsel’s ability to effectively advise their clients”) (internal quotations omitted). Identifying the types and content of Samsara information that Motive misappropriated, the people involved, and the dates such misappropriation occurred, will allow Samsara to complete a further investigation, seek appropriate remedies, and put an end to Motive’s unlawful conduct. Motive’s refusal to declassify the materials does not protect Motive’s CBI, but instead seeks to protect Motive from the consequences of its unlawful behavior.⁸

Motive argues that Samsara’s reasons for requesting de-designation are improper and “for reasons prohibited by the PO—to disclose this information to its client and to include Motive’s

⁸ At the September 12, 2024 CMC, Counsel for Motive argued that Samsara seeks to de-designate “for an improper purpose, and that is to embarrass [Motive] publicly, to expand the cloud that has been put over [Motive] by the filing of these lawsuits, and to keep pressure on [Motive]’s customers, investors, and others, to not do business with us.” Ex. 6 at 18–19. Motive’s baseless contentions about Samsara’s motivations for de-designating these documents are wrong. But even so, any embarrassment or harm to Motive’s reputation that may result from declassification of these documents (and its own misconduct) is not a sufficient rationale to maintain their CBI designation. *Integrated Circuit*, Order No. 16 at 2.

[REDACTED]

CBI as part of a new complaint.” Ex. 2 at 2. To the contrary, Samsara’s counsel has followed the procedures outlined by the PO to request de-designation of the challenged documents before using them in any way, and without sharing those documents with its client. *See* Order No. 1 at ¶¶ 2(b), 10. Further, Samsara’s desire to include the challenged documents in a new complaint came at Motive’s own urging. Originally, after Motive finally produced these documents, Samsara sought to amend the Complaint in *this Investigation*. In opposing Samsara’s plan to do so, Motive opposed any procedure to add claims of trade secret misappropriation here and asserted that Samsara should instead raise any claims that arise from the challenged documents in a separate proceeding in another venue. Ex. 1, Aug. 14, 2024 CMC Hearing Tr. at 67:15–25, 72:7–12. Yet, Motive is now attempting to block the use of non-CBI materials for that purpose, arguing that cross-use of the materials is impermissible under the PO and, more generally, would have a chilling effect on discovery in ITC investigation. *See* Ex. 2 at 3. This is particularly hypocritical, as just this week Motive affirmatively requested cross-use of *all* discovery produced in this Investigation for use in concurrent arbitration proceedings between the parties. *See* Ex. 13, Sept. 23, 2024 Arb. Conf. Hearing Tr. (Rough) at 12:7–15, 5: 7–11. Motive cannot favor cross-use in one venue to its benefit, and oppose it in another for the sole purpose of blocking Samsara’s ability to pursue valid claims against Motive.

Moreover, Motive has stalemated Samsara’s counsels’ efforts to attempt to reach a compromise on the issue. At the September 12, 2024 CMC, counsel for Motive suggested middle ground—that it would allow Samsara’s counsel to share the challenged materials with its client to avoid full public declassification. Ex. 6, Sept. 12, 2024 CMC Hearing Tr. at 25:5–12. Your Honor suggested the parties confer on that point. *Id.* at 25:20–23. Since that CMC, Samsara reached out to Motive on three separate days providing times to confer, and a fourth time asking for Motive’s

[REDACTED]

availability to confer. Only after this fourth outreach did Motive inform counsel for Samsara that it believed it “unlikely [the parties] will be able to reach agreement on this issue.” Ex. 7.

Finally, to the extent Motive argues that Samsara abused the discovery process to obtain these documents—that is not so. The challenged documents were obtained as a result of the ALJ’s order for Motive to produce documents responsive to Samsara’s discovery requests pertaining to copying, a secondary consideration of non-obviousness relevant to Samsara’s public interest analysis. *See* Ex. 8, June 18, 2024 CMC Hearing Tr. This discovery was keenly directed at the Motive employees and individuals identifiable as having accessed Samsara’s platforms through Samsara’s own access logs. *See* Ex. 9 (SAMSARA-1393-ITC_090744), Ex. 10 (SAMSARA-1393-ITC_090747), Ex. 11 (SAMSARA-1393-ITC_090708). The discovery was *not* dedicated towards development of any trade secret misappropriation claims against Motive. Rather, Motive produced documents responsive to Samsara’s relevant discovery requests that revealed Motive was misappropriating Samsara’s trade secrets. Indeed, in some instances Motive’s efforts to access and copy Samsara’s products [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]. *See* Exs. 22–23.

In sum, when Samsara sought to amend the complaint in this Investigation to pursue trade secrets claims, Motive suggested that Samsara instead pursue those claims in another venue or a separate proceeding. Ex. 1, Aug. 14, 2024 CMC Hearing Tr. at 67:15–25, 72:7–12. Now, Motive seeks to prevent Samsara from doing so by blocking Samsara’s counsel from advising its client on the subjects and scope of the trade secrets that Motive misappropriated, and the timeline and identities of the persons involved, by improperly designating documents as containing Motive’s

[REDACTED]

CBI. But to the extent any of the material Samsara seeks to declassify constitutes CBI, it is Samsara's and not Motive's, and Samsara has therefore properly and in good faith sought its declassification for client review and so that Samsara can fully pursue remedies against Motive's misconduct.

VII. CONCLUSION

For the foregoing reasons, Samsara respectfully requests that the ALJ declassify Motive's documents consistent with Appendix A. As indicated in the Appendix, certain documents should be fully declassified, while others should be declassified as containing Motive CBI but may still be designated as containing Samsara CBI upon review by Samsara.

DATED: September 25, 2024


Respectfully submitted,

/s/ Ellisen S. Turner

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been filed and served on October 3, 2024, on the following:

The Honorable Lisa R. Barton Secretary to the Commission U.S. INTERNATIONAL TRADE COMMISSION 500 E Street, S.W., Room 112-A Washington, D.C. 20436	<input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Via Hand Delivery <input type="checkbox"/> Via FedEx <input type="checkbox"/> Via Electronic Mail <input checked="" type="checkbox"/> Via Electronic Filing (EDIS)
The Honorable Doris Johnson Hines Administrative Law Judge U.S. INTERNATIONAL TRADE COMMISSION 500 E Street, S.W. Washington, D.C. 20436 JohnsonHines1393@usitc.gov	<input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Via Hand Delivery <input type="checkbox"/> Via FedEx <input checked="" type="checkbox"/> Via Electronic Mail <input checked="" type="checkbox"/> Via Electronic Filing (EDIS)
Megan Wantland Investigative Attorney Office of Unfair Import Investigations U.S. INTERNATIONAL TRADE COMMISSION 500 E Street, S.W. Washington, D.C. 20436 megan.wantland@usitc.gov	<input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Via Hand Delivery <input type="checkbox"/> Via FedEx <input checked="" type="checkbox"/> Via Electronic Mail <input type="checkbox"/> Via Electronic Filing (EDIS)
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/s/ Vicki Merideth



Appendix A
Motive Documents for Declassification

The following materials do not contain Motive CBI where indicated, but in certain instances may still contain Samsara CBI, which Samsara's counsel would identify after client review. The chart indicates for each document either (a) that the entire document should be declassified by Motive, (b) the specific material that should be declassified by Motive, or (c) although the entire document should be declassified by Motive, specifically identified material may nevertheless be redacted to the extent Motive contends it contains Motive CBI. Motive refused to declassify even redacted versions of any of the below documents, and has not provided any of its own proposed redactions.

Exhibit Nos.	Bates No.	Information to <u>Declassify</u>
13, 14	MOTIVE-ITC-1393-0432154	



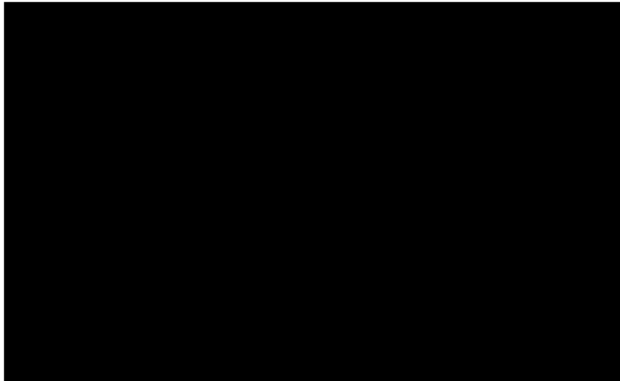
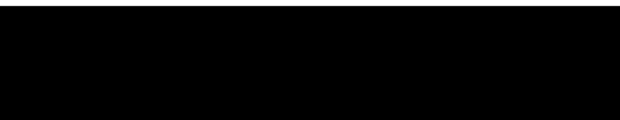


Exhibit Nos.	Bates No.	Information to <u>Declassify</u>
15, 16	MOTIVE-ITC-1393-1511225	The entire document should be declassified, <u>except</u> the following <u>may be redacted</u> : 
17, 18	MOTIVE-ITC-1393-1099516	The entire document should be declassified, <u>except</u> the following <u>may be redacted</u> : 
19	MOTIVE-ITC-1393-1010951	The entire document should be declassified.
20	MOTIVE-ITC-1393-0465176	The entire document should be declassified.
21	MOTIVE-ITC-1393-1480589	The entire document should be declassified.
22, 23	MOTIVE-ITC-1393-0518711	The entire document should be declassified, <u>except</u> for the bullets listed under "Documents:" <u>may be redacted</u> .
24, 25	MOTIVE-ITC-1393-0077226	
26, 27	MOTIVE-ITC-1393-0415591	The following text: 




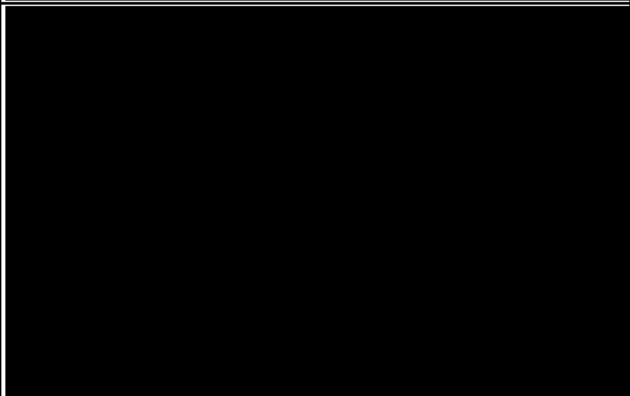

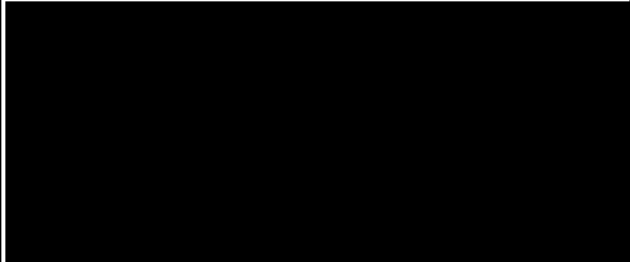
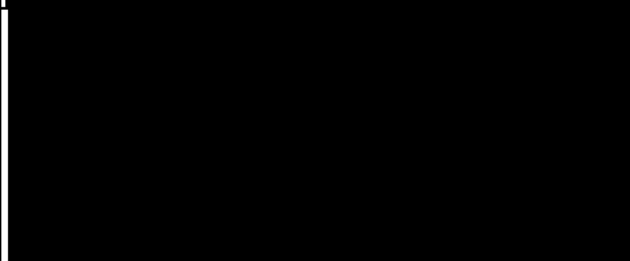
Exhibit Nos.	Bates No.	Information to <u>Declassify</u>
		
28, 29	MOTIVE-ITC-1393-0416900	
30, 31	MOTIVE-ITC-1393-0431599	
32, 33	MOTIVE-ITC-1393-0434429	The entire document should be declassified, <u>except</u> the following italicized comments at - 0434429 <u>may be redacted:</u> 
34, 35	MOTIVE-ITC-1393-0437316	



Exhibit Nos.	Bates No.	Information to <u>Declassify</u>
36, 37	MOTIVE-ITC-1393-0476983	
38, 39	MOTIVE-ITC-1393-0481606	
40	MOTIVE-ITC-1393-0486595	The entire document should be declassified.
41	MOTIVE-ITC-1393-0495156	The entire document should be declassified.
42, 43	MOTIVE-ITC-1393-0942977	
44	MOTIVE-ITC-1393-0998286	The entire document should be declassified.
45	MOTIVE-ITC-1393-1003179	The entire document should be declassified.
46, 47	MOTIVE-ITC-1393-1012271	



Exhibit Nos.	Bates No.	Information to <u>Declassify</u>
48	MOTIVE-ITC-1393-1015394	The entire document should be declassified.
49, 50	MOTIVE-ITC-1393-1052128	
51, 52	MOTIVE-ITC-1393-1056510	
53, 54	MOTIVE-ITC-1393-1056847	
55	MOTIVE-ITC-1393-1110910	The entire document should be declassified.
56, 57	MOTIVE-ITC-1393-1358588	



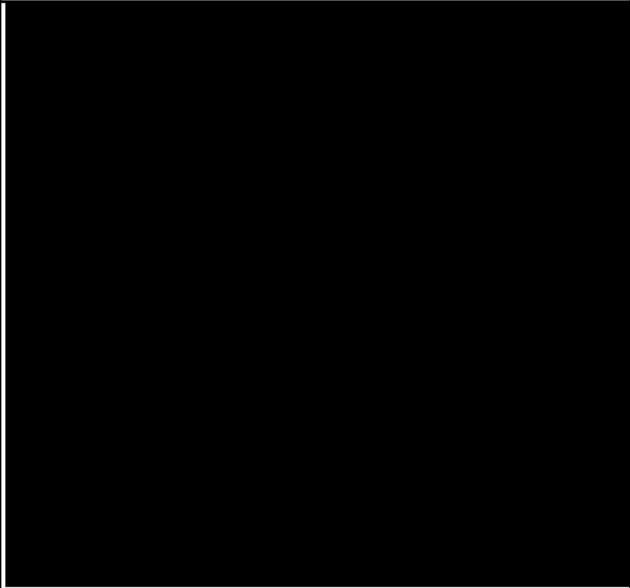
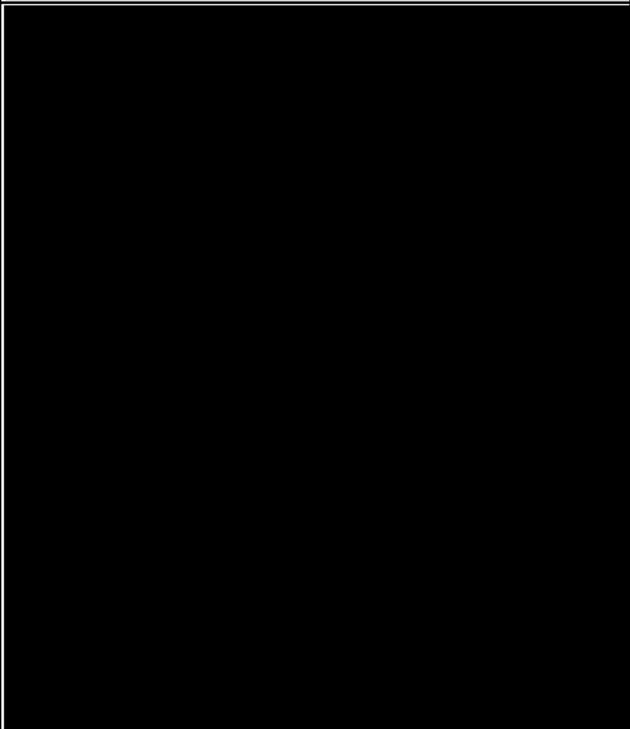
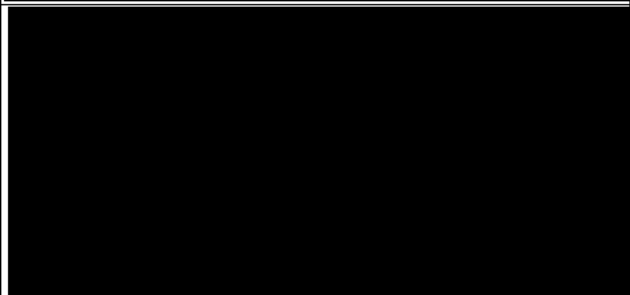
Exhibit Nos.	Bates No.	Information to <u>Declassify</u>
		
58, 59	MOTIVE-ITC-1393-1393870	
60, 61	MOTIVE-ITC-1393-1405577	



Exhibit Nos.	Bates No.	Information to <u>Declassify</u>
62	MOTIVE-ITC-1393-1407917	The entire document should be declassified.
63	MOTIVE-ITC-1393-1408885	The entire document should be declassified.
64	MOTIVE-ITC-1393-1414526	The entire document should be declassified.





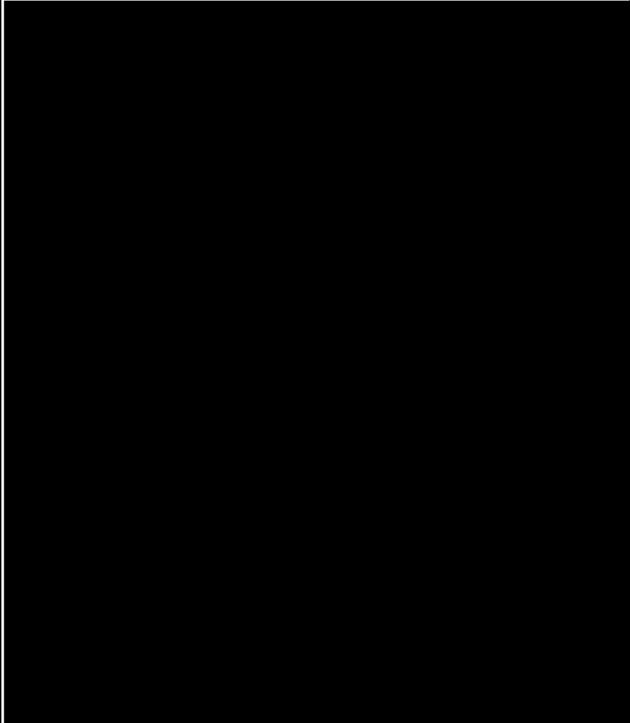
Exhibit Nos.	Bates No.	Information to <u>Declassify</u>
65, 66	MOTIVE-ITC-1393-1477481	
67, 68	MOTIVE-ITC-1393-1478381	
69, 70	MOTIVE-ITC-1393-1480547	The entire document should be declassified, <u>except</u> the following text at -1480550 <u>may be redacted</u> : 



Exhibit Nos.	Bates No.	Information to <u>Declassify</u>
71, 72	MOTIVE-ITC-1393-1481848	
73, 74	MOTIVE-ITC-1393-1488653	The entire document should be declassified, <u>except</u> page -1488655 <u>may be redacted.</u>

EXHIBIT B

KIRKLAND & ELLIS LLP

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February 8, 2024

By EDIS Filing

The Honorable Lisa R. Barton
Secretary to the Commission
U.S. International Trade Commission
500 E Street, SW, Room 112
Washington, DC 20436

Re: *In the Matter of Certain Vehicle Telematics, Fleet Management, and Driver Safety Systems, Devices, and Components Thereof*, Inv. No. 337-TA-____

Dear Secretary Barton:

In accordance with the Commission's Filing Procedures, Complainant Samsara Inc. submits the following documents in support of its request that the Commission commence an investigation pursuant to Section 337 of the Tariff Act of 1930, as amended, concerning certain vehicle telematics, fleet management, and driver safety systems, devices, and components thereof:

1. One (1) electronic copy of the Complainant's verified Complaint pursuant to Commission Rule 210.8(a)(1)(i).
2. One (1) electronic copy of the public exhibits to the Complaint, pursuant to Commission Rules 210.8(a)(1)(i) and 201.12(a)(9), including:
 - (i) One (1) electronic copy of the certified versions of United States Patent Nos. 11,190,373, 11,127,130, and 11,611,621 (collectively, the "Asserted Patents"), listed as Exhibits 1–3 of the Complaint, pursuant to Commission Rule 210.12(a)(9)(i), and
 - (ii) One (1) electronic copy of the assignment records for the Asserted Patents, listed as Exhibits 4–8 to the Complaint, pursuant to Commission Rule 210.12(a)(9)(ii).

KIRKLAND & ELLIS LLP

The Honorable Lisa R. Barton
February 8, 2024
Page 2

3. One (1) electronic copy of confidential Exhibits 12, 14, 45, 70, 71, 72, and 73 to the Complaint, pursuant to Commission Rules 201.6(c) and 210.8(a)(1)(ii).
4. One (1) electronic copy of the prosecution histories for each of the Asserted Patents, included as Appendices A–C to the Complaint, pursuant to Commission Rule 210.12(c)(1).
5. One (1) electronic copy of the patents and applicable pages of each technical reference identified in the prosecution histories of the Asserted Patents, included as Appendices D–F to the Complaint, pursuant to Commission Rule 210.12(c)(2).
6. A letter and certification requesting confidential treatment for the information contained in confidential Exhibits 12, 14, 45, 70, 71, 72, and 73 to the Complaint, pursuant to Commission Rules 201.6(b) and 210.5(d).
7. A Statement on the Public Interest regarding the remedial orders sought by Complainant in the Complaint, pursuant to Commission Rule 210.8(b).

Please contact me with any questions regarding this submission. Thank you for your attention to this matter.

Respectfully,

Ellisen S. Turner

Ellisen Shelton Turner, P.C.

Counsel for Complainant Samsara Inc.

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REQUEST FOR CONFIDENTIAL TREATMENT

February 8, 2024

By Electronic Delivery

The Honorable Lisa R. Barton
Secretary to the Commission
U.S. International Trade Commission
500 E Street, SW, Room 112
Washington, DC 20436

Re: *In the Matter of Certain Vehicle Telematics, Fleet Management, and Driver Safety Systems, Devices, and Components Thereof*, Inv. No. 337-TA-____

Dear Secretary Barton:

Pursuant to Commission Rules 201.6(b) and 210(d), Complainant Samsara Inc. respectfully requests confidential treatment of certain confidential business information contained in Confidential Exhibits 12, 14, 45, 70, 71, 72, and 73 to the Complaint filed contemporaneously with this letter.

The information in these confidential exhibits consists of proprietary commercial information, including, at least: (i) proprietary financial information regarding Complainant's domestic investments and business practices, and (ii) highly sensitive technical information relating to Complainant's Domestic Industry Products. Non-confidential versions of these exhibits with the confidential business information redacted are being filed concurrently.

I certify that the proprietary information described herein qualifies as confidential business information under Commission Rule 210.6 because substantially identical information is not available to the public, because the disclosure of this information would cause substantial competitive harm to Complainant, its business partners, and/or customers, and because the disclosure of the information would likely impede the Commission's efforts and ability to obtain similar information in the future.

Please contact me with any questions regarding this submission. Thank you for your attention to this matter.

KIRKLAND & ELLIS LLP

The Honorable Lisa R. Barton
February 8, 2024
Page 2

Respectfully,

Ellisen S. Turner

Ellisen Shelton Turner, P.C.

Counsel for Complainant Samsara Inc.

**UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C.**

In the Matter of

**CERTAIN VEHICLE TELEMATICS, FLEET
MANAGEMENT, AND VIDEO-BASED
SAFETY SYSTEMS, DEVICES, AND
COMPONENTS THEREOF**

Investigation No. 337-TA-_____

COMPLAINANT’S STATEMENT ON THE PUBLIC INTEREST

Pursuant to Commission Rule 210.8(b), Complainant Samsara Inc. (“Samsara”) submits this Statement on the Public Interest regarding the remedial orders it seeks against Proposed Respondent Motive Technologies, Inc. (“Motive” or “Proposed Respondent”). Samsara seeks a permanent limited exclusion order under 19 U.S.C. § 1337(d) barring from entry into the United States vehicle telematics, fleet management, and video-based safety systems, devices, and components thereof that are manufactured abroad, sold for importation, imported, and/or sold in the United States after importation by or on behalf of Motive that directly or indirectly infringe one or more claims of U.S. Patent Nos. 11,127,130, 11,190,373, and 11,611,621 (the “Asserted Patents”). Samsara also seeks a permanent cease and desist order prohibiting Motive, or its parent, subsidiaries, related companies, other affiliates, or agents from conducting any of the following activities in the United States: importing, selling, marketing, advertising, distributing, offering for sale, transferring (except for exportation), soliciting United States agents or distributors, or aiding and abetting other entities in the importation, sale for importation, sale after importation, transfer (except for exportation), or distributing certain vehicle telematics, fleet management, and video-based safety systems, devices, and components thereof that infringe one or more claims of the Asserted Patents.

The proposed remedies will have no meaningful impact on the public health, safety, or welfare as the Commission has previously considered them; nor will it have a meaningful impact on competitive conditions in the United States economy or United States consumers; and there is no need for the Commission to instruct the presiding administrative law judge to take evidence and issue a recommended determination on the public interest. Moreover, if Motive's Accused Products are excluded from importation, then Samsara, and, to the extent necessary, other third-party market participants, can meet the demand for the Accused Products that would be subject to the requested remedial orders.

I. THE ARTICLES USED IN THE UNITED STATES

The Accused and Domestic Industry Products at issue include AI dashcams and vehicle telematics devices (or vehicle "gateways"), and corresponding software, falling within the categories of vehicle telematics, fleet management, and video-based safety systems, devices, and components thereof. Motive, or others on its behalf, makes the Accused Products in China, Malaysia, or another country other than the United States, then imports into the United States, sells for importation into the United States, and/or sells within the United States after importation, each of the Accused Products. The DI Products are used to provide real-time visibility, analytics, and insights to customers' physical operations in industries including transportation, wholesale and retail trade, construction, field services, logistics, utilities and energy, government, healthcare and education, manufacturing, and food and beverage. The Accused Products are used to provide similar functionality for organizations with fleet vehicles.

II. THE REQUESTED REMEDIAL ORDERS DO NOT RAISE ANY APPLICABLE CONCERNS RELATING TO PUBLIC HEALTH, SAFETY, OR WELFARE

There have only been three instances where the Commission has chosen not to issue exclusion orders due to the public interest, and none of them match the facts here. The products

involved in those exceptional cases were linked to critical public concerns, such as the ability of vehicle manufacturers to meet fuel economy standards mandated by Congress and specialized hospital beds, underscoring the gravity of the public interest considerations in those scenarios. *See Certain Automatic Crankpin Grinders*, Inv. No. 337-TA-60 (December 17, 1979) (exclusion order to foreclose ability to comply with Congressional-mandated requirements during the energy crisis); *Certain Inclined-Fluid Acceleration Tubes and Components Thereof*, Inv. No. 337-TA-67 (December 29, 1980) (concerning materials used for nuclear research programs); *Certain Fluidized Supporting Apparatus*, Inv. No. 337-TA-182/188 (October 5, 1984) (concerning specialized hospital beds for burn patients).

While Samsara's products have valuable safety applications and have helped customers reduce unsafe driving events significantly—and Motive is likely to claim that its copycat Accused Products do the same—the products at issue here do not implicate the statutory factors as the Commission has previously considered them. *Id.* Specifically, Motive's accused products cannot in and of themselves replace safe driving practices or directly eliminate the safety risks inherent in its customers' businesses. And, it is ultimately the fleet manager who must coach, and the driver who must be receptive to that coaching, to change any risky or dangerous behavior that is highlighted in systems of this type. Moreover, Samsara has sufficient capacity to make up for any market shortfall due to the requested remedial relief. There are also third-party suppliers of AI dashcams and vehicle telematics devices.

III. SAMSARA AND THIRD PARTIES MAKE LIKE OR DIRECTLY COMPETITIVE ARTICLES THAT COULD REPLACE THE SUBJECT ARTICLES IF THEY WERE EXCLUDED

Samsara supplies directly competitive AI dashcams and vehicle telematics devices to the market. There are also third-party suppliers of directly competitive AI dashcams and vehicle

telematics devices. These alternative suppliers, including Samsara, provide a wide range of AI dashcams and vehicle telematics devices to the market that can replace the infringing Accused Products once they are excluded.

IV. SAMSARA AND/OR THIRD PARTIES ARE POSITIONED TO REPLACE THE VOLUME OF ARTICLES SUBJECT TO THE REQUESTED REMEDIAL ORDERS IN A COMMERCIALY REASONABLE TIME IN THE UNITED STATES

As set forth above, Samsara and other third parties supply the market for AI dashcams and vehicle telematics devices. Samsara, for example, has sold and continues to sell AI dashcams and vehicle telematics devices, and their components, in the United States. Samsara has the capacity to make up any shortfall in the United States in a commercially reasonable time and, to the extent necessary, third-party suppliers are also available to make up any shortfall. Samsara is presently unaware of any manufacturing constraints in the industry that would impede the supply of replacement products.

V. THE REQUESTED REMEDIAL ORDERS WILL NOT ADVERSELY IMPACT U.S. CONSUMERS

The requested exclusion and cease-and-desist orders will not adversely impact consumers in the United States. As an initial matter, these products are not sold directly to consumers, but are instead sold to businesses. Moreover, excluding Motive's imported infringing Accused Products will allow other competitors, including Samsara, to lawfully provide AI dashcams and vehicle telematics devices to the market in the United States. This includes products designed and/or manufactured in the United States. Samsara and other, non-accused market participants can adequately service the United States market. Finally, the public interest favors the protection of intellectual property rights in the United States, like those of Samsara. *Certain Two-Handle Centerset Faucets & Escutcheons, & Components Thereof*, Inv. No. 337-TA-422, Comm'n Op. at

9 (June 19, 2000); *Certain Hardware Logic Emulation Sys. & Components Thereof*, Inv. No. 337-TA-383, Comm'n Op. at 8–9 (Oct. 15, 1996). The issuance of the requested relief here—excluding Motive's infringing Accused Products—would therefore serve the public interest by vindicating Samsara's intellectual property rights.

VI. CONCLUSION

The requested remedial orders raise no public interest concerns, whereas the public interest in protecting Samsara's intellectual property rights is strong. An adequate supply of alternatives to the infringing Accused Products are available, including from Samsara, as well as from third-party, non-accused suppliers of AI dashcams and vehicle telematics devices. Accordingly, the Commission should issue the requested remedial orders if it determines that Motive has violated Section 337.

Dated: February 8, 2024

Respectfully,

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**UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C.**

In the Matter of

**CERTAIN VEHICLE TELEMATICS,
FLEET MANAGEMENT, AND VIDEO-
BASED SAFETY SYSTEMS, DEVICES,
AND COMPONENTS THEREOF**

Investigation No. 337-TA-_____

**COMPLAINT UNDER SECTION 337
OF THE TARIFF ACT OF 1930, AS AMENDED**

COMPLAINANT

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TABLE OF CONTENTS

I. INTRODUCTION..... 1

 A. Samsara’s Groundbreaking Solutions for IoT Data-Driven Operations..... 2

 B. Motive Copied Samsara’s Technology 9

II. COMPLAINANT 14

III. PROPOSED RESPONDENT 17

IV. THE TECHNOLOGY AND PRODUCTS AT ISSUE 23

V. THE ASSERTED PATENTS AND NONTECHNICAL DESCRIPTIONS OF THE INVENTIONS..... 23

 A. The ’373 Patent..... 23

 i. Identification and ownership of the ’373 patent 23

 ii. Expiration date for the ’373 patent 23

 iii. Foreign counterparts to the ’373 patent 24

 iv. Non-technical description of the ’373 patent..... 24

 v. Licensees to the ’373 patent..... 24

 B. The ’130 Patent..... 24

 i. Identification and ownership of the ’130 patent 24

 ii. Expiration date for the ’130 patent 25

 iii. Foreign counterparts to the ’130 patent 25

 iv. Non-technical description of the ’130 patent..... 25

 v. Licensees to the ’130 patent..... 25

 C. The ’621 Patent..... 25

 i. Identification and ownership of the ’621 patent 25

 ii. Expiration date for the ’621 patent 26

 iii. Foreign counterparts to the ’621 patent 26

 iv. Non-technical description of the ’621 patent..... 26

v.	Licensees to the '621 patent.....	26
VI.	PROPOSED RESPONDENT’S UNLAWFUL AND UNFAIR ACTS.....	26
A.	Importation and Sale.....	26
B.	Direct Infringement.....	28
i.	The '373 patent.....	28
ii.	The '130 patent.....	29
iii.	The '621 patent.....	29
C.	Indirect Infringement.....	29
VII.	CLASSIFICATION OF THE INFRINGING PRODUCTS UNDER THE HARMONIZED TARIFF SCHEDULE	34
VIII.	RELATED LITIGATION	34
IX.	THE DOMESTIC INDUSTRY	34
A.	Samsara’s Articles that Practice the Asserted Patents (Technical Prong).....	34
B.	United States Economic Activity Relating to the Domestic Industry Products and the Asserted Patents (Economic Prong).....	35
X.	RELIEF REQUESTED	36

EXHIBITS

Exhibit ("Ex.")	Description
1	Certified Copy of U.S. Patent No. 11,190,373
2	Certified Copy of U.S. Patent No. 11,127,130
3	Certified Copy of U.S. Patent No. 11,611,621
4	Copy of Assignment Recorded at USPTO Reel/Frame No. 056177_0578
5	Copy of Assignment Recorded at USPTO Reel/Frame No. 050612_0001
6	Copy of Assignment Recorded at USPTO Reel/Frame No. 055665_0121
7	Copy of Assignment Recorded at USPTO Reel/Frame No. 055881_0776
8	Copy of Assignment Recorded at USPTO Reel/Frame No. 065359_0893
9	Infringement Claim Chart for U.S. Patent No. 11,190,373
10	Infringement Claim Chart for U.S. Patent No. 11,127,130
11	Infringement Claim Chart for U.S. Patent No. 11,611,621
12	CONFIDENTIAL Technical Domestic Industry Claim Chart for U.S. Patent No. 11,190,373
13	Technical Domestic Industry Claim Chart for U.S. Patent No. 11,127,130
14	CONFIDENTIAL Technical Domestic Industry Claim Chart for U.S. Patent No. 11,611,621
15	https://www.samsara.com/products/safety/dash-cam
16	Samsara Vehicle Gateways VG54-NA, VG54-NAH & VG34 Datasheets
17	Samsara CM31 Dash Camera Datasheet
18	Samsara CM32 Dash Camera Datasheet
19	https://www.glassdoor.com/Reviews/Employee-Review-Motive-RVW33088350.htm
20	Motive Vehicle Gateway Spec Sheet
21	https://gomotive.com/products/driver-safety/
22	https://helpcenter.gomotive.com/hc/en-us/articles/6161577899165-What-is-Fuel-Hub-
23	Motive AI Dashcam Spec Sheet
24	Motive AI Omnicam Spec Sheet
25	https://techcrunch.com/2012/11/18/cisco-acquires-enterprise-wi-fi-startup-meraki-for-1-2-billion-in-cash/
26	https://www.prnewswire.com/news-releases/samsara-reaches-20-000-customers-and-1-million-connected-devices-301195338.html?tc=eml_cleartime
27	https://www.businesswire.com/news/home/20221116005821/en/Samsara-Recognized-as-one-of-North-Americas-Fastest-Growing-Companies-on-the-2022-Deloitte-Technology-Fast-500%E2%84%A2
28	https://www.prnewswire.com/news-releases/samsara-named-2-on-financial-times-list-of-fastest-growing-companies-in-the-americas-301267963.html
29	https://www.businesswire.com/news/home/20220913005304/en/Samsara-Announces-200th-Partner-Integration-with-its-Connected-Operations-Cloud-Becoming-System-of-Record-for-Physical-Operations

Exhibit ("Ex.")	Description
30	https://www.samsara.com/blog/samsara-recognized-as-a-best-workplace-for-innovators
31	https://web.archive.org/web/20131213071205/https://keeptruckin.com/
32	U.S. Department of Transportation - Fast Facts: Electronic Logging Device (ELD) Rule
33	https://gpstrackit.com/blog/a-timeline-of-the-eld-mandate-history-and-important-dates/
34	https://www.supplychain247.com/article/keeptruckin_raises_18_million_as_silicon_valley_eyes_trucking_industry/CSA
35	https://podcasts.apple.com/us/podcast/grit/id1510985491?i=1000613035204
36	https://www.facebook.com/keeptruckin/videos/keeptrucking-smart-dashcam/10212841352048331/
37	https://gomotive.com/blog/announcing-smart-dashcam/
38	Motive Smart Dashcam Spec Sheet
39	https://www.businesswire.com/news/home/20210812005612/en/KeepTruckin-Launches-New-AI-Dashcam-Featuring-Industry-Leading-Accuracy-to-Proactively-Prevent-Accidents-Increase-Safety-and-Efficiency
40	https://www.businesswire.com/news/home/20220412005423/en
41	Motive System Overview
42	Pictures of Accused Products
43	Motive Import Records January 1, 2023 – January 19, 2024
44	Motive Import Records January 19, 2018 – January 19, 2024
45	CONFIDENTIAL Declaration of John McQueen in Support of the Complaint of Samsara Inc. Under Section 337 of the Tariff Act of 1930
46	https://gomotive.com/products/platform/
47	https://helpcenter.gomotive.com/hc/en-us/articles/6162164321693-What-is-DRIVE-Risk-Score-#h_01H8YSYMXK08YQ9Q17C8R8917P
48	Motive DRIVE Risk Score 101 Guide
49	https://helpcenter.gomotive.com/hc/en-us/articles/13200710733853
50	https://helpcenter.gomotive.com/hc/en-us/articles/13200798670493
51	https://helpcenter.gomotive.com/hc/en-us/articles/12743858622365
52	https://helpcenter.gomotive.com/hc/en-us/articles/6173246145053-How-to-view-Fuel-Hub-Driver-Details
53	https://helpcenter.gomotive.com/hc/en-us/articles/6176914537373-How-to-view-your-vehicle-s-Utilization-details
54	https://gomotive.com/products/dashcam/fleet-dash-cam-comparison/#seat-belt-use
55	https://helpcenter.gomotive.com/hc/en-us/articles/6163732277917-How-to-view-Stop-Sign-Violation-events-on-Fleet-Dashboard
56	https://helpcenter.gomotive.com/hc/en-us/articles/11761978874141-How-to-enable-Dashcam-In-cab-Alerts-for-a-Vehicle
57	https://gomotive.com/products/dashcam/

Exhibit ("Ex.")	Description
58	https://medium.com/motive-eng/why-and-how-we-measure-driver-performance-768d5316fb2c#:~:text=By%20studying%20data%20gathered%20from,the%20drive%20a%20safety%20score
59	https://www.samsara.com/products/models/vehicle-gateway
60	https://kb.samsara.com/hc/en-us/articles/360042878172#UUID-294cf192-f2f6-2c5a-3221-9432288c9b25
61	https://kb.samsara.com/hc/en-us/articles/360043619011-AI-Event-Detection#UUID-4790b62c-6987-9c06-28fe-c2e2a4fbbb0d
62	https://kb.samsara.com/hc/en-us/articles/360029629972-Rolling-Stop-Detection
63	https://www.samsara.com/products/models/cm31/
64	https://www.samsara.com/ca/products/models/cm32/
65	https://kb.samsara.com/hc/en-us/articles/360042037572-Dash-Cam-Settings-Overview
66	https://kb.samsara.com/hc/en-us/articles/360011372211-Dash-Cam-Recording-Logic
67	https://www.samsara.com/products/platform/?gad_source=1&gclid=EAIaIQobChMI14DWl0fYgwMVaymtBh36cwx9EAAYASAAEgKjUfD_BwE#impact1
68	https://kb.samsara.com/hc/en-us/articles/360043160532-Safety-Score-Weights-and-Configuration#UUID-fcb096dd-79d6-69fc-6aa8-5192c665be0a_section-idm4585641455801633238429578704
69	https://kb.samsara.com/hc/en-us/articles/360045237852-Safety-Score-Categories-and-Calculation
70	CONFIDENTIAL Samsara Safety Weight Recommendation Feature – Template
71	CONFIDENTIAL Samsara Milestone 4: Safety Weight Recommendation
72	CONFIDENTIAL Samsara PROD-Safety Score Onboarding & Configuration-200124-203030
73	CONFIDENTIAL Samsara CV Rolling Stops
74	https://kb.samsara.com/hc/en-us/articles/360043113772
75	https://kb.samsara.com/hc/en-us/articles/217296157-View-and-Create-Alerts
76	Samsara, Inc. v. Motive Technologies, Inc., C.A. No. 24-085 MN, Dkt. 1 (D. Del. Jan. 24, 2024)
77	Letter from J. Lefkowitz to J. Petrosinelli re Motive Technologies, Inc.'s Unlawful Business Practices dated January 23, 2024

APPENDICES

Appendix	Description
A	Certified Copy of Prosecution History of U.S. Patent No. 11,190,373
B	Certified Copy of Prosecution History of U.S. Patent No. 11,127,130
C	Certified Copy of Prosecution History of U.S. Patent No. 11,611,621
D	Patents and Technical References Cited in Prosecution History of U.S. Patent No. 11,190,373
E	Patents and Technical References Cited in Prosecution History of U.S. Patent No. 11,127,130
F	Patents and Technical References Cited in Prosecution History of U.S. Patent No. 11,611,621

I. INTRODUCTION

1. Since its founding in 2015, Samsara Inc. (“Samsara”) has pioneered industry-leading technology that enables businesses that depend on physical operations to harness the Internet of Things (“IoT”) data to develop actionable business insights and improve their operations. Samsara solves problems resulting from disconnected systems and operations for organizations with physical assets, including businesses in critical industries like transportation, wholesale and retail trade, construction, field services, logistics, utilities and energy, government, healthcare and education, manufacturing, food and beverage, and many others. Samsara’s platform, the Connected Operations™ Cloud, is a cloud-based solution that allows customers to obtain information about their devices, equipment, and operations using IoT devices, and to manage and analyze this information with advanced AI tools, allowing them to operate more safely, efficiently, and sustainably. Samsara’s technology enables customers to visualize and analyze their physical operations in real time on a single integrated platform, in a way that was impossible or impractical only a few years ago. Samsara’s significant investments have led the U.S. Patent and Trademark Office to award Samsara numerous patents protecting its groundbreaking technology.

2. Motive Technologies Inc. (“Motive”) imports, sells for importation, and/or sells in the United States after importation fleet management and driver safety technology in this country that infringes several of Samsara’s patents, and was shamelessly copied from Samsara’s products. For years, Motive’s business plan has been simple, predictable, and endorsed by its senior management team: covertly steal Samsara’s innovations and present them falsely as Motive’s own. Although Samsara has tried—for over a year—to address Motive’s conduct without resorting to litigation, Motive’s leadership team has not only refused to own up to its actions, but it has used this time to continue and escalate its tactics. Accordingly, Samsara brings this Complaint against

Motive under Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, based on Motive’s unlawful importation into the United States, sale for importation into the United States, and/or sale within the United States after importation of certain vehicle telematics, fleet management, and video-based safety systems, devices, and components thereof that infringe at least these Samsara patents: U.S. Patent Nos. 11,190,373 (“the ’373 patent”), 11,127,130 (“the ’130 patent”), and 11,611,621 (“the ’621 patent”) (collectively, the “Asserted Patents”).

A. Samsara’s Groundbreaking Solutions for IoT Data-Driven Operations

3. Samsara began its journey by creating innovative digital solutions for the physical operations of connected fleets. Commercial vehicle fleets are the backbone of many physical operations and are required to deliver and transport services, goods, and people in virtually all industries. Businesses with commercial vehicle fleets face continued pressure to reduce costs and improve services, while simultaneously finding ways to overcome high accident rates, inefficient fuel consumption, and compliance burdens.

4. Samsara discovered substantial problems in the industry associated with the inability to effectively and accurately obtain real-time updates and actionable information while vehicles were in transit. One of its initial products was a vehicle telematics solution, supported by the Vehicle Gateway. This hardware device connects directly to a vehicle’s engine to read vehicle diagnostic information, track GPS location, and support temperature monitoring. It also connects wirelessly to the cloud, feeding vehicle information to the Samsara Dashboard, a customer-facing online platform where a customer can see data for assets across their organization all in one place. This product gave customers operational visibility and actionable data insights to drive meaningful improvements in their operations like never before.

5. Unlike other existing telematics solutions, Samsara’s product offered customers a single integrated platform that brought together data from across an organization’s physical

operations. The quality and quantity of the data types on Samsara's platform, and Samsara's innovations in the technologies used to obtain, analyze, and report that data, also increased the value of the solution, offering customers more precise, analytic insights that only improved as they entrusted Samsara with more and more of their data. This product was also built to fully integrate with third-party applications, such as enterprise resource planning, payroll, and human capital management applications, extending the impact of the data collected by the Samsara devices to a customer's existing applications. Samsara's solution was also easy to install and use, enabling customers of all sizes and levels of sophistication to deploy it. These and other differentiating factors set Samsara apart and allowed it to grow quickly.

6. In Spring 2017, Samsara introduced a high-definition webcam—the CM11—that connected to the USB port of the Vehicle Gateway. The CM11 was a groundbreaking Internet-connected dash cam developed based on customers' need to instantly flag and upload for a fleet manager's review footage of harsh driving events (*e.g.*, harsh turns, accelerations, or stops). Unlike other in-vehicle cameras that required manual downloads and time-consuming reviews, Samsara's CM11 and Vehicle Gateway system detected these harsh events and allowed organizations to quickly access footage showing what happened in the time leading up to and immediately following a crash or near-miss event. The CM11 also integrated with Samsara's Safety Reports feature, which aggregates data from the Vehicle Gateway to help fleet managers see how their drivers are performing, allowing them to identify unsafe driving, incentivize good behavior, and give effective feedback. The Safety Report, paired with footage captured by the CM11, helped customers see footage relevant to their drivers' performance and effectively coach drivers on safe driving behavior, resulting in lower operating costs while improving fleet safety.

7. After releasing the CM11, Samsara continued to build on the product's success by updating it based on customer feedback. In December 2017, Samsara introduced the CM22, a dash cam also having an inward-facing camera, as shown below. With this product, fleet managers could better analyze driver behavior and coach their drivers on unsafe driving habits to help improve road safety and avoid accidents altogether.



CM11 Dash Cam



CM22 Dash Cam

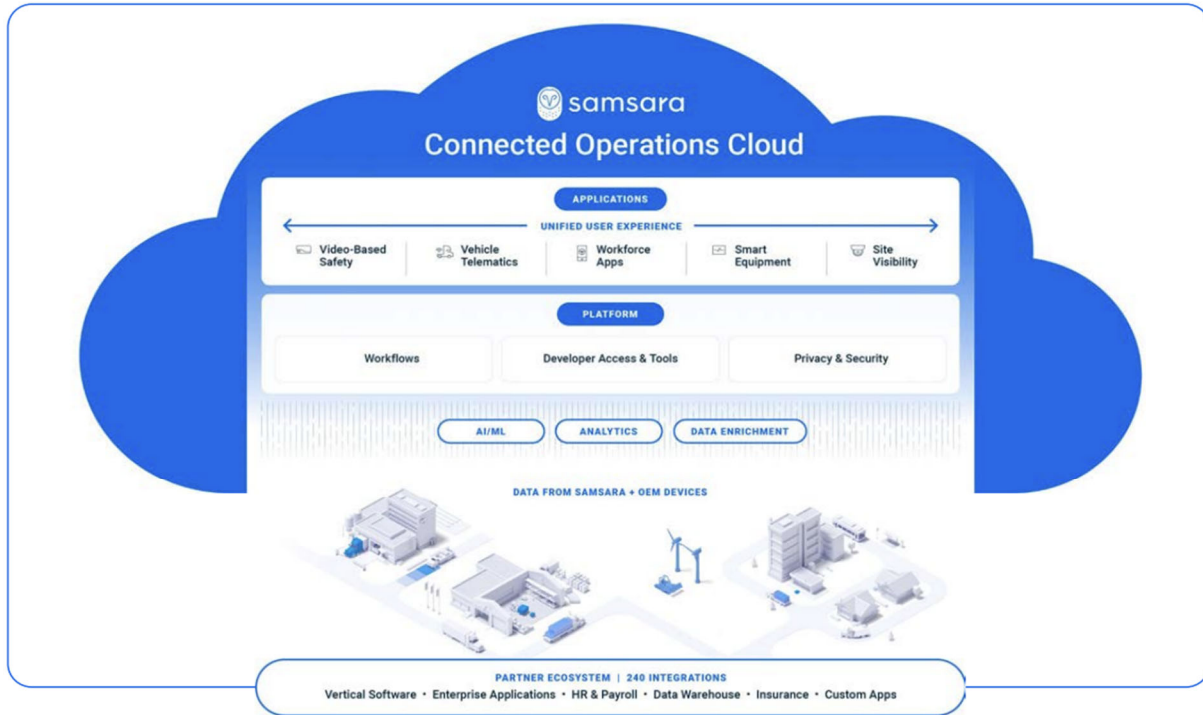
8. As Samsara continued to iterate on its technology through its extensive research-and-development investments, AI increasingly became a key part of the company's product offering. Samsara's IoT sensors generate and collect raw data in the form of millions of hours of dash cam video and trillions of vehicle-related data points. Samsara leveraged this data to build innovative and advanced AI models. In February 2019, Samsara also introduced the CM31 and CM32 dash cams, which ran state-of-the-art AI algorithms onboard the cameras able to automatically detect unsafe driving behaviors.



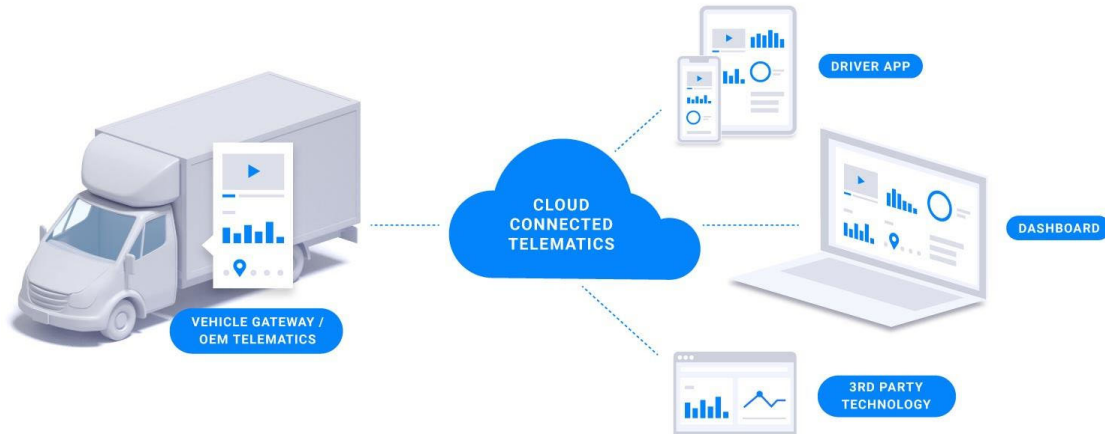
Dash Cam Detecting Unsafe Driving Behavior¹

9. Today, Samsara's technology offers an end-to-end solution, connecting physical operations data from IoT devices to its Connected Operations™ Cloud. The Connected Operations™ Cloud consists of Samsara's Data Platform and Applications, as shown below. The Data Platform ingests, aggregates, and enriches data both from Samsara's IoT devices and a growing ecosystem of connected assets and third-party systems, and makes the data available for use by the Applications. The Applications provide analyses that customers can use to make their operations safer and more efficient.

¹ <https://www.samsara.com/products/safety/dash-cam>.








10. For physical devices or equipment that are offline, Samsara offers IoT devices that capture data and connect them to the cloud. For physical assets already embedded with cloud connectivity, Samsara partners with original equipment manufacturers (“OEMs”) to receive data via application programming interfaces (“APIs”). Data may also be captured from customer enterprise applications or local software systems. The collected data is ingested into Samsara’s Data Platform, as shown below, where it is aggregated, enriched, and analyzed using embedded functionality for AI, workflows and analytics, alerts, API connections, and data security and privacy.



11. The Samsara Data Platform powers Samsara’s Applications, which include:

- **Video-Based Safety:** Enables Samsara’s customers to build a safety program and protect their teams with AI-enabled video, with many features including detecting high-risk behaviors and incidents for real-time coaching alerts, preserving video records to exonerate drivers and dispute fraudulent damage claims, and providing software coaching workflows to analyze and improve driver safety. Samsara’s Video-Based Safety primarily utilizes Samsara’s AI Dash Cams and supporting software licenses.
- **Vehicle Telematics:** Provides GPS tracking, routing and dispatch, fuel efficiency management, electric vehicle usage and charge planning, preventative maintenance, and diagnostics capabilities to efficiently manage vehicle fleets in a sustainable way. Samsara’s Vehicle Telematics primarily utilizes Samsara’s Vehicle Gateways and supporting software licenses.
- **Apps and Driver Workflows:** Improves driver productivity and enable regulatory compliance, as drivers see upcoming jobs, capture electronic documents, perform maintenance inspections, maintain compliance logs, and message with back-office administration. Samsara’s Apps and Driver Workflows include Samsara’s all-in-one Driver Experience mobile application and Mobile Experience Management, a software subscription for remotely managing, locating, and accessing mobile devices to easily customize and control a safe, seamless, and contextually relevant mobile experience for an organization’s workers and administrators.
- **Equipment Monitoring:** Provides extensive visibility and management of unpowered and powered assets, ranging from generators and compressors to heavy construction equipment and trailers, to improve operating efficiency and prevent unplanned downtime. Samsara’s Equipment Monitoring primarily utilizes Samsara’s Asset Gateways and supporting software licenses.
- **Site Visibility:** Provides remote visibility for IP (or Internet Protocol) cameras—whether provisioned by Samsara or a customer—with mobile and cloud-based software to improve site security and incident response times, and proprietary AI algorithms to power alerting and search features. Samsara’s Site Visibility primarily utilizes Samsara’s Site Gateways and Site Cameras and supporting software licenses.

12. In total, Samsara offers several tools that have proven critical to improving vehicle safety and fleet management, including through its Domestic Industry Products (“DI Products”):

<u>Vehicle Gateways</u>	<u>Dash Cameras</u>
 <p data-bbox="342 667 662 709">Vehicle Gateway VG34²</p>	 <p data-bbox="984 680 1260 722">CM31 Dash Camera³</p>
 <p data-bbox="315 1024 695 1066">Vehicle Gateway VG54-NA⁴</p>	 <p data-bbox="984 1003 1260 1045">CM32 Dash Camera⁵</p>
 <p data-bbox="305 1381 699 1423">Vehicle Gateway VG54-NAH⁶</p>	

² <https://www.samsara.com/pdf/VG34-VG54-DataSheet.pdf>

³ https://www.samsara.com/pdf/docs/CM31_Datasheet_Final.pdf

⁴ <https://www.samsara.com/pdf/VG34-VG54-DataSheet.pdf>

⁵ <https://www.samsara.com/pdf/docs/CM32-datasheet.pdf>

⁶ <https://www.samsara.com/pdf/VG34-VG54-DataSheet.pdf>

B. Motive Copied Samsara's Technology

13. Motive chose to copy Samsara rather than invest the time and resources necessary to innovate. Motive's unlawful practices have been covert, systematic, and extensive. In one of its more brazen campaigns, its management team endorsed a policy whereby senior Motive employees created fictitious companies to procure Samsara products and access its platform. This fraudulent access of Samsara's technology dates back at least to 2018, the year before Motive launched its vehicle telematics offering, and three years before Motive released its video-based safety product. Activity records for some of the fictitious Motive-related accounts of which Samsara is aware (there may be others Samsara has not identified), show that Motive employees surreptitiously viewed the Samsara Dashboard nearly 21,000 times from 2018 to 2022, when Samsara discovered this access and disabled it. Motive's current Vice President of Product—a leadership role responsible for developing and executing the company's product roadmap and strategy—frequently used a fake account to access Samsara's platform, sometimes multiple times a week. Some of the fictitious companies Motive concocted listed addresses associated with members of Motive's senior management team, including at least one address tied to the company's CEO, Shoaib Makani. Video footage and audio captured by a Samsara device also confirms that Mr. Makani, Motive's Chief Product Officer, Jairam Ranganathan, and Motive's Chief Technology Officer, Siva Gurumurthy, have personally used Samsara's products and platform for improper purposes.



Footage of Motive’s CEO, Shoab Makani (left), and Chief Product Officer, Jairam Ranganathan (right), studying Samsara’s products.

Shoab Makani
Chief Executive Officer & Co-founder



Jairam Ranganathan
Chief Product Officer



Motive employees have also manipulated Samsara’s Customer Support team, posing as employees of real Samsara customers, to ask questions and make requests, including inquiries about the operation of certain of Samsara’s AI video-based safety features, and to seek information about Samsara’s third-party integrations. Samsara recognizes that competitors look at one another’s products and ensure they understand their offerings. This might spur innovation and encourage robust competition. That is not what Motive has done. The surreptitious and extensive nature of Motive’s deceitful conduct went well beyond mere competitive intelligence. It has been carried

out and sanctioned by Motive’s CEO, CPO, CTO and other senior employees, and is emblematic of a corporate culture of theft and fraudulent commercial practices.

14. When confronted about these practices, Motive did not sincerely investigate them or put an end to them. Rather, Motive’s leadership team doubled down and continued to use fictitious companies and accounts to copy Samsara’s products. It also launched a campaign to solicit Samsara employees to join Motive’s workforce to acquire Samsara’s confidential and proprietary information relating to current and future product plans, sales, and prospective and existing customers. These actions are part of a years-long campaign by Mr. Makani and his leadership team to siphon off as much information about Samsara’s patented products as possible. As one former “senior manager” at Motive has stated publicly, “[Motive] *relies heavily on observing competitor decision-making and duplicating those efforts*. [Motive] chooses not to study customer insights or conduct user research.”⁷

15. Motive’s shameless copying reached new heights in 2022, when it rebranded from KeepTruckin to Motive and broadened its market focus to mirror Samsara’s business model, operations platform, and service offerings, as well as Samsara’s marketing and product-marketing strategy and materials. This was not merely a case of a competitor adopting a fast-follow strategy to mimic an innovative market leader. Rather, to stay afloat in the market, Motive has relied on copying Samsara, including Samsara’s patented technology. Motive has carried out its infringement through its clandestine campaign to infiltrate Samsara’s platform using false customer accounts that its employees have hidden behind to study integral pieces of Samsara’s products. That this has been done secretly, through fictitious company names and accounts to

⁷ <https://www.glassdoor.com/Reviews/Employee-Review-Motive-RVW33088350.htm> (emphasis added).

avoid detection, illuminates the duplicitous intent behind the conduct. Moreover, Motive cannot claim its imitative conduct is the work of one or more rogue low-level employees; indeed, its CEO himself is involved.

16. The Accused Products identified below are examples of the scope of Motive’s unlawful conduct:

<u>U.S. Patent No. 11,190,373</u>	<u>U.S. Patent No. 11,127,130</u>	<u>U.S. Patent No. 11,611,621</u>
 <p data-bbox="280 940 513 982">Vehicle Gateway⁸</p>	 <p data-bbox="696 940 922 982">Vehicle Gateway</p>	 <p data-bbox="1073 940 1372 1003">Safety Event Detection Service⁹</p>
 <p data-bbox="326 1220 467 1262">Fuel Hub¹⁰</p>	 <p data-bbox="716 1276 906 1318">AI Dashcam¹¹</p>	

⁸ <https://gomotive.com/content-library/spec-sheet/vehicle-gateway/>

⁹ <https://gomotive.com/products/driver-safety/>

¹⁰ <https://helpcenter.gomotive.com/hc/en-us/articles/6161577899165-What-is-Fuel-Hub->

¹¹ https://gomotive.com/wp-content/uploads/2023/05/ai_dashcam_spec_sheet.pdf

<u>U.S. Patent No. 11,190,373</u>	<u>U.S. Patent No. 11,127,130</u>	<u>U.S. Patent No. 11,611,621</u>
	 <p data-bbox="716 688 906 730">AI Omnicam¹²</p>	

17. Motive’s Accused Products infringe at least these claims of the Asserted Patents:

Asserted Patents	Asserted Claims (Independent Claims in Bold)
11,190,373	15, 17, 18
11,127,130	1, 5
11,611,621	1-5, 8-12, 15-19

Exhibits 1-3 are certified versions of the Asserted Patents. Exhibits 4-6 are assignment records relating to the Asserted Patents.¹³ Samsara owns all rights, title, and interest in each of the Asserted Patents, including the right to sue for infringement.

18. A domestic industry exists in the United States for articles protected by the Asserted Patents. See 19 U.S.C. § 1337(a)(2), (3). The domestic industry includes Samsara’s significant

¹² <https://gomotive.com/content-library/spec-sheet/ai-omnicam/>

¹³ Certified copies of the assignment records and prosecution histories of the Asserted Patents have been ordered from the U.S. Patent and Trademark Office and will be filed upon receipt.

domestic investments in plant and equipment, significant domestic employment of labor and capital, and substantial domestic investment in exploiting the inventions claimed in the Asserted Patents.

19. Samsara seeks a permanent limited exclusion order barring from entry into the United States infringing vehicle telematics, fleet management, and video-based safety systems, devices, and components thereof that are made abroad, sold for importation, imported, and/or sold in the United States after importation by or on behalf of Motive. *See* 19 U.S.C. § 1337(d). Samsara also seeks permanent cease-and-desist orders prohibiting Motive from importing, selling, marketing, advertising, distributing, offering for sale, transferring (except for exportation), soliciting United States agents or distributors, or aiding and abetting other entities in the importation, sale for importation, sale after importation, transfer (except for exportation), or distribution of certain vehicle telematics, fleet management, and video-based safety systems, devices, and components thereof that infringe the Asserted Patents. *See id.* § 1337(f).

II. COMPLAINANT

20. Samsara is a Delaware corporation, with its headquarters and principal place of business located at: 1 De Haro Street, San Francisco, CA 94107.

21. Founded in 2015, Samsara has been on a mission to increase the safety, efficiency and sustainability of physical operations that power the global economy. Its Connected Operations™ Cloud platform is a cloud-based solution that allows customers with physical operations in broad-based industries to obtain information about their devices, equipment, and operations using IoT devices, and to manage and analyze this information with advanced AI tools, allowing them to operate more safely, efficiently, and sustainably—in a word, more intelligently.

22. Samsara was founded by Sanjit Biswas and John Bicket. The two met as graduate students at the Computer Science and Artificial Intelligence Laboratory at the Massachusetts

Institute of Technology (“MIT”). In 2006, they co-founded Meraki, a cloud-managed networking company that was later acquired by Cisco Systems in December 2012 for \$1.2 billion in cash.¹⁴

23. Mr. Biswas, currently serving as Samsara’s Chief Executive Officer, has been recognized as an MIT Technology Review “Innovator Under 35” honoree, a Technology Pioneer by the World Economic Forum, Glassdoor’s 2018 Top CEO, one of Goldman Sachs 100 Most Intriguing Entrepreneurs, and one of The Software Report’s top 50 SaaS CEOs. He holds a B.S. in Computer Systems Engineering from Stanford and an S.M. in Electrical Engineering and Computer Science from MIT.

24. Mr. Bicket, who currently serves as Samsara’s Chief Technology Officer, is responsible for Samsara’s ground-breaking technology that makes operating thousands of sensors simple and secure. He holds a B.S. in Computer Science and an S.M. in Computer Science from MIT. He co-founded Meraki based on his MIT research, building integrated hardware, software, and cloud-based infrastructure that powered over 100% annual sales growth. Meraki’s platform scaled to connect millions of network devices across 140 countries. After Cisco acquired Meraki, Mr. Bicket served as Vice President of Engineering in Cisco’s Cloud Networking Group and led Meraki as Cisco’s fastest-growing cloud product.

25. Messrs. Biswas and Bicket formed Samsara to create integrated IoT solutions that bring the benefits of data to the operations that power our economy. Since its founding, Samsara’s growth, propelled by its groundbreaking research and development, intense focus on customer feedback, and the hard work of its employees, has been meteoric. Within three years of its founding, it reached “unicorn” status—a start-up with a valuation of over \$1 billion. In December

¹⁴ <https://techcrunch.com/2012/11/18/cisco-acquires-enterprise-wi-fi-startup-meraki-for-1-2-billion-in-cash/>.

2020, just five years after its founding, Samsara reached 20,000 customers, one million connected devices, and a valuation of \$5.4 billion.¹⁵ Between 2018 to 2021, Samsara’s revenue grew 2,828%, as it continued its trajectory of substantial growth at scale, earning it a spot on the respected Deloitte Technology Fast 500™ for three consecutive years.¹⁶

26. In 2021, *Financial Times* ranked Samsara as the second-fastest growing company in America,¹⁷ and in November of that year, Samsara filed for an initial public offering of its shares at the New York Stock Exchange. The IPO took place in December 2021 at a valuation of approximately \$12 billion. By late 2022, Samsara surpassed 1,600 employees worldwide and became the largest open ecosystem for physical operations with more than 200 integration partners on the Samsara platform.¹⁸ Samsara’s strong commitment to innovation earned it a spot on *Fast Company*’s 2023 Best Workplaces for Innovators list, which honors “organizations and businesses that demonstrate an inspiring commitment to encourage and develop innovation at all levels.”¹⁹

27. Presently, Samsara serves tens of thousands of customers across a wide range of industries, including transportation, wholesale and retail trade, construction, field services, logistics, utilities and energy, government, healthcare and education, manufacturing, and food and

15 https://www.prnewswire.com/news-releases/samsara-reaches-20-000-customers-and-1-million-connected-devices-301195338.html?tc=eml_cleartime.

16 <https://www.businesswire.com/news/home/20221116005821/en/Samsara-Recognized-as-one-of-North-Americas-Fastest-Growing-Companies-on-the-2022-Deloitte-Technology-Fast-500%E2%84%A2>.

17 <https://www.prnewswire.com/news-releases/samsara-named-2-on-financial-times-list-of-fastest-growing-companies-in-the-americas-301267963.html>.

18 *Id.*; <https://www.businesswire.com/news/home/20220913005304/en/Samsara-Announces-200th-Partner-Integration-with-its-Connected-Operations-Cloud-Becoming-System-of-Record-for-Physical-Operations>.

19 <https://www.samsara.com/blog/samsara-recognized-as-a-best-workplace-for-innovators>.

beverage. Businesses in these industries operate critical infrastructure and are the foundation of the global economy. They operate high-value assets, coordinate large field workforces, manage complex logistics and distributed sites, and face environmental, safety and other regulatory requirements. Historically, these businesses relied on error-prone, deficient, inefficient, and manual processes and legacy systems that were siloed and lacked cloud connectivity as well as computational and operational capability to obtain real-time and actionable information and analysis. Without connected digital tools, and innovative improvements to the operation of such tools, physical-operations businesses struggled to access real-time data, making it nearly impossible to achieve complete operational visibility or drive meaningful improvements in productivity.

III. PROPOSED RESPONDENT

28. Motive is a Delaware corporation, with its headquarters and principal place of business located at: 55 Hawthorne Street, Suite 400, San Francisco, CA 94105.

29. Motive was founded as KeepTruckin in 2013 by Shoaib Makani, Ryan Johns, and Obaid Khan. KeepTruckin was founded with a narrow focus and without any real technological innovation: It began by offering an electronic logbook app for truck drivers to record their hours of service,²⁰ as well as electronic logging devices (“ELDs”) for trucking companies that sought to meet U.S. regulatory mandates around how long truck drivers could work and drive. On information and belief, the KeepTruckin ELD connected to the truck driver’s smartphone app, creating a digital log of hours worked that could not be altered. Even at KeepTruckin’s founding,

²⁰ <https://web.archive.org/web/20131213071205/https://keeptruckin.com/>.

an ELD was a well-known device for automatically recording a driver's driving time and other aspects of the hours-of-service ("HOS") recordkeeping.²¹ ELDs go back at least to the 1980's.²²



KeepTruckin's first offering in 2013.

30. KeepTruckin initially focused on digital freight brokerage.^{23,24} But despite raising venture capital funds, by its own CEO's admission it had a "middling" growth trajectory and faced existential moments during which it almost ran out of money.²⁵ Starting in 2018, KeepTruckin began to realize that its bet on digital freight brokerage was a mistake, and by late 2019 sought to

21 <https://www.fmcsa.dot.gov/hours-service/elds/eld-fact-sheet-english-version>.

22 <https://gpstrackit.com/blog/a-timeline-of-the-eld-mandate-history-and-important-dates/>.

23

https://www.supplychain247.com/article/keeptruckin_raises_18_million_as_silicon_valley_e_yes_trucking_industry/CSA.

24 CEO Motive, Shoab Makani w/ special guest Illya Fushman: Powering the Physical Economy, Grit Podcast (available at: <https://podcasts.apple.com/us/podcast/grit/id1510985491?i=1000613035204>) ("Grit Podcast") at 37:20–50.

25 Grit Podcast at 18:40–53; 27:30–27:44.

exit that business altogether²⁶ and re-orient towards developing systems for connecting physical operations and developing AI tools to automate workflows—the same market that Samsara had pioneered years earlier.

31. Motive did not enter that market as a pioneer or an innovator, but as a follower and a consummate copyist. The history of KeepTruckin’s products highlights this practice: well after Samsara had introduced its video-based safety application, in June 2018 KeepTruckin released its imitation product, the Smart Dashcam.²⁷ Mimicking the Samsara dual-facing dash cam, KeepTruckin’s copy had a road-facing camera and a driver-facing camera, and relied on the assistance of an “[i]n-house safety team” to detect high-risk events, including harsh driving events, stop sign violations, and passing violations.²⁸ In August 2021, KeepTruckin introduced its AI Dashcam.²⁹ That AI Dashcam, like the Samsara AI dash cam released in 2019, includes an AI processor and computer vision algorithms that can detect unsafe driving and alert drivers in real time.³⁰

26 Grit Podcast at 37:50–38:38; 41:31–41:43.

27 <https://www.facebook.com/keeptruckin/videos/keeptrucking-smart-dashcam/10212841352048331/>; <https://gomotive.com/blog/announcing-smart-dashcam/>; <https://gomotive.com/content-library/spec-sheet/smart-dashcam/>.

28 <https://gomotive.com/blog/announcing-smart-dashcam/>; https://gomotive.com/wp-content/uploads/2023/03/smart_dashcam_spec_sheet.pdf.

29 <https://www.businesswire.com/news/home/20210812005612/en/KeepTruckin-Launches-New-AI-Dashcam-Featuring-Industry-Leading-Accuracy-to-Proactively-Prevent-Accidents-Increase-Safety-and-Efficiency>.

30 <https://gomotive.com/content-library/spec-sheet/ai-dashcam/>.



Samsara's CM32 Dash Camera



Motive's AI Dashcam

32. KeepTruckin also copied Samsara with respect to its vehicle telematics product. Several years after Samsara had introduced its vehicle telematics application, Motive followed with its imitation product, even lifting the name of Samsara's Vehicle Gateway hardware device.



Samsara Vehicle Gateway³¹ (released 2016)



Motive Vehicle Gateway³² (released 2019)

33. More recently, on information and belief, KeepTruckin has continued to copy Samsara to offer products relevant to the market and stay afloat. In 2022, KeepTruckin rebranded itself as Motive to leave behind its roots as an electronic logging device and freight brokerage company.³³ Alongside the rebrand, Motive launched the Automated Operations Platform,³⁴ which, on information and belief, was modeled on Samsara's Connected Operations™ Cloud. Like Samsara's pioneering cloud product, Motive's copycat platform collects and analyzes fleet data from hardware sensors. Motive advertises its "integrated platform" as having three main layers:

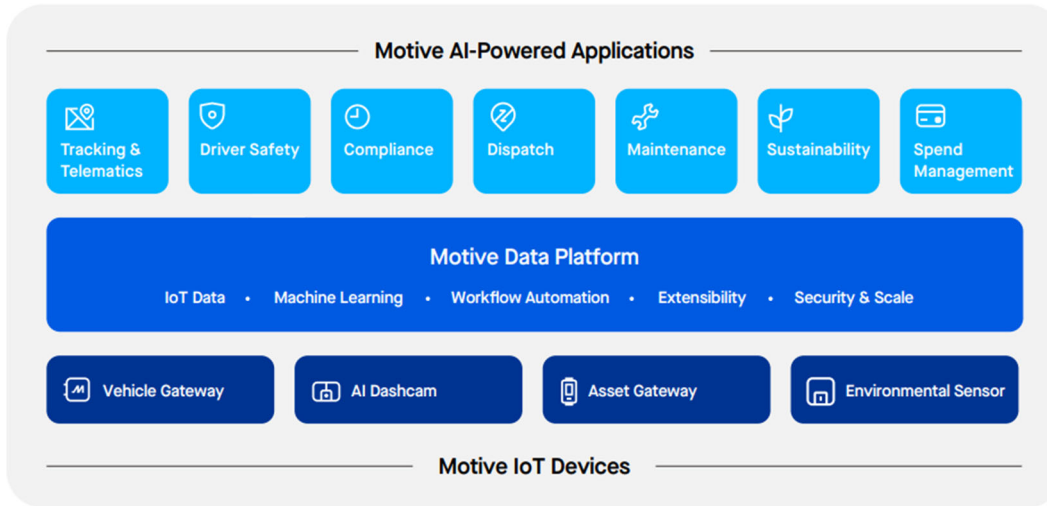
31 <https://www.samsara.com/pdf/VG34-VG54-DataSheet.pdf>.

32 <https://gomotive.com/content-library/spec-sheet/vehicle-gateway/>.

33 <https://www.businesswire.com/news/home/20220412005423/en>.

34 Id.

(i) the Motive IoT devices that collect data from the fleet (the Vehicle Gateway; the AI Dashcam and Omnicam; the Asset Gateway; and the Environmental Sensor); (ii) Motive Data Platform; and (iii) Motive AI-Powered Applications, as depicted below.³⁵ On information and belief, this structure mimics that of Samsara's Connected Operations™ Cloud, which is also based on three layers: (i) IoT devices; (ii) Samsara Data Platform; and (iii) Samsara Applications:



³⁵ <https://gomotive.com/content-library/guides/system-overview/>.



34. Motive is copying Samsara’s patented technology at all levels: the overall structure of its system, the AI applications it offers to analyze customer data, the look and feel of the user interface for its telematics and safety solutions, and the IoT hardware devices (e.g., Vehicle Gateway and AI dash cams) that collect the necessary data and enable all follow-on services.

35. On information and belief, Motive or others on its behalf make the Accused Products in China, Malaysia, or another country other than the United States, then import into the United States, sell for importation into the United States, and/or sell within the United States after importation each of the Accused Products. *See infra* § VI.A.

IV. THE TECHNOLOGY AND PRODUCTS AT ISSUE

36. The technologies in this case concern vehicle telematics, fleet management, and video-based safety systems, devices, and components thereof. Pursuant to Commission Rule 210.12(a)(12), the Accused Products are AI dashcams, vehicle gateways, and corresponding software. The Accused Products are made abroad and imported into the United States, sold for importation in the United States, and/or sold in the United States after importation by or on behalf of Motive.

V. THE ASSERTED PATENTS AND NONTECHNICAL DESCRIPTIONS OF THE INVENTIONS

A. The '373 Patent

i. Identification and ownership of the '373 patent

37. Samsara owns by assignment the full right, title, and interest in U.S. Patent No. 11,190,373, titled "Vehicle Gateway Device and Interactive Graphic User Interfaces Associated Therewith," which issued November 30, 2021, naming Alexander Stevenson, Wendy Greenberg, Josephine Nord, Matvey Zagaynov, Jennifer Leung, Andrew Robbins, Michael Ross, Aaron Szerlip, and Rushil Goel as inventors. A certified copy of the '373 patent is attached as Exhibit 1. A copy of the assignment from the named inventors to Samsara of U.S. Patent App. No. 17/242,919 ("the '919 Application") and, *inter alia*, all patents issuing from continuations of the '919 Application (including the '373 patent), is attached as Exhibit 4. A copy of the prosecution history of the '373 patent is attached as Appendix A. Copies of each patent and applicable pages of each technical reference mentioned in the prosecution history of the '373 patent are attached as Appendix D.

ii. Expiration date for the '373 patent

38. The '373 patent expires on April 28, 2041.

iii. Foreign counterparts to the '373 patent

39. There are no foreign patents; foreign patent applications (not already issued as a patent); or denied, abandoned, or withdrawn foreign patent applications in the '373 patent family.

iv. Non-technical description of the '373 patent

40. The '373 patent is generally directed to, *inter alia*, vehicle gateway devices, sensors, systems and methods that allow for efficient monitoring, management, data acquisition, and data processing for vehicles and/or fleets. Certain embodiments of the '373 patent relate to systems that allow for the assessment of fuel efficiency by the fleet based on driving parameters.

v. Licensees to the '373 patent

41. There are no licensees under the '373 Patent.

B. The '130 Patent

i. Identification and ownership of the '130 patent

42. Samsara owns by assignment the full right, title, and interest in U.S. Patent No. 11,127,130, titled "Machine Vision System and Interactive Graphical User Interfaces Related Thereto," which issued September 21, 2021, naming Anubhav Jain, John Bicket, Yu Kang Chen, Arthur Pohsiang Huang, Adam Eric Funkenbusch, Sanjit Zubin Biswas, Benjamin Arthur Calderon, Andrew William Deagon, William Waldman, Noah Paul Gonzales, Ruben Vardanyan, Somasundara Pandian, Ye-Sheng Kuo, and Siri Amrit Ramos as inventors. A certified copy of the '130 patent is attached as Exhibit 2. Copies of the assignments from the named inventors to Samsara Networks, Inc., which subsequently assign full right, title, and interest to Samsara, of U.S. Patent App. 16/567,616 ("the '616 Application") and, *inter alia*, all patents issuing from continuations of the '616 Application (including the '130 patent), are attached as Exhibits 5 and 6. A copy of the prosecution history of the '130 patent is attached as Appendix B. Copies of each

patent and applicable pages of each technical reference mentioned in the prosecution history of the '130 patent are attached as Appendix E.

ii. Expiration date for the '130 patent

43. The '130 patent expires on September 11, 2039.

iii. Foreign counterparts to the '130 patent

44. There are no foreign patents; foreign patent applications (not already issued as a patent); or denied, abandoned, or withdrawn foreign patent applications in the '130 patent family.

iv. Non-technical description of the '130 patent

45. The '130 patent is generally directed to machine vision devices, sensors, systems and methods that allow for image acquisition and processing. Certain embodiments of the '130 patent further relate to devices, systems, and methods that provide machine vision devices, sensors, and systems.

v. Licensees to the '130 patent

46. There are no licensees under the '130 patent.

C. The '621 Patent

i. Identification and ownership of the '621 patent

47. Samsara owns by assignment the full right, title, and interest in U.S. Patent No. 11,611,621, titled "Event Detection System," which issued on March 21, 2023, naming Saleh ElHattab, Justin Joel Delegard, Bodecker John DellaMaria, Brian Tuan, Jennifer Winnie Leung, Sylvie Lee, Jesse Michael Chen Sean Kyungmok Bae, Angel Manalastas Lim, and Timothy John Passaro as inventors. A certified copy of the '621 patent is attached as Exhibit 3. Copies of the assignments from the named inventors to Samsara Networks, Inc, which subsequently assign its full right, title, and interest to Samsara, of U.S. Patent App. No. 17/301,658 ("the '658 Application") and, *inter alia*, all patents issuing from continuations of the '658 Application

(including the '621 patent), are attached as Exhibits 7 and 8. A copy of the prosecution history of the '621 patent is attached as Appendix C. Copies of each patent and applicable pages of each technical reference mentioned in the prosecution history of the '621 patent are attached as Appendix F.

ii. Expiration date for the '621 patent

48. The '621 patent expires on April 26, 2039.

iii. Foreign counterparts to the '621 patent

49. There are no foreign patents; foreign patent applications (not already issued as a patent); or denied, abandoned, or withdrawn foreign patent applications in the '621 patent family.

iv. Non-technical description of the '621 patent

50. The '621 patent generally relates to a system and method for detecting driving events using multiple sensors (e.g., a dashcam or event data recorder).

v. Licensees to the '621 patent

51. There are no licensees under the '621 Patent.

VI. PROPOSED RESPONDENT'S UNLAWFUL AND UNFAIR ACTS

52. Proposed Respondent sells for importation, imports, and/or sells in the United States after importation certain vehicle telematics, fleet management, and video-based safety systems, devices, and components thereof that infringe one or more claims of the Asserted Patents. Specific examples of infringing products imported into and sold within the United States by or on behalf of the Proposed Respondent are set forth below in detail.

A. Importation and Sale

53. Specific instances of importation, sale for importation into the United States, and/or sale within the United States after importation of the Accused Products by the Proposed Respondent are set forth below. These instances are exemplary in nature and not intended to

restrict the scope of any exclusion order or other remedy the International Trade Commission may order.

54. Upon information and belief, the Proposed Respondent is involved in the importation, sale for importation, and/or sale in the United States after importation of the Accused Products for use by consumers. For example, Accused Products imported into the United States bear the designation “Assembled in China” and “Assembled in Malaysia,” as shown below (Ex. 42):

Motive: Vehicle Gateway



Motive: AI Dashcam



55. Moreover, according to import records, such as Exhibits 43 and 44, Motive Technologies, Inc. is the Consignee for imported products, including dashcams and electronic logging devices, shipped by Tech-Front Shanghai Computer Co. and/or Tech-Front Chongqing Computer Co., from China to ports in California, including Oakland, Long Beach, and Los Angeles.

B. Direct Infringement

i. The '373 patent

56. The Accused Products directly infringe, literally and/or under the doctrine of equivalents, at least claims 15, 17, and 18 of the '373 patent. Proposed Respondent directly infringes these claims under 35 U.S.C. § 271(a) by making, using, offering to sell, importing, selling for importation, and/or selling after importation into the United States the Accused Products. On information and belief, the Proposed Respondent imports into the United States, sells for importation, and/or sells after importation the Accused Products.

57. A claim chart comparing asserted independent claims 15 and 18 of the '373 patent to an Accused Product is attached as Exhibits 9.

ii. The '130 patent

58. The Accused Products directly infringe, literally and/or under the doctrine of equivalents, at least claims 1 and 5 of the '130 patent. Proposed Respondent directly infringes these claims under 35 U.S.C. § 271(a) by making, using, offering to sell, importing, selling for importation, and/or selling after importation into the United States the Accused Products. On information and belief, the Proposed Respondent imports into the United States, sells for importation, and/or sells after importation the Accused Products.

59. A claim chart comparing asserted independent claim 1 of the '130 patent to an Accused Product is attached as Exhibit 10.

iii. The '621 patent

60. The Accused Products directly infringe, literally and/or under the doctrine of equivalents, at least claims 1-5, 8-12, and 15-19 of the '621 patent. Proposed Respondent directly infringes these claims under 35 U.S.C. § 271(a) by making, using, offering to sell, importing, selling for importation, and/or selling after importation into the United States the Accused Products. On information and belief, the Proposed Respondent imports into the United States, sells for importation, and/or sells after importation the Accused Products.

61. A claim chart comparing asserted independent claims 1, 8, and 15 of the '621 patent to an Accused Product is attached as Exhibit 11.

C. Indirect Infringement

i. The '373 Patent

62. Upon information and belief, the Proposed Respondent directly infringes the asserted claims of the '373 patent at least through its sale for importation, importation, and/or sale

after importation into the United States of the Accused Products. On information and belief, U.S. customers of the Proposed Respondents also infringe the asserted claims of the '373 patent at least by using the Accused Products in accordance with the claims. Further, upon information and belief, the Proposed Respondent indirectly infringes all asserted claims of the '373 patent by contributing to the direct infringement of its U.S. customers and other end users of the Accused Products in the United States. The Proposed Respondent has had knowledge of the Asserted Patents and of its infringement at least as of January 23, 2024. *See* Exs. 76 and 77. Further, the Accused Products constitute a material part of the inventions described in the asserted claims of the '373 patent, and they (including components thereof such as spare parts) have no substantial non-infringing uses.

63. In addition, the Proposed Respondent has induced, and continues to induce, direct infringement of the Asserted Patents at least by its customers and/or end users with knowledge of the Asserted Patents, and with the specific intent that such customers' and/or end users' acts infringe the Asserted Patents. On information and belief, the Proposed Respondent actively induces others to infringe the asserted claims of the '373 patent through its sale of the Accused Products to customers in the United States and through the support and instructions that it provides to said customers offered via, *e.g.*, brochures and website articles. Upon information and belief, the Proposed Respondent creates and distributes promotional and product literature for the use by customers and other end users of the Accused Products including the Vehicle Gateway, the Safety Score feature, and the Fuel Score feature. These materials are designed to instruct, encourage, enable, and facilitate the users of the Accused Products in a manner that directly infringes the Asserted Patents. *See, e.g.*, Exs. 76-77.

64. The Proposed Respondent induces such infringing acts and knows or should have known that its actions would induce direct infringement of the '373 patent. The Proposed Respondent had actual notice of the '373 patent and of their infringement at least upon January 23, 2024.³⁶ The Proposed Respondent's knowledge of their infringement of the '373 patent, and their continued sale, offer for sale, importation, and/or sale for importation of the Accused Products constitutes infringement as well as active inducement of others to infringe the '373 patent.

ii. The '130 Patent

65. Upon information and belief, the Proposed Respondent directly infringes the asserted claims of the '130 patent at least through its sale for importation, importation, and/or sale after importation into the United States of the Accused Products. On information and belief, U.S. customers of the Proposed Respondents also infringe the asserted claims of the '130 patent at least by using the Accused Products in accordance with the claims. Further, upon information and belief, the Proposed Respondent indirectly infringes all asserted claims of the '130 patent by contributing to the direct infringement of its U.S. customers and other end users of the Accused Products in the United States. The Proposed Respondent has had knowledge of the Asserted Patents and of its infringement at least as of January 23, 2024. *See* Exs. 76 and 77. Further, the Accused Products constitute a material part of the inventions described in the asserted claims of the '373 patent, and they (including components thereof such as spare parts) have no substantial non-infringing uses.

66. In addition, the Proposed Respondent has induced, and continues to induce, direct infringement of the Asserted Patents at least by its customers and/or end users with knowledge of

³⁶ Concurrently with the filing of this Complaint, a non-confidential copy of the same will be provided by Complainant to the Proposed Respondent at the address herein identified on the front cover.

the Asserted Patents, and with the specific intent that such customers' and/or end users' acts infringe the Asserted Patents. On information and belief, the Proposed Respondent actively induces others to infringe the asserted claims of the '130 patent through its sale of the Accused Products to customers in the United States and through the support and instructions that it provides to said customers offered via, *e.g.*, brochures and website articles. Upon information and belief, the Proposed Respondent creates and distributes promotional and product literature for the use by customers and other end users of the Accused Products including the Vehicle Gateway, the Safety Score feature, and the Fuel Score feature. These materials are designed to instruct, encourage, enable, and facilitate the users of the Accused Products in a manner that directly infringes the Asserted Patents. *See, e.g.*, Exs. 76-77.

67. The Proposed Respondent induces such infringing acts and knows or should have known that its actions would induce direct infringement of the '130 patent. The Proposed Respondent had actual notice of the '130 patent and of their infringement at least upon January 23, 2024.³⁷ The Proposed Respondent's knowledge of their infringement of the '130 patent, and their continued sale, offer for sale, importation, and/or sale for importation of the Accused Products constitutes infringement as well as active inducement of others to infringe the '130 patent.

iii. The '621 Patent

68. Upon information and belief, the Proposed Respondent directly infringes the asserted claims of the '621 patent at least through its sale for importation, importation, and/or sale after importation into the United States of the Accused Products. On information and belief, U.S. customers of the Proposed Respondents also infringe the asserted claims of the '621 patent at least

³⁷ Concurrently with the filing of this Complaint, a non-confidential copy of the same will be provided by Complainant to the Proposed Respondent at the address herein identified on the front cover.

by using the Accused Products in accordance with the claims. Further, upon information and belief, the Proposed Respondent indirectly infringes all asserted claims of the '621 patent by contributing to the direct infringement of its U.S. customers and other end users of the Accused Products in the United States. The Proposed Respondent has had knowledge of the Asserted Patents and of its infringement at least as of January 23, 2024. *See* Exs. 76 and 77. Further, the Accused Products constitute a material part of the inventions described in the asserted claims of the '621 patent, and they (including components thereof such as spare parts) have no substantial non-infringing uses.

69. In addition, the Proposed Respondent has induced, and continues to induce, direct infringement of the Asserted Patents at least by its customers and/or end users with knowledge of the Asserted Patents, and with the specific intent that such customers' and/or end users' acts infringe the Asserted Patents. On information and belief, the Proposed Respondent actively induces others to infringe the asserted claims of the '621 patent through its sale of the Accused Products to customers in the United States and through the support and instructions that it provides to said customers offered via, *e.g.*, brochures and website articles. Upon information and belief, the Proposed Respondent creates and distributes promotional and product literature for the use by customers and other end users of the Accused Products including the Vehicle Gateway, the Safety Score feature, and the Fuel Score feature. These materials are designed to instruct, encourage, enable, and facilitate the users of the Accused Products in a manner that directly infringes the Asserted Patents. *See, e.g.*, Exs. 76-77.

70. The Proposed Respondent induces such infringing acts and knows or should have known that its actions would induce direct infringement of the '621 patent. The Proposed Respondent had actual notice of the '621 patent and of their infringement at least upon January 23,

2024.³⁸ The Proposed Respondent's knowledge of their infringement of the '621 patent, and their continued sale, offer for sale, importation, and/or sale for importation of the Accused Products constitutes infringement as well as active inducement of others to infringe the '621 patent.

VII. CLASSIFICATION OF THE INFRINGING PRODUCTS UNDER THE HARMONIZED TARIFF SCHEDULE

71. On information and belief, the Harmonized Tariff Schedule of the United States item numbers under which the infringing autonomous fleet management devices and components thereof may be imported into the United States includes at least HTSUS 8517.62.9900 and 9031.80.8085. These classifications are exemplary in nature and not intended to restrict the scope of any exclusion order or other remedy ordered by the Commission.

VIII. RELATED LITIGATION

72. The Asserted Patents have been asserted in a concurrent district court litigation and no other litigation: *Samsara Inc. v. Motive Technologies, Inc.*, No. 24-cv-00084-MN (D. Del.).

IX. THE DOMESTIC INDUSTRY

73. An industry exists in the United States relating to the Asserted Patents and articles protected by the Asserted Patents.

A. Samsara's Articles that Practice the Asserted Patents (Technical Prong)

74. Samsara's fleet management, vehicle telematics devices, and video-based safety systems and services, including its AI Dash Cams (*e.g.*, Dual-Facing AI Dash Cam; Front-Facing AI Dash Cam), Vehicle Gateways, Safety Score, Samsara Safety Event Detection (Rolling Stop Detection), and the Samsara Connected OperationsTM Cloud Platform and software (collectively,

³⁸ Concurrently with the filing of this Complaint, a non-confidential copy of the same will be provided by Complainant to the Proposed Respondent at the address herein identified on the front cover.

“the DI Products”) each practice at least one claim of at least one Asserted Patent. Claim charts demonstrating that a representative DI Product practices an exemplary claim of each of the Asserted Patents are attached as Exhibits 12-14.³⁹

B. United States Economic Activity Relating to the Domestic Industry Products and the Asserted Patents (Economic Prong)

75. A domestic industry exists under 19 U.S.C. § 1337(a)(3), comprised of Samsara’s significant and substantial investments in plants and equipment, employment of labor and capital, and substantial investments in exploiting the Asserted Patents in the United States. Samsara’s DI Products are protected by the Asserted Patents, and Samsara’s domestic activities include engineering, research, development, and support related to the DI Products and exploitation of the Asserted Patents. The DI Products account for a substantial portion of Samsara’s overall domestic revenues.

76. As of January 28, 2023, Samsara had over 19,000 Core Customers (*i.e.*, customers representing over \$5,000 in annual recurring revenue) subscribed to its Connected Operations™ Cloud. Samsara’s overall revenue has increased over the past two fiscal years from \$428.3 million in the year ending January 29, 2022 to \$652.5 million in the year ending January 28, 2023. The DI Products make up a significant portion of that revenue. These products are critical to Samsara’s success, and Samsara’s CTOs (Benjamin Calderon and John Bicket) and CEO (Sanjit Biswas) have played an ongoing role in the development of the DI Products.

77. Samsara invests significantly in plants and equipment for the DI Products in the United States. Samsara is headquartered in San Francisco, California and has facilities in Georgia.

³⁹ The Domestic Industry Products practice more claims than the claims charted in Exhibits 9-11, and Complainant may demonstrate satisfaction of the technical prong through other claims of the Asserted Patents.

Samsara invests significantly in these facilities, whose activities include engineering, researching, developing, and supporting the DI Products.

78. Samsara invests significantly in labor and capital for the DI Products. Samsara hires highly talented professionals to continue its track record of excellence. That focus on talent has produced cutting-edge products and created an award-winning workplace, including awards for being the “Best Workplace for Innovators – 2023” from Fast Company, the Excellence Award – in Artificial Intelligence Product from the Business Intelligence Group (2023), Frost & Sullivan’s Company of the Year for Commercial Telematics Solutions (2023), CIO 100 Winner (2023), “Best Places to Work 2023” from Built In, RippleMatch: Campus Forward Award (2023), Great Place to Work – US (2023), Glassdoor: Top 10 Tech Company in Culture & Values (2023), and Glassdoor’s Best Places to Work (2024).

79. The bulk of Samsara’s workforce is in this country, as Samsara has thousands of employees and contractors in the United States. Over the past few years alone, Samsara has invested hundreds of millions of dollars in labor and capital costs to support the engineering, research, development, and support of the DI Products.

80. Samsara significantly invests in exploiting the Asserted Patents. Samsara invests in the engineering, research, development, and support of the features of the DI Products covered by the Asserted Patents through its investments in the technical projects performed at its United States facilities.

81. The activities described above are discussed in greater detail in the declaration of Samsara’s Vice President of Finance & Strategy, John McQueen. *See* Exhibit 45.

X. RELIEF REQUESTED

82. Complainant respectfully requests that the Commission:

(a) Institute an investigation pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, with respect to Proposed Respondent's violations of that section arising from the importation into the United States, sale for importation, and/or the sale within the United States after importation of certain vehicle telematics, fleet management, and video-based safety systems, devices, and components thereof thereof that infringe one or more claims of the Asserted Patents;

(b) Schedule and conduct a hearing pursuant to Section 337(c) for the purposes of: (i) receiving evidence and hearing argument concerning whether there has been a violation of Section 337; and (ii) following the hearing, determining that there has been a violation of Section 337;

(c) Issue a permanent limited exclusion order directed to products manufactured, designed, offered for sale, and/or sold by the Proposed Respondent, its subsidiaries, their related companies, and/or agents pursuant to 19 U.S.C. § 1337(d), excluding entry into the United States of certain vehicle telematics, fleet management, and video-based safety systems, devices, and components thereof thereof that infringe one or more claims of the Asserted Patents;

(d) Issue a permanent cease and desist order pursuant to 19 U.S.C. § 1337(f) prohibiting the Proposed Respondent, its subsidiaries, its related companies, agents, and/or other affiliates from conducting any of the following activities in the United States: importing, selling, marketing, advertising, distributing, offering for sale, transferring (except for exportation), soliciting United States agents or distributors, or aiding and abetting other entities in the importation, sale for importation, sale after importation, transfer (except for exportation), or distribution of certain vehicle telematics, fleet management, and video-based safety systems,

devices, and components thereof thereof that infringe one or more claims of the Asserted Patents;

(e) Impose a bond upon importation, sale, or transfer of certain vehicle telematics, fleet management, and video-based safety systems, devices, and components thereof thereof that infringe one or more claims of the Asserted Patents during the 60-day review period pursuant to 19 U.S.C. § 1337(j); and

(f) Issue other and further relief as the Commission deems just and proper under the law, based on the facts determined by the investigation and the authority of the Commission.

Dated: February 8, 2024

Respectfully submitted,

Ellisen S. Turner

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Counsel for Complainant Samsara Inc.

**UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C.**

In the Matter of

**CERTAIN VEHICLE TELEMATICS, FLEET
MANAGEMENT, AND VIDEO-BASED
SAFETY SYSTEMS, DEVICES, AND
COMPONENTS THEREOF**


Investigation No. 337-TA-_____

**VERIFICATION OF THE COMPLAINT OF
SAMSARA INC. UNDER SECTION 337 OF THE TARIFF ACT OF 1930**

I, Benjamin Calderon, am Executive Vice President, Chief Technology Officer (Hardware and Operations) at Samsara Inc., and am duly authorized to verify this complaint on behalf of complainant. I have read the complaint and am aware of its contents. To the best of my knowledge, information, and belief, and based on a reasonable inquiry under the circumstances, I hereby certify that:

1. The allegations contained in the complaint are well-grounded in fact and have evidentiary support, or are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery;
2. The claims and other legal contentions set forth in the complaint are warranted by existing law or by a good faith, non-frivolous argument for extension, modification, or reversal of existing law, or by the establishment of new law; and
3. The complaint is not being filed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

Executed in Atlanta, Georgia on this 7th day of February 2024.



Benjamin Calderon
Executive Vice President, Chief Technology
Officer (Hardware and Operations)
Samsara Inc.

EXHIBIT C
CONDITIONALLY FILED UNDER SEAL