

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

AMERICAN NAVIGATION SYSTEMS, INC.,	§	
	§	
	§	
Plaintiff,	§	
	§	
v.	§	Case No. _____
	§	
APPLE INC.,	§	
	§	
Defendant.	§	
_____	§	

**COMPLAINT AND DEMAND FOR JURY TRIAL**

Plaintiff American Navigation Systems, Inc. (“AmNav”) brings this case against Apple Inc. (“Apple”) for infringing a global positioning system (“GPS”) patent that enables the most popular applications on iPhone, iPad, and other devices – Google Maps and Apple Maps – and alleges the following:

**Parties**

1. AmNav is Florida corporation with its principal place of business in Tampa, Hillsborough County, Florida.
2. Apple is California corporation with its principal place of business at 1 Infinite Loop, Cupertino, California 95014. Apple has registered C T Corporation System, 1200 South Pine Island Road, Plantation, FL 33324-4413, as its agent in Florida to receive service of process. Apple has filed annual reports with the Florida Secretary of State since 1995.

### **Jurisdiction and Venue**

3. This action arises under 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 1332 (diversity of citizenship), and 28 U.S.C. § 1338(a) (claims arising under patent laws).

4. Apple has sold millions of infringing devices in the State of Florida, including the Middle District of Florida. AmNav's claims arise in part out of those Florida sales. Apple also has a big and growing presence within Florida and the Middle District of Florida. Apple's infringing conduct has its greatest effect on AmNav in Florida, under whose laws AmNav exists and where AmNav has its principal place of business. The contacts establish a more than sufficient link among Apple, Florida, and AmNav to warrant the court's exercise of personal jurisdiction over Apple in this case.

5. By virtue of Apple's sales of infringing devices within the Middle District of Florida and AmNav's Florida citizenship, the court has venue of this case under 28 U.S.C. §§ 1391(b)(1) and (b)(2).

### **Background**

#### **GPS Technology**

6. GPS technology lets users determine precise locations of objects on and near the Earth's surface. It works by using electronic signals to measure the distances between multiple GPS satellites (usually at least four) and particular sites. Small differences between the times at which the satellites beam a GPS signal and the moments when a receiver detects the signals allow the system to pinpoint the whereabouts of the receiver.

7. Google Maps and Apple Maps use global positioning to provide a visual report of the user's location on a map to within three to five feet of the user's actual location.

### **The Inventors and the Invention**

8. In 1995, Doug Backman teamed up with Frank DeFalco, Gene Roe, and William Michalson on a GPS project. Backman, an entrepreneur who earned degrees from Cornell University and Boston University, saw that portable GPS devices would become widely popular. He also grasped the huge commercial appeal of a device that would allow people to see and follow their changing location on a map in real time.

9. DeFalco, Roe, and Michalson all had engineering degrees from the nearby Worcester Polytechnic Institute.

10. The four men together conceived a way to display GPS data in real time on a portable mapping device. They had many meetings together and developed a working prototype. In January 1996, they tested their prototype while driving around Worcester, Massachusetts. It worked splendidly.

11. On May 11, 1999, the United States Patent and Trademark Office ("PTO") issued United States Patent No. 5,902,347 (the "'347 Patent") for a "Hand-Held GPS Mapping Device."

12. Each of the inventors executed assignments of all rights relating to the patent to AmNav.

### **Apple's Infringement**

13. Apple has included a maps application – either Google Maps or Apple

Maps\* – on all its smartphones since it launched the iPhone in 2007. It has likewise loaded all its tablet devices with a maps application since it introduced the iPad in April 2010. Apple has sold many millions of iPhones, iPads, iPad Minis, and other devices that used Google Maps or Apple Maps, earning billions of dollars in profit as a result of the immense popularity of maps applications.

14. The ability of Apple’s smartphones, tablets, and other devices to practice the inventions of the ‘347 Patent accounts for much of the value of those devices. A survey in August 2013, for instance, crowned Google Maps as the most popular smartphone application of all; the survey found that 54 percent of all global smartphone users used Google Maps at least once during a one-month period.

#### **Claim**

15. AmNav realleges and incorporates by reference paragraphs 1-14.

16. Apple has infringed and continues to infringe the ‘347 Patent by making, selling, and using devices that embody the inventions that the patent covers, including but not limited to: Apple iPhone 3G, Apple iPhone 3GS, Apple iPhone 4, Apple iPhone 4S, Apple iPhone 5, Apple iPhone 5C, Apple iPhone 5S, Apple iPad 1<sup>st</sup> Generation, Apple iPad 2<sup>nd</sup> Generation, Apple iPad 3<sup>rd</sup> Generation, Apple iPad 4<sup>th</sup> Generation, Apple iPad Air, Apple iPad Mini 1<sup>st</sup> Generation, and Apple iPad Mini 2<sup>nd</sup> Generation.

17. Apple does not compensate AmNav for this infringement and will continue to wrongfully benefit from AmNav’s invention until this case is heard.

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\* In December 2012, Apple made Apple Maps the default maps application, but it has continued to allow downloading and use of Google Maps on Apple devices through the Apple App Store.

**Jury Demand**

18. AmNav demands trial by jury of all issues so triable.

**Conclusion**

AmNav respectfully requests the court to summon Apple to appear in this action and to award AmNav (a) an accounting for damages that equal no less than a reasonable royalty; (b) interest and costs; and (c) all other appropriate relief.

Date: May 12, 2014

FEE & JEFFRIES, P.A.

s/ Richard E. Fee

Richard E. Fee

Florida Bar No. 813680

FEE & JEFFRIES, P.A.

1227 N. Franklin Street

Tampa, Florida 33602

(813) 229-8008

(813) 229-0046 (Facsimile)

rfee@feejeffries.com

Local Counsel for Plaintiff

SUSMAN GODFREY L.L.P.

Barry Barnett

901 Main Street, Suite 5100

Dallas, Texas 75202

Phone: 214-754-1900

Fax: 214-754-1933

bbarnett@susmangodfrey.com

Motion for Admission *Pro Hac Vice* filed

Lead Trial Counsel for Plaintiff

SUSMAN GODFREY L.L.P.

Max Tribble

1000 Louisiana, Suite 5100

Houston, Texas 77002

Phone: 713-651-9366

Fax: 713-654-6666

mtribble@susmangodfrey.com

Motion for Admission *Pro Hac Vice* filed

Lead Trial Counsel for Plaintiff

SUSMAN GODFREY L.L.P.  
Joseph S. Grinstein  
1000 Louisiana, Suite 5100  
Houston, Texas 77002  
Phone: 713-651-9366  
Fax: 713-654-6666  
jgrinstein@susmangodfrey.com  
Motion for Admission *Pro Hac Vice* filed

SUSMAN GODFREY L.L.P.  
E. Lindsay Calkins  
1201 Third Avenue, Suite 3800  
Seattle, Washington 98101-3000  
Phone: 206-516-3880  
Fax: 206-516-3883  
lcalkins@susmangodfrey.com  
Motion for Admission *Pro Hac Vice* filed

**COUNSEL FOR PLAINTIFF AMERICAN  
NAVIGATION SYSTEMS, INC.**