

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

AVIONIQS, LLC,

Plaintiff,

v.

FEDEX CORPORATION,

Defendant.

Case No. 3:15-cv-397

PATENT CASE

JURY TRIAL DEMANDED

AMENDED COMPLAINT

Plaintiff Avioniqs, LLC files this Complaint against Defendant FedEx Corporation, for infringement of United States Patent No. 7,688,214 (the “214 Patent”).

PARTIES AND JURISDICTION

1. This is an action for patent infringement under Title 35 of the United States Code. Plaintiff is seeking injunctive relief as well as damages.

2. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 (Federal Question) and 1338(a) (Patents) because this is a civil action for patent infringement arising under the United States patent statutes.

3. Plaintiff Avioniqs, LLC (“Plaintiff” or “Avioniqs”) is a Texas limited liability company with its principal office located in Texas, at 719 W. Front Street, Suite 211, Tyler, Texas 75702.

4. Upon information and belief, Defendant FedEx Corporation (“Defendant”) is a corporation organized and existing under the laws of Delaware, with a principal office located at 3610 Hacks Cross Rd., Memphis, Tennessee 38125. This Court has personal jurisdiction over Defendant because Defendant has committed, and continues to commit, acts of infringement in the state of Texas, has conducted business in the state of Texas, and/or has engaged in

continuous and systematic activities in the state of Texas, at least in connection with Defendant's flights into and out of DFW Airport.

5. Defendant has used and continues to use the Accused Products (as defined below) in the Northern District of Texas, at least in connection with Defendant's flights into and out of DFW Airport.

VENUE

6. Venue is proper in the Eastern District of Texas pursuant to 28 U.S.C. §§ 1391(c) and 1400(b) because Defendant is deemed to reside in this district. In addition, and in the alternative, Defendant has committed acts of infringement in this district.

COUNT I
(INFRINGEMENT OF UNITED STATES PATENT NO. 7,688,214)

7. Plaintiff incorporates paragraphs 1 through 6 herein by reference.

8. This cause of action arises under the patent laws of the United States, and in particular, 35 U.S.C. §§ 271, *et seq.*

9. Plaintiff is the owner by assignment of the '214 Patent with sole rights to enforce the '214 Patent and sue infringers.

10. A copy of the '214 Patent, titled "Weather Warning System and Method," is attached hereto as Exhibit A.

11. The '214 Patent is valid and enforceable, and it was duly issued in full compliance with Title 35 of the United States Code.

(Direct Infringement)

12. Upon information and belief, Defendant has infringed and continues to directly infringe one or more claims of the '214 Patent, including at least claims 6 and 12, by using

airborne weather radar systems for detecting the occurrence of a weather condition (the “Accused Products”).¹

13. Upon information and belief, the Accused Products are supplied by Rockwell Collins. Weather radar systems that are alleged to infringe include, without limitation, (a) a system variously identified as the WXR-2100 MultiScan Threat Detection Radar 2011, the WXR-2100 MultiScan V2, and/or the WXR-2100 MultiScan (2012 release); (b) the WXR-2100 MultiScan ThreatTrack weather radar system; and (c) upgrades and conversions of earlier systems to the same functionality/versions of these identified systems.

14. Defendant obtains benefits from the Accused Products far beyond the costs of the Accused Products. For example and without limitation, the Accused Products permit Defendant and its pilots to complete routes that otherwise may not have been able to be completed, to take the most efficient path through or around storms, and to achieve a smoother ride, which in turn generate higher revenue for Defendant, reduce fuel costs, and increase passenger satisfaction.

15. Defendant’s actions complained of herein are causing irreparable harm and monetary damage to Plaintiff and will continue to do so unless and until Defendant is enjoined and restrained by this Court.

16. Plaintiff is in compliance with 35 U.S.C. § 287.

DEMAND FOR JURY TRIAL

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of all issues so triable by right.

¹ Avioniqs has entered into a Non-Exclusive Patent License and Settlement Agreement with Honeywell International Inc. Avioniqs expressly excludes products and systems that it has licensed under its agreement with Honeywell from the scope of the Accused Products in this Amended Complaint.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests the Court to:

- a) Enter judgment for Plaintiff on this Complaint on all causes of action asserted herein;
- b) Enjoin Defendant, its agents, officers, servants, employees, attorneys and all persons in active concert or participation with Defendant who receive notice of the order from further infringement of United States Patent No. 7,688,214 (or, in the alternative, awarding Plaintiff a running royalty from the time of judgment going forward);
- c) Award Plaintiff damages resulting from Defendant's infringement in accordance with 35 U.S.C. § 284;
- d) Declare this an "exceptional case" pursuant to 35 U.S.C. § 285 and award Plaintiff its attorney's fees and any other appropriate relief;
- e) Award Plaintiff pre-judgment and post-judgment interest and costs; and
- f) Award Plaintiff such further relief to which the Court finds Plaintiff entitled under law or equity.

Dated: May 15, 2015

Respectfully submitted,

/s/ Craig Tadlock
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CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system, in accordance with Local Rule 5.1(d), on May 15, 2015.

/s/ Craig Tadlock
Craig Tadlock