

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

TRAFFIC INFORMATION, LLC

*Plaintiff,*

vs.

STATE FARM MUTUAL AUTOMOBILE  
INSURANCE COMPANY,

*Defendant.*

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Case No. 2:14-cv-00718

**JURY TRIAL DEMANDED**

**FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Traffic Information, LLC (“Traffic”) brings this action against defendant State Farm Mutual Automobile Insurance Company (“State Farm” or “Defendant”), and alleges:

**THE PARTIES**

1. Traffic is a limited liability company organized and existing under the laws of the State of Texas.
2. On information and belief, State Farm is an Illinois corporation, has a principal place of business at 1 State Farm Plaza, Bloomington, Illinois 61710 and has designated a registered agent for purposes of service of process as Peggy Echols, 1500 State Farm Boulevard, Charlottesville, Virginia, 22909, and is doing business in this judicial district.
3. State Farm is licensed with the Texas Department of Insurance (“TDI”) to do business in Texas. State Farm’s License Number with the TDI is 79250. State Farm’s TDI Company Number is also 79250. State Farm has designated Margie Southard, 8900 Amberglen Boulevard, Austin, Texas 78729-1110 as its “Attorney for Service” with the TDI.

#### **JURISDICTION AND VENUE**

4. This is an action for patent infringement arising under the provisions of the Patent Laws of the United States of America, Title 35, United States Code.

5. Subject-matter jurisdiction over Traffic's claims is conferred upon this Court by 28 U.S.C. §§ 1331 and 1338(a).

6. On information and belief, Defendant has solicited business in the State of Texas, transacted business within the State of Texas and attempted to derive financial benefit from residents of the State of Texas, including benefits directly related to the instant patent infringement cause of action set forth herein.

7. On information and belief, Defendant has placed its infringing product into the stream of commerce throughout the United States with the expectation that it will be used by consumers in this judicial district.

8. Defendant is subject to personal jurisdiction in Texas and this judicial district, and is doing business in this judicial district.

9. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b), (c), (d) and 1400(b).

#### **INFRINGEMENT OF THE '606 PATENT**

10. Traffic realleges and incorporates by reference the allegations in paragraphs 1-9.

11. On August 31, 2004, U.S. Patent No. 6,785,606 ("the '606 patent"), entitled "System For Providing Traffic Information" was duly and legally issued. A Reexamination Certificate for the '606 patent issued on December 6, 2011. A true and correct copy of the '606 patent with the Reexamination Certificate is attached hereto as Exhibit 1. Traffic is the owner by assignment of all

right, title and interest in and to the '606 patent, including the right to sue for and recover all past, present and future damages for infringement of the '606 patent.

**12.** Defendant, alone and in conjunction with others, has in the past and continues to infringe and/or induce infringement of the '606 patent by making, using, selling, offering to sell and/or importing, and/or causing others to make and/or use, traffic information systems, software, products and/or services ("Accused Products") that alone or in combination with other devices or products are covered by at least one claim of the '606 patent, and is liable for infringement of the '606 patent pursuant to 35 U.S.C. § 271.

**13.** Defendant has been and/or is now indirectly infringing one or more claims of the '606 patent in violation of 35 U.S.C. § 271(b) by inducing end users of its Accused Products to directly infringe one or more claims of the '606 patent through their use of the Accused Products ("End Users") to display traffic information on the display of a mobile device, such as a mobile telephone or tablet. Defendant engages in such inducement knowingly and, at least from the time of receipt of the present Complaint, has done so with knowledge that such activity encourages End Users to directly infringe the '606 patent.

**14.** Defendant's acts of infringement have caused damage to Traffic, and Traffic is entitled to recover from Defendant the damages sustained by Traffic as a result of Defendant's wrongful acts in an amount subject to proof at trial.

**15.** As a consequence of the infringement complained of herein, Traffic has been irreparably damaged to an extent not yet determined and will continue to be irreparably damaged by such acts in the future unless Defendant is enjoined by this Court from committing further acts of infringement.

**PRAYER FOR RELIEF**

**WHEREFORE**, Traffic prays for entry of judgment that:

- A.** Defendant has infringed the '606 patent;
- B.** Defendant account for and pay to Traffic all damages caused by its infringement of the '606 patent as complained of herein in accordance with 35 U.S.C. § 284;
- C.** Traffic be granted permanent injunctive relief pursuant to 35 U.S.C. § 283 enjoining Defendant, its officers, agents, servants, employees and those persons in active concert or participation with it from further acts of patent infringement;
- D.** Traffic be granted pre-judgment and post-judgment interest on the damages caused to it by reason of Defendant's patent infringement complained of herein;
- E.** Traffic be granted its reasonable attorneys' fees;
- F.** Costs be awarded to Traffic; and,
- G.** Traffic be granted such other and further relief as the Court may deem just and proper under the circumstances.

**DEMAND FOR JURY TRIAL**

Traffic demands trial by jury on all claims and issues so triable.

Respectfully submitted,

Dated: August 26, 2014

By: /s/ C. Dale Quisenberry

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ATTORNEYS FOR PLAINTIFF

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served this 26th day of August, 2014, with a copy of this document via the Court's CM/ECF system. Any other counsel of record will be served by, electronic mail, facsimile transmission and/or first class mail on this same date.

/s/ C. Dale Quisenberry