

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

Lance Parker IP, LLC,)	
)	
Plaintiff,)	C.A. No: 6:15-cv-893
)	
v.)	
)	
Apple, Inc.,)	JURY TRIAL DEMANDED
)	
Defendant.)	
)	
)	
)	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Lance Parker IP, LLC (“Lance Parker”), by and through its undersigned counsel,
for its Complaint for patent infringement against defendant Apple, Inc. (“Apple”), hereby states:

THE PARTIES

1. Plaintiff Lance Parker IP, LLC is a Delaware company with its principal place of business in Los Angeles, California.
2. Defendant Apple is a California corporation with its principal place of business at 1 Infinite Loop, Cupertino, California 95014.

JURISDICTION AND VENUE

3. This is a civil action for the infringement of United States Patent Numbers 8,494,560, 9,143,923, and 9,143,934 ("the '560 Patent," "the '923 Patent," "the '934 Patent," or "the Patents-in-Suit"), under the Patent Laws of the United States 35 U.S.C. § 1 *et seq.*
4. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States, including 35 U.S.C. § 271 *et seq.*
5. This Court has specific and general personal jurisdiction over Apple, which has conducted and continues to conduct business in the State of Texas and in this Judicial District. Apple sells, offers for sale, and/or advertises products and services in the State of Texas and in this Judicial District. Apple has committed acts of infringement in the State of Texas and in this Judicial District, and elsewhere in the United States. Apple also derives substantial revenue from goods and services provided to individuals in Texas and in this Judicial District.
6. Venue is proper in this Judicial District pursuant to 28 U.S.C. §§ 1391 and 1400(b).

THE PATENTS-IN-SUIT

7. On July 23, 2013, the '560 Patent entitled "System, Method and Program Product for Location Based Services, Asset Management and Tracking," was duly and lawfully issued by the United States Patent and Trademark Office ("USPTO").
8. On September 22, 2015, the '923 Patent entitled "System and Method for Remote Control of a Mobile Device," was duly and lawfully issued by the United States Patent and Trademark Office ("USPTO").
9. On September 22, 2015, the '934 Patent entitled "System and Method for Remote Control of a Mobile Device," was duly and lawfully issued by the United States Patent and Trademark Office ("USPTO").
10. The Patents-in-Suit relate to, among other things, determining the geographic location of mobile devices and remotely sending commands to them. Lance Parker is the owner of the Patents-in-Suit and has all rights to enforce them.
11. A copy of the '560 Patent is attached as Exhibit A to this Complaint.
12. A copy of the '923 Patent is attached as Exhibit B to this Complaint.
13. A copy of the '934 Patent is attached as Exhibit C to this Complaint.

COUNT ONE

14. Lance Parker incorporates by references each of the foregoing paragraphs of this Complaint as though fully set forth herein.
15. Apple makes, uses, or sells a variety of electronic devices, including smartphones and tablets.

16. Apple has directly infringed, and continues to directly infringe, at least one claim of the '560 Patent under 35 U.S.C. § 271, literally and/or under the doctrine of equivalents.

Defendant's infringing acts include, but are not limited to: making, using, selling, and offering to sell its electronic devices and software. These Apple products, among other infringing features, provide the capability to determine the geographic location of mobile devices and remotely send commands to them.

17. As one example, Apple currently makes, uses, and sells the Apple iPhone 6 in conjunction with its iCloud service. These products infringe at least one claim of the '560 Patent, at least by providing the capability to determine the geographic location of the iPhone 6 and remotely send commands to it.

18. Apple has indirectly infringed at least one claim of the '560 Patent, through induced infringement under 35 U.S.C. § 271. Apple is notified of its infringement of the '560 Patent as of the filing of this complaint. Nevertheless, Apple continues its acts of indirect infringement by continuing to actively induce consumers to practice the invention claimed in the '560 Patent. Apple instructs consumers to use Apple devices with iCloud, within the scope of the '560 Patent. For example, consumers are induced to use their iPhone 6 with iCloud to determine the geographic location of the iPhone 6 and remotely send commands to it.

19. With knowledge of the '560 Patent, Apple has indirectly infringed the '560 Patent by inducing the direct infringement by consumers, by enabling, instructing, and encouraging consumers to make and use the infringing apparatus described in at least one claim of the '560 Patent, while aware that their use is infringing.

20. Apple's use of the technology claimed in the '560 Patent is without license or authorization from Lance Parker.

21. Lance Parker has been damaged by Apple's infringement of the '560 Patent.

COUNT TWO

22. Lance Parker incorporates by references each of the foregoing paragraphs of this Complaint as though fully set forth herein.

23. Apple makes, uses, or sells a variety of electronic devices, including smartphones and tablets.

24. Apple has directly infringed, and continues to directly infringe, at least one claim of the '923 Patent under 35 U.S.C. § 271, literally and/or under the doctrine of equivalents.

Defendant's infringing acts include, but are not limited to: making, using, selling, and offering to sell its electronic devices and software. These Apple products, among other infringing features, provide the capability to determine the geographic location of mobile devices and remotely send commands to them.

25. As one example, Apple currently makes, uses, and sells the Apple iPhone 6 in conjunction with its iCloud service. These products infringe at least one claim of the '923 Patent, at least by providing the capability to determine the geographic location of the iPhone 6 and remotely send commands to it.

26. Apple has indirectly infringed at least one claim of the '923 Patent, through induced infringement under 35 U.S.C. § 271. Apple is notified of its infringement of the '923 Patent as of the filing of this complaint. Nevertheless, Apple continues its acts of indirect infringement by continuing to actively induce consumers to practice the invention claimed in the '923 Patent.

Apple instructs consumers to use Apple devices with iCloud, within the scope of the '923 Patent.

For example, consumers are induced to use their iPhone 6 with iCloud to determine the geographic location of the iPhone 6 and remotely send commands to it.

27. With knowledge of the '923 Patent, Apple has indirectly infringed the '923 Patent by inducing the direct infringement by consumers, by enabling, instructing, and encouraging consumers to make and use the infringing apparatus described in at least one claim of the '923 Patent, while aware that their use is infringing.

28. Apple's use of the technology claimed in the '923 Patent is without license or authorization from Lance Parker.

29. Lance Parker has been damaged by Apple's infringement of the '923 Patent.

COUNT THREE

30. Lance Parker incorporates by references each of the foregoing paragraphs of this Complaint as though fully set forth herein.

31. Apple makes, uses, or sells a variety of electronic devices, including smartphones and tablets.

32. Apple has directly infringed, and continues to directly infringe, at least one claim of the '934 Patent under 35 U.S.C. § 271, literally and/or under the doctrine of equivalents.

Defendant's infringing acts include, but are not limited to: making, using, selling, and offering to sell its electronic devices and software. These Apple products, among other infringing features, provide the capability to determine the geographic location of mobile devices and remotely send commands to them.

33. As one example, Apple currently makes, uses, and sells the Apple iPhone 6 in conjunction with its iCloud service. These products infringe at least one claim of the '934

Patent, at least by providing the capability to determine the geographic location of the iPhone 6 and remotely send commands to it.

34. Apple has indirectly infringed at least one claim of the '934 Patent, through induced infringement under 35 U.S.C. § 271. Apple is notified of its infringement of the '934 Patent as of the filing of this complaint. Nevertheless, Apple continues its acts of indirect infringement by continuing to actively induce consumers to practice the invention claimed in the '934 Patent. Apple instructs consumers to use Apple devices with iCloud, within the scope of the '934 Patent. For example, consumers are induced to use their iPhone 6 with iCloud to determine the geographic location of the iPhone 6 and remotely send commands to it.

35. With knowledge of the '934 Patent, Apple has indirectly infringed the '934 Patent by inducing the direct infringement by consumers, by enabling, instructing, and encouraging consumers to make and use the infringing apparatus described in at least one claim of the '934 Patent, while aware that their use is infringing.

36. Apple's use of the technology claimed in the '934 Patent is without license or authorization from Lance Parker.

37. Lance Parker has been damaged by Apple's infringement of the '934 Patent.

PRAYER FOR RELIEF

WHEREFORE, Lance Parker IP, LLC prays for entry of judgment as follows:

a) Enter judgment for Lance Parker on this complaint and adjudging that the Defendant has infringed one or more of the claims of the Patent-in-Suit, either literally or under the doctrine of equivalents;

- b) Award Lance Parker all damages to which it is entitled under 35 U.S.C. § 284 resulting from Defendant's infringement, and ordering a full accounting of all damages adequate to compensate Lance Parker for the infringement of its patent rights;
- c) Award Lance Parker pre-judgment and post-judgment interest on its damages at the maximum rate permitted by law;
- d) Award costs and attorney's fees to Lance Parker, and finding that this case is exceptional, pursuant to 35 U.S.C. § 285; and
- e) Grant Lance Parker such further and additional relief as the Court deem as just and proper under the circumstances.

DEMAND FOR JURY TRIAL

Lance Parker hereby demands a trial by jury on all claims and issues so triable.

Dated: October 9, 2015

Respectfully submitted,

/s/ Frank M. Washko _____

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