

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**NOVELPOINT TRACKING LLC**

Plaintiff,

v.

**JAGUAR LAND ROVER NORTH AMERICA,  
LLC**

Defendant.

**Case No. 2:13-cv-554**

**PATENT CASE**

**JURY TRIAL DEMANDED**

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**COMPLAINT**

NovelPoint Tracking LLC files this Complaint against Jaguar Land Rover North America, LLC for infringement of United States Patent No. 6,442,485.

**THE PARTIES**

1. Plaintiff NovelPoint Tracking LLC (“NPT”) is a Texas limited liability company with its principal place of business at 1300 Ballantrae Dr., Allen, TX 75013 in the Eastern District of Texas.

2. Defendant Jaguar Land Rover North America, LLC (“Defendant”) is a Delaware Limited Liability Company with its principal place of business at 555 MacArthur Blvd., Mahwah, NJ 07430.

3. Jaguar Land Rover North America, LLC sells Jaguar-branded products across Texas through authorized dealers, including the Eastern District of Texas. Consumers can directly request a price quote for a Jaguar automobile they customized on Defendant’s website (www.jaguarusa.com): when a consumer such as NPT (with a 75013 zip code) customizes a Jaguar automobile and requests a quote, he is directed to Jaguar Plano in Collin County, Texas,

within the Eastern District of Texas. In addition, clicking on “Locate a Retailer” from Defendant’s jaguarusa.com website directs inquires such as one made by NPT (with a 75013 zip code) to a map of Jaguar-branded dealerships with Jaguar Plano in Collin County, Texas as the first suggested dealer. Consumers can link directly from Defendant’s jaguarusa.com website to Jaguar Plano’s website (www.planojaguar.com) and view that dealership’s inventory of new and used Jaguar-branded vehicles offered for sale with online prices.

4. Jaguar Land Rover North America, LLC also sells Land Rover-branded automobiles in the Eastern District of Texas. Clicking on “Locate a Retailer” from Defendant’s website (www.landrover.com) directs inquires such as one made by NPT (with a 75013 zip code) to Land Rover Frisco, an authorized Land Rover-branded dealership in Collin County, Texas. Like the functionality on the jaguarusa.com website, consumers can request quotes on Land Rover-branded automobiles from dealerships and link directly to dealership websites via the landrover.com website. Land Rover Frisco is located within the Eastern District and provides listings of Land Rover automobiles for sale on its website (www.landroverfrisco.com), including special internet-based pricing.

#### **NATURE OF THE ACTION**

5. This is a civil action for infringement of United States Patent No. 6,442,485 (the “Patent-in-Suit”), arising under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*

#### **JURISDICTION AND VENUE**

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

7. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b) and 1400(b) because Defendant has committed acts of infringement in the United States including use and

offers for sale directed to this District, additional acts of infringement have occurred within this District, and Defendant's retailers and dealerships in this District and elsewhere in the State of Texas and are deemed to reside in this District for purposes of this action.

8. This Court has personal jurisdiction over Defendant and venue is proper in this district because Defendant has committed, and continues to commit, acts of infringement in and directed toward the State of Texas, including in this district and/or has engaged in continuous and systematic activities in the State of Texas, including in this District, as have its affiliates.

### **THE PATENT-IN-SUIT**

9. The Patent-in-Suit, entitled "Method and Apparatus for an Automatic Vehicle Location, Collision Notification, and Synthetic Voice," was duly and legally issued by the United States Patent and Trademark Office on August 27, 2002. A copy of the Patent-in-Suit is attached hereto as Exhibit A.

10. NPT is the exclusive owner of all rights, title, and interest in the Patent-in-Suit, including the right to exclude others and to enforce, sue and recover damages for past and future infringement thereof.

### **INFRINGEMENT OF THE PATENT-IN-SUIT**

11. NPT incorporates paragraphs 1 through 9 by reference as if fully stated herein.

12. The Patent-in-Suit is valid and enforceable.

13. Defendant has directly infringed, and continues to directly infringe, one or more claims of the Patent-in-Suit under 35 U.S.C. § 271(a), either literally and/or under the doctrine of equivalents, by making, using, selling, offering for sale, and/or importing products and/or methods encompassed by those claims.

14. Third parties, including Defendant's retailers and dealerships have infringed, and continue to infringe, one or more claims of the Patent-in-Suit under 35 U.S.C. § 271(a), either literally and/or under the doctrine of equivalents, by using, selling, and/or offering for sale in the United States, and/or importing into the United States, products supplied by Defendant.

15. Upon information and belief, based on the information presently available to NPT, absent discovery, and in the alternative to direct infringement, NPT contends that Defendant has since receiving notice of the filing of this Complaint induced infringement and continues to induce infringement, of one or more claims of the Patent-in-Suit under 35 U.S.C. § 271(b). Defendant has since receiving notice of the filing of this Complaint actively, knowingly, and intentionally induced, and continues to actively, knowingly, and intentionally induce, infringement of the Patent-in-Suit by making, using, importing, and selling or otherwise supplying products to third parties, including—at a minimum—its retailers and dealerships, with the knowledge and intent that such third parties will use, sell, offer for sale, and/or import, products supplied by Defendant to infringe the Patent-in-Suit; and with the knowledge and intent to encourage and facilitate the infringement through the dissemination of the products and/or the creation and dissemination of promotional and marketing materials, supporting materials, instructions, training, product manuals, and/or technical information related to such products.

16. Upon information and belief, based on the information presently available to NPT, absent discovery, and in the alternative to direct infringement, NPT contends that Defendant has since receiving notice of the filing of this Complaint contributed, and continues to contribute, to the infringement by third parties, including—at a minimum—its retailers and dealerships, of one or more claims of the Patent-in-Suit under 35 U.S.C. § 271(c) by manufacturing, using, selling, offering for sale, and/or importing Defendant's products, knowing

that those products constitute a material part of the inventions of the Patent-in-Suit, knowing that those products are especially made or adapted to infringe the Patent-in-Suit, and knowing that those products are not staple articles of commerce suitable for substantial noninfringing use.

17. Defendant's Jaguar Navigation System, offered for sale as an option on the 2013 Jaguar XF models and as a standard feature on the 2013 XJ, XK, and F-Type models, is an example of an infringing product and/or method. Defendant's Land Rover Navigation System, offered as an option on models such as the 2013 LR2 and as a standard feature on models such as the LR4 HSE LUX, is another example of an infringing product and/or method.

18. NPT has been and continues to be damaged by Defendant's infringement of the Patent-in-Suit.

19. Defendant's actions complained of herein are causing irreparable harm and damages to NPT and will continue to do so unless and until Defendant is enjoined and restrained by the Court.

20. Defendant's conduct in infringing the Patent-in-Suit renders this case exceptional within the meaning of 35 U.S.C. § 285.

**JURY DEMAND**

21. Plaintiff NPT hereby demands a trial by jury on all issues so triable.

**PRAYER FOR RELIEF**

WHEREFORE, NPT prays for judgment as follows:

- A. That Defendant has infringed one or more claims of the patent-in-suit;
- B. That Defendant account for and pay all damages necessary to adequately compensate NPT for infringement of the patent-in-suit, such damages to be determined by a jury, and that such damages be awarded to NPT with pre-judgment and post-judgment interest;

D. That Defendant and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in concert or actively participating with them, be permanently enjoined from directly or indirectly infringing the patent-in-suit; or, in the alternative, judgment that Defendant account for and pay to NPT an ongoing post-judgment royalty reflecting Defendant's deliberate continuing infringement;

E. That this case be declared an exceptional case within the meaning of 35 U.S.C. § 285 and that NPT be awarded the attorney fees, costs, and expenses that it incurs prosecuting this action; and

F. That NPT be awarded such other and further relief as this Court deems just and proper.

DATED: July 22, 2013

Respectfully submitted,

/s/ David A. Bailey  
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