

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

| | | |
|----------------------------------|---|------------------------------------|
| PORTO TECHNOLOGY, CO., LTD., |) | |
| PORTO TECHNOLOGY, LLC, AND |) | |
| JI-SOO LEE |) | |
| |) | |
| Plaintiffs, |) | |
| |) | Civil Action No. 3:13-cv-00265-HEH |
| v. |) | |
| |) | JURY TRIAL DEMANDED |
| CELLCO PARTNERSHIP D/B/A VERIZON |) | |
| WIRELESS, AND |) | |
| VERIZON SERVICES CORP. |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs Porto Technology, Co., Ltd. and Porto Technology, LLC, (collectively, “Porto”) and Ji-Soo LEE, and individual (collectively, “Plaintiffs”) file this Amended Complaint for patent infringement against Cellco Partnership d/b/a Verizon Wireless and Verizon Services Corp. (collectively, “Verizon” or “Defendants”) for infringement of U.S. Patent No. 6,233,518 (“the ‘518 Patent”) pursuant to 35 U.S.C. § 271. A copy of the ‘518 Patent is attached hereto as Exhibit A. Amendment is proper pursuant to Fed. R. Civ. Pro. 15(a)(1), as this Amended Complaint is filed within 21 days of service of the original Complaint which was May 1, 2013. No parties have filed an answer.

THE PARTIES

1. Plaintiff Porto Technology, Co., Ltd. is a Korean Corporation located at #102, 1302 Dukyoungdaero, Gwonsun-gu, Suwon-si, Gyunggido, Republic of Korea.

2. Plaintiff Porto Technology, LLC is a Virginia Limited Liability Company having a principal place of business at 10387 Main Street, Fairfax, Virginia 22030. Porto

Technology, LLC is a wholly owned subsidiary of Porto Technology, Co., Ltd. and is responsible for the licensing, protection, and enforcement of Porto's intellectual property rights within the United States.

3. Plaintiff Ji-Soo LEE is an individual, and citizen of the Republic of Korea, residing at 120-1101 SamMaeul Hanyang APT 1121 Hogyedong, Dongan-gu, Anyang-si, Gyungki-do, Republic of Korea. Ji-Soo LEE is the current assignee of the entire right, title, and interest in the '518 Patent.

4. Upon information and belief, Defendant Verizon is a Delaware corporation with a principal place of business at 180 Washington Valley Rd., Bedminster, NJ 07921. Verizon Wireless may be served by serving its Registered Agent, CT Corporation System, 4701 Cox Rd, Suite 301, Glen Allen, VA 23060.

5. Upon information and belief, Defendant Verizon Services Corp. is a Virginia corporation with a principal place of business at 1310 North Court House Road, 8th Floor, Arlington, VA 22201. Verizon Services Corp. may be served by serving its Registered Agent, CT Corporation System, 4701 Cox Rd, Suite 301, Glen Allen, VA 23060.

JURISDICTION AND VENUE

6. This is an action for patent infringement arising under the patent laws of the United States (Title 35 of the United States Code). The Court has subject matter jurisdiction of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a). On information and belief, Defendant is subject to this Court's specific and general personal jurisdiction, pursuant to due process and/or the Virginia Long Arm Statute (Va. Code Ann. § 8.01-328.1), due to at least Defendant's substantial business in this forum, through a tortious act as described herein, through Defendant's manufacturing, sale, or importation of a good(s) which caused injury in

the Commonwealth of Virginia and for at least a portion of the infringements and acts alleged herein, which may have been committed by an agent of Defendant.

7. On information and belief, within this District, Defendant, directly and/or through intermediaries and agents, has solicited, advertised (including through websites), offered to sell, sold and/or distributed infringing products, and/or has induced the sale and use of infringing products.

8. Further, on information and belief, Defendant is subject to the Court's general jurisdiction, including from regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Virginia.

9. Venue is proper in this district under 28 U.S.C. §§ 1391(b)-(d) and 1400(b). On information and belief, from and within this Judicial District, Defendant has committed at least a portion of the infringements at issue in this case. Without limitation, within this District, Defendant, directly and/or through intermediaries, have advertised (including through websites and television advertisements), offered to sell, sold and/or distributed infringing products, and/or have induced the sale and use of infringing products.

FACTUAL ALLEGATIONS

A. The '518 Patent

10. Ji-Soo LEE is the owner, by assignment, of the entire right, title, and interest in the '518 Patent.

11. Porto Technology, Co., Ltd. is the exclusive licensee of the '518 Patent.

12. The exclusive license, dated April 24, 2013, grants all substantial rights to Porto Technology Co., Ltd. including the exclusive right "to make, use, sell, offer to sell, and

import any Licensed Inventions, including the right to sue for past, present, and future damages.” Porto further has the right to grant sublicenses to third parties and to transfer, sell, or assign the rights conferred under the exclusive license agreement.

13. United States Patent No. 6,233,518, entitled “Method and System for Providing Image Vector-Based Traffic Information”, was duly and legally issued by the United States Patent and Trademark Office (“USPTO”) on May 15, 2001.

14. The ‘518 Patent relates to computer assisted mapping technologies applicable to a variety of consumer electronic devices, including GPS navigation units and cellular telephones.

15. The ‘518 Patent is valid and enforceable.

B. Infringement of the ‘518 Patent by Verizon

16. On information and belief, Verizon has been and is engaged in the manufacture, importation, offering for sale, and/or sale of consumer electronics, such as a user device for displaying image-based traffic information or a traffic information device capable of being coupled to a display panel, which, for example, include Verizon VZ Navigator software pre-installed or available as a free download on Verizon cellular phones running Android, bbOS, iOS, Windows Mobile, and BREW operating systems. These include the following exemplary cellular phones: the Motorola Droid Razr, Incredible, X2, Droid 3, and Droid 4; the Casio Commando; the HTC Rezound and Rhyme; the Sony Ericsson Xperia Play; the Blackberry Bold; and the Pantech Breakout. These cellular phones, and other devices which have yet to be identified (collectively, “Infringing Products”), have been sold throughout the United States, including in this Judicial District, which lead to and did cause direct or indirect infringement of the ‘518 Patent.

17. Defendant has had knowledge of the '518 Patent at least as early as September 20, 2012. Prior thereto, Defendant conducted their business operations with reckless disregard to the possibility that the Infringing Products infringed a valid U.S. patent by, among other things, negotiating for indemnity for intellectual property infringements in their contract with non-party Telecommunications Systems, Inc. ("TCS"), the contract-manufacturer for Verizon VZ Navigator, so that Defendant would be free to infringe the intellectual property of others with impunity while shifting infringement liability to TCS.

COUNT I
DIRECT INFRINGEMENT OF THE '518 PATENT

18. Plaintiffs reallege and incorporate by reference each and every allegation set forth in the proceeding paragraphs 1-17 as if fully set forth here.

19. Defendant has committed acts which include manufacturing, using, selling, offering to sell, or importing into the United States, a product that infringes one or more claims of the '518 Patent either literally, or under the doctrine of equivalents.

20. As a direct and proximate result of Defendant's infringement, Plaintiffs will continue to suffer serious irreparable injury and damages for which Plaintiffs are entitled to relief.

21. As a direct and proximate result of Defendant's infringement, Plaintiffs will continue to suffer serious irreparable injury and damages unless Defendant's infringement is enjoined.

22. On information and belief, Defendant's infringement of the '518 Patent has been willful and deliberate, without license, and with full knowledge of the '518 Patent, at least as early as September 20, 2012.

23. By way of example, the Motorola Droid Razr Maxx sold by Verizon contains the Verizon VZ Navigator software and practices the patent method for displaying an image-based traffic information comprising the steps of: receiving a traffic information map which includes at least a traffic state map, said traffic state map includes a plurality of time-variant image vector entities in a specified region and each of the time-variant image vector entity includes an attribute-designating statement, an shape-designating statement and a position-designating statement; displaying a first image in accordance with a basic map on a screen, said basic map including a plurality of time-invariant image vector entities in the specified region; and displaying a second image in accordance with said traffic state map such that said second image is cumulatively displayed on the first image, as recited in independent claim 45.

24. All phones sold by Verizon that include the Verizon VZ Navigator software or are promoted as compatible with the Verizon VZ Navigator downloadable software, operate in substantially the same way as the Motorola Droid Razr Maxx and therefore infringe claim 45 for the same reasons.

COUNT II
INDIRECT INFRINGEMENT OF THE '518 PATENT

25. Plaintiffs reallege and incorporate by reference each and every allegation set forth in the proceeding paragraphs 1-24 as if fully set forth here.

26. Defendant has had knowledge of infringement of the '518 Patent at least as early as September 20, 2012.

27. Defendant indirectly infringes one or more claims of the '518 Patent by actively inducing the infringement by their respective customers, buyers, users, subscribers and licensees who directly infringe the '518 Patent by performing the patented process in violation of 35 USC § 271(b).

28. Defendants actively induce others, such as their customers, users, and/or subscribers, to use the Infringing Products, which performs every limitation recited in one or more claims of the '518 Patent. For example, the VZ Navigator User's Manual and VZ Navigator marketing materials instruct Verizon customers to use Verizon devices together with the VZ Navigator software in an infringing manner.

COUNT III
CONTRIBUTORY INFRINGEMENT OF THE '518 PATENT

29. Plaintiffs reallege and incorporate by reference each and every allegation set forth in the proceeding paragraphs 1-28 as if fully set forth here.

30. Defendant indirectly infringes the '518 Patent by contributing, within the meaning of 35 U.S.C. § 271 (c), to the direct infringement by Defendant's customers, users, and subscribers by selling, offering for sale, and otherwise encouraging the use of the Infringing Products which perform the each and every claimed limitation in one or more claims of the '518 Patent. Defendant is aware that such acts amount to infringement of one or more claims of the '518 Patent and Defendant has the specific intent to contribute to these infringements.

31. The Infringing Products include hardware and software specially adapted for use in practicing one or more of the claims of the '518 Patent, these components constitute a material part of the invention, and are not a staple article or commodity of commerce suitable for non-infringing use.

32. Defendant has had knowledge of the '518 Patent and has known that the Infringing Products are especially made or especially adapted for use in infringement of the '518 Patent at least as early as September 20, 2012.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court enter judgment in their favor and against Defendant and grant the following relief:

A. That this Court adjudge and decree that Defendant has been and is currently infringing, inducing others to infringe, and/or committing acts of contributory infringement with respect to the '518 Patent;

B. That this Court enter an order that Defendant and its officers, agents, servants, employees, successors and assigns, and those persons acting in concert with them, be permanently enjoined from infringing, inducing others to infringe, and/or committing acts of contributory infringement with respect to the '518 Patent;

C. That this Court award damages to Plaintiffs to compensate for each of the unlawful actions set forth in Plaintiffs' complaint;

D. That this Court award interest on such damages to Plaintiffs;

E. That this Court treble the damages award to Plaintiffs pursuant to 35 U.S.C. § 284 and 271 (a), (b), and (c);

F. That this Court determine that this patent infringement case is exceptional and award Plaintiffs their costs and attorneys' fees incurred in this action pursuant to 35 U.S.C. § 285; and

G. That this Court award such other relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiffs respectfully requests a trial by jury on all the issues triable thereby.

Respectfully submitted,

FOX ROTHSCHILD LLP

May 3, 2013

/s/ Benjamin E. Maskell

Sunwoo Lee, Esq. (*Pro Hac Vice*)

Kenneth H. Leichter, Esq. (VA Bar No. 73731)

Benjamin E. Maskell, Esq. (VA Bar No. 78791)

FOX ROTHSCHILD LLP

1030 15th Street, NW

Suite 380 East

Washington, DC 20005

Telephone: 202-461-3100

Facsimile: 202-461-3102

Email: bmaskell@foxrothschild.com

Email: KLeichter@foxrothschild.com

Email: SunwooLee@foxrothschild.com

Counsel of Record

Attorneys for the Plaintiffs

Porto Technology, Co., Ltd.

Porto Technology LLC, and

Ji-Soo LEE