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SILVER STATE INTELLECTUAL TECHNOLOGIES, INC.
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20 IN THE UNITED STATES DISTRICT COURT
21 FOR THE DISTRICT OF NEVADA

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SILVER STATE INTELLECTUAL) Case No.: 2:13-cv-00957
TECHNOLOGIES, INC., a Nevada)
corporation,) **COMPLAINT FOR PATENT**
24) **INFRINGEMENT**
Plaintiff,)
25)
v.)
26) **DEMAND FOR JURY TRIAL**
APPLE INC., a California corporation,)
27)
Defendant.)
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COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff SILVER STATE INTELLECTUAL TECHNOLOGIES, INC. by and through its undersigned attorneys, hereby complains of Defendant APPLE INC., for infringement of the United States Patents identified herein, and alleges as follows:

JURISDICTION AND VENUE

1. This is an action for patent infringement arising under the patent laws of the United States, Title 35, United States Code, and more particularly 35 U.S.C. §§ 271 and 281.

2. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

3. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b) and (c), and 1400(b).

THE PARTIES

4. Plaintiff SILVER STATE INTELLECTUAL TECHNOLOGIES, INC. (hereinafter, "SILVER STATE") is a Nevada corporation with its principal place of business at 9811 Charleston Blvd., #2-787, Las Vegas, Nevada 89117.

5. SILVER STATE is the owner by assignment of United States Patent No. 6,525,768, entitled POSITIONAL CAMERA AND GPS DATA INTERCHANGE DEVICE, duly and lawfully issued on February 25, 2003 ("the '768 patent"), attached hereto as Exhibit A; United States Patent No. 6,529,824, entitled PERSONAL COMMUNICATION SYSTEM FOR COMMUNICATING VOICE DATA POSITIONING INFORMATION, duly and lawfully issued on March 4, 2003 ("the '824 patent"), attached hereto as Exhibit B; United States Patent No. 6,868,335, entitled PERSONAL COMMUNICATION SYSTEM FOR COMMUNICATING VOICE DATA POSITIONING INFORMATION, duly and lawfully issued on March 15, 2005 ("the '335 patent"), attached hereto as Exhibit C; United States Patent No. 7,522,992, entitled TECHNIQUE FOR EFFECTIVE NAVIGATION BASED ON USER PREFERENCES, duly and lawfully issued on April 21, 2009 ("the '992 patent"), attached hereto as Exhibit D; United States Patent No. 7,593,812, entitled TECHNIQUE FOR EFFECTIVE NAVIGATION BASED ON USER PREFERENCES, duly and lawfully issued

1 on September 22, 2009 (“the ’812 patent”), attached hereto as Exhibit E; and United States
2 Patent No. 7,650,234, entitled TECHNIQUE FOR EFFECTIVE NAVIGATION BASED ON
3 USER PREFERENCES, duly and lawfully issued on January 19, 2010 (“the ’234 patent”),
4 attached hereto as Exhibit F; among other patents and pending patent applications.

5 6. Upon information and belief, Defendant APPLE INC. (hereinafter, “APPLE”)
6 is a California corporation with its principal place of business at 1 Infinite Loop, Cupertino,
7 California 95014.

8 7. Upon information and belief, APPLE makes, uses, offers for sale and sells in
9 the United States, and imports into the United States certain mobile digital devices, including
10 the APPLE iPhone, iPad, and iPod touch, and associated systems, that SILVER STATE
11 alleges infringe the ’768 patent, the ’824 patent, the ’335 patent, the ’992 patent, the ’812
12 patent, and the ’234 patent as alleged further herein.

13 8. Upon information and belief, APPLE does business in this judicial district and
14 has committed acts of infringement in this judicial district.

15 **FIRST CLAIM FOR RELIEF**

16 **INFRINGEMENT OF U.S. PATENT NO. 6,525,768**

17 9. SILVER STATE realleges and incorporates herein by reference the allegations
18 stated in paragraphs 1–8 of this Complaint.

19 10. Upon information and belief, in violation of 35 U.S.C. § 271(a), APPLE has
20 directly infringed and is continuing to directly infringe one or more claims of the ’768 patent
21 by making, using, offering for sale and selling in the United States, and by importing into the
22 United States, without authority, certain mobile digital devices, including, without limitation,
23 infringement of Claim 2 of the ’768 patent by one or more versions of the APPLE iPhone and
24 iPad.

25 11. As a direct and proximate result of APPLE’s infringement of the ’768 patent,
26 SILVER STATE has been and continues to be damaged in an amount to be determined at
27 trial.

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1 **SECOND CLAIM FOR RELIEF**

2 **INFRINGEMENT OF U.S. PATENT NO. 6,529,824**

3 12. SILVER STATE realleges and incorporates herein by reference the allegations
4 stated in paragraphs 1–8 of this Complaint.

5 13. Upon information and belief, in violation of 35 U.S.C. § 271(a), APPLE has
6 directly infringed and is continuing to directly infringe one or more claims of the '824 patent,
7 including, without limitation, by practicing the method of Claim 8 of the '824 patent in
8 connection with APPLE's mobile digital devices, such as the APPLE iPhone, iPad and iPod
9 touch.

10 14. As a direct and proximate result of APPLE's infringement of the '824 patent,
11 SILVER STATE has been and continues to be damaged in an amount to be determined at
12 trial.

13 **THIRD CLAIM FOR RELIEF**

14 **INFRINGEMENT OF U.S. PATENT NO. 6,868,335**

15 15. SILVER STATE realleges and incorporates herein by reference the allegations
16 stated in paragraphs 1–8 of this Complaint.

17 16. Upon information and belief, in violation of 35 U.S.C. § 271(b), APPLE, upon
18 notice of this complaint, is inducing infringement, and shall continue to induce infringement
19 of one or more claims of the '335 patent including, without limitation, infringement of
20 Claim 1 of the '335 patent by inducing others, including entities such as end users of one or
21 more versions of the APPLE iPhone, iPad, and iPod touch, to perform one or more of the
22 claimed methods of the '335 patent, including at least Claim 1.

23 17. Upon information and belief, APPLE designs and manufactures the APPLE
24 iPhone, iPad, and iPod touch, and has taken active steps to encourage use of the iPhone, iPad,
25 and iPod touch by others, including, for example, providing customers with one or more
26 versions of iPhones, iPads, and iPod touches that practice, at least, Claim 1 of the '335 Patent,
27 and providing options or instructions to its customers to use these products in a manner that
28 infringes, at least, Claim 1 of the '335 patent.

1 18. As a direct and proximate result of APPLE's infringement of the '335 patent,
2 SILVER STATE shall continue to be damaged in an amount to be determined at trial.

3 **FOURTH CLAIM FOR RELIEF**

4 **INFRINGEMENT OF U.S. PATENT NO. 7,522,992**

5 19. SILVER STATE realleges and incorporates herein by reference the allegations
6 stated in paragraphs 1-8 of this Complaint.

7 20. Upon information and belief, in violation of 35 U.S.C. § 271(a), APPLE has
8 directly infringed and is continuing to directly infringe one or more claims of the '992 patent
9 by making, using, offering for sale and selling in the United States, and by importing into the
10 United States, without authority, certain mobile digital devices, including, without limitation,
11 infringement of Claim 23 of the '992 patent by one or more versions of the APPLE iPhone,
12 iPad, and iPod touch.

13 21. As a direct and proximate result of APPLE's infringement of the '992 patent,
14 SILVER STATE has been and continues to be damaged in an amount to be determined at
15 trial.

16 **FIFTH CLAIM FOR RELIEF**

17 **INFRINGEMENT OF U.S. PATENT NO. 7,593,812**

18 22. SILVER STATE realleges and incorporates herein by reference the allegations
19 stated in paragraphs 1-8 of this Complaint.

20 23. Upon information and belief, in violation of 35 U.S.C. § 271(a), APPLE has
21 directly infringed and is continuing to directly infringe one or more claims of the '812 patent
22 by making, using, offering for sale and selling in the United States, and by importing into the
23 United States, without authority, certain mobile digital devices and associated systems,
24 including, without limitation, infringement of Claim 10 of the '812 patent by one or more
25 versions of the APPLE iPhone.

26 24. As a direct and proximate result of APPLE's infringement of the '812 patent,
27 SILVER STATE has been and continues to be damaged in an amount to be determined at
28 trial.

1 **SIXTH CLAIM FOR RELIEF**

2 **INFRINGEMENT OF U.S. PATENT NO. 7,650,234**

3 25. SILVER STATE realleges and incorporates herein by reference the allegations
4 stated in paragraphs 1–8 of this Complaint.

5 26. Upon information and belief, in violation of 35 U.S.C. § 271(a), APPLE has
6 directly infringed and is continuing to directly infringe one or more claims of the '234 patent
7 by making, using, offering for sale and selling in the United States, and by importing into the
8 United States, without authority, certain mobile digital devices and associated systems,
9 including, without limitation, infringement of Claim 17 of the '234 patent by one or more
10 versions of the APPLE iPhone, iPad, and iPod touch.

11 27. As a direct and proximate result of APPLE's infringement of the '234 patent,
12 SILVER STATE has been and continues to be damaged in an amount to be determined at
13 trial.

14 **PRAYER FOR RELIEF**

15 WHEREFORE, Plaintiff SILVER STATE prays for judgment in its favor against
16 APPLE for the following relief:

17 A. For an Order adjudging APPLE to have infringed the '768 patent under
18 35 U.S.C. § 271;

19 B. For an Order adjudging APPLE to have infringed the '824 patent under
20 35 U.S.C. § 271;

21 C. For an Order adjudging APPLE to have infringed the '335 patent under
22 35 U.S.C. § 271;

23 D. For an Order adjudging APPLE to have infringed the '992 patent under
24 35 U.S.C. § 271;

25 E. For an Order adjudging APPLE to have infringed the '812 patent under
26 35 U.S.C. § 271;

27 F. For an Order adjudging APPLE to have infringed the '234 patent under
28 35 U.S.C. § 271;

1 G. That the Court award SILVER STATE recovery of damages to compensate it for
2 APPLE's infringement of SILVER STATE's patents as alleged herein, pursuant to 35 U.S.C.
3 § 284;

4 H. That the Court order APPLE to pay supplemental damages to SILVER STATE,
5 including, without limitation, pre-judgment and post-judgment interest, and costs of suit herein
6 pursuant to 35 U.S.C. § 284; and

7 I. That SILVER STATE have such other and further relief as this Court may deem
8 just and proper.

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Respectfully submitted,
WEIDE & MILLER, LTD.



Dated: May 30, 2013

By: _____
R. Scott Weide, Esq.
Kendele L. Works, Esq.

and

KNOBBE, MARTENS, OLSON & BEAR, LLP

Brenton R. Babcock, Esq. (pending *pro hac vice*)
Frederick S. Berretta, Esq. (pending *pro hac vice*)
Marko R. Zoretic, Esq. (pending *pro hac vice*)

Attorneys for Plaintiff
SILVER STATE INTELLECTUAL
TECHNOLOGIES, INC.

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DEMAND FOR TRIAL BY JURY

Plaintiff SILVER STATE hereby demands a trial by jury on all issues so triable.

Respectfully submitted,

WEIDE & MILLER, LTD.



By: _____
R. Scott Weide, Esq.
Kendelee L. Works, Esq.

Dated: May 30, 2013

and

KNOBBE, MARTENS, OLSON & BEAR, LLP

Brenton R. Babcock, Esq. (pending *pro hac vice*)
Frederick S. Berretta, Esq. (pending *pro hac vice*)
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