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FILED

2013 OCT 24 P 1:25

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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7 MAP TOOL INC.

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 MAP TOOL INC.,

11 Plaintiff,

CV

Case No.

PSG
13 4946

14 vs.

15 AZPEN INNOVATION, INC. (CHINA) AND
AZPEN INNOVATION, INC. (TEXAS),

16 Defendants.

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18 **COMPLAINT FOR PATENT INFRINGEMENT**

19 Plaintiff Map Tool Inc. ("Plaintiff" or "Map Tool") by and through its undersigned counsel,
20 files this Complaint against Azpen Innovation, Inc. (China) and Azpen Innovation, Inc. (Texas)
21 (collectively, "Defendants" or "Azpen").

22 **THE PARTIES**

23 1. Map Tool is a Delaware corporation having its principal place of business in
24 Wilmington, Delaware.

25 2. Upon information and belief, Azpen Innovation, Inc. (China) is a Chinese corporation
26 having its principal place of business at 1#, Hongying Industrial Park, Fenggang, Dongguan
27 Guangdong 523740, People's Republic of China.

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1 3. Upon information and belief, Azpen Innovation, Inc. (Texas) is a Texas corporation
2 with its principal place of business at 4112 W. Spring Creek Pkwy., Suite D100, Plano, TX, 75024.
3 Upon information and belief, Azpen Innovation, Inc. (Texas) is an affiliate of Azpen Innovation, Inc.
4 (China).

5 4. Upon information and belief, Defendants have conducted and regularly conduct
6 business within this District, have purposefully availed themselves of the privileges of conducting
7 business in this District, and have sought protection and benefit from the laws of the State of
8 California.

9 **NATURE OF THE ACTION**

10 5. In this civil action, Plaintiff seeks damages against Azpen for acts of patent
11 infringement in violation of the Patent Act of the United States, 35 U.S.C. §§ 1 *et seq.*, including but
12 not limited to 35 U.S.C. §§ 271, 281, 284, and 285.

13 **JURISDICTION AND VENUE**

14 6. This Court has subject matter jurisdiction of such federal question claims pursuant to
15 28 U.S.C. §§ 1331 and 1338(a).

16 7. On information and belief, this Court has personal jurisdiction over Defendants.
17 Defendants have conducted and regularly conduct business within the United States and this District.
18 Defendants have purposely availed themselves of the privileges of conducting business in the United
19 States, and more specifically in the State of California and this District. Defendants have sought
20 protection and benefit from the laws of the State of California by placing infringing products into the
21 stream of commerce through an established distribution channel with the awareness and/or intent
22 that they will be purchased by consumers in this District.

23 8. Venue is proper in this Court according to the venue provisions set forth by 28 U.S.C.
24 §§ 1391(b)-(d) and 1400(b). Defendants are subject to personal jurisdiction in this District, and
25 therefore are deemed to reside in this District for purposes of venue. Upon information and belief,
26 Defendants have committed acts within this District giving rise to this action and do business in this
27 District, including but not limited to making sales in this District, providing service and support to its
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1 respective customers in this District and/or operating an interactive website, available to persons in
2 this District that advertises, markets, and/or offers for sale infringing products.

3 **BACKGROUND**

4 9. U.S. Patent No. 7,948,502 titled “Method of Displaying Picture Having Location
5 Data and Apparatus Thereof” (the “’502 patent”) was duly and legally issued by the U.S. Patent and
6 Trademark Office on May 24, 2011, after full and fair examination. Craig Stanton is the sole
7 inventor listed on the ’502 patent. The ’502 patent has been assigned to Plaintiff, and Plaintiff holds
8 all rights, title, and interest in the ’502 patent, including the right to collect and receive damages for
9 past, present and future infringement. A true and correct copy of the ’502 patent is attached as
10 Exhibit A and made a part hereof.

11 10. U.S. Patent No. 8,249,804 titled “Systems and Methods for Smart City Search” (the
12 “’804 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on August 21,
13 2012, after full and fair examination. Anatole M. Lokshin and Ailin Mao are the inventors listed on
14 the ’804 patent. The ’804 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title,
15 and interest in the ’804 patent, including the right to collect and receive damages for past, present
16 and future infringement. A true and correct copy of the ’804 patent is attached as Exhibit B and
17 made a part hereof.

18 11. Upon information and belief, Defendants make, use, offer to sell, and/or sell within,
19 and/or import into the United States products that incorporate the fundamental technologies covered
20 by the ’502 and ’804 patents (collectively, the “patents-in-suit”). By incorporating the fundamental
21 inventions covered by the patents-in-suit, Defendants can make improved products.

22 **COUNT I**

23 **Patent Infringement of U.S. Patent No. 7,948,502**

24 12. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-11 as
25 though fully set forth herein.

26 13. The ’502 patent is valid and enforceable.

27 14. Defendants have never been licensed, either expressly or impliedly, under the ’502
28 patent.

1 15. Upon information and belief, Defendants have been and are directly infringing under
2 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, the '502 patent by making,
3 using, offering to sell, and/or selling to manufacturers, distributors, customers and/or consumers
4 (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the
5 United States and/or importing into the United States, without authority, electronic devices, such as
6 tablets, that include all of the limitations of one or more claims of the '502 patent.

7 16. As a direct and proximate result of these acts of patent infringement, Defendants have
8 encroached on the exclusive rights of Plaintiff to practice the '502 patent, for which Plaintiff is
9 entitled to at least a reasonable royalty.

10 **COUNT II**

11 **Patent Infringement of U.S. Patent No. 8,249,804**

12 17. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-16 as
13 though fully set forth herein.

14 18. The '804 patent is valid and enforceable.

15 19. Defendants have never been licensed, either expressly or impliedly, under the '804
16 patent.

17 20. Upon information and belief, Defendants have been and are directly infringing under
18 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, the '804 patent by making,
19 using, offering to sell, and/or selling to manufacturers, distributors, customers and/or consumers
20 (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the
21 United States and/or importing into the United States, without authority, electronic devices, such as
22 tablets, that include all of the limitations of one or more claims of the '804 patent.

23 21. As a direct and proximate result of these acts of patent infringement, Defendants have
24 encroached on the exclusive rights of Plaintiff to practice the '804 patent, for which Plaintiff is
25 entitled to at least a reasonable royalty.

1 **CONCLUSION**

2 22. Plaintiff is entitled to recover from Defendants the damages sustained by Plaintiff as a
3 result of Defendants' wrongful acts in an amount subject to proof at trial, which, by law, cannot be
4 less than a reasonable royalty, together with interest and costs as fixed by this Court.

5 23. Plaintiff has incurred and will incur attorneys' fees, costs, and expenses in the
6 prosecution of this action. The circumstances of this dispute create an exceptional case within the
7 meaning of 35 U.S.C. § 285, and Plaintiff is entitled to recover its reasonable and necessary
8 attorneys' fees, costs, and expenses.

9 **JURY DEMAND**

10 24. Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of
11 Civil Procedure.

12 **PRAYER FOR RELIEF**

13 25. Plaintiff respectfully requests that the Court find in its favor and against Defendants,
14 and that the Court grant Plaintiff the following relief:

- 15 A. A judgment that Defendants have directly infringed the patents-in-suit as alleged
16 herein;
- 17 B. A judgment for an accounting of all damages sustained by Plaintiff as a result of the
18 acts of infringement by Defendants;
- 19 C. A judgment and order requiring Defendants to pay Plaintiff damages under 35 U.S.C.
20 § 284;
- 21 D. A judgment and order requiring Defendants to pay Plaintiff pre-judgment and post-
22 judgment interest on the damages awarded;
- 23 E. A judgment and order finding this to be an exceptional case and requiring Defendants
24 to pay the costs of this action (including all disbursements) and attorneys' fees as
25 provided by 35 U.S.C. § 285; and
- 26 F. Such other and further relief as the Court deems just and equitable.
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Dated: October 24, 2013

Respectfully submitted,

/s/ Michael C. Ting
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