

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

LOCATION BASED SERVICES, LLC,

Plaintiff,

v.

**RM ACQUISITION, LLC D/B/A RAND
MCNALLY,**

Defendant.

Civil Action No. 2:17-cv-135

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

This is an action for patent infringement in which Location Based Services, LLC (“Plaintiff”) accuses RM Acquisition d/b/a Rand McNally (“Defendant”), of infringing U.S. Patent Nos. 8,768,610 and 7,522,996 (collectively, the “Patents-in-Suit”), alleging as follows:

PARTIES

1. Plaintiff Location Based Services LLC is a Texas limited liability company, having a principal place of business at 1400 Preston Rd., Ste. 400, Plano, TX 75093.

2. Upon information and belief, Defendant is a limited liability company organized and existing under the laws of the State of Delaware, having its principal place of business at 9822 Woods Dr., Skokie, IL 60677. Defendant can be served through its registered agent: The Corporation Trust Company, Corporation Trust Center 1209 Orange St., Wilmington, DE 19801

JURISDICTION AND VENUE

3. This is an action for infringement of the Patents-in-Suit arising under 35 U.S.C. §§ 271(a), 281, and 284 - 85. This Court has subject matter jurisdiction over this action under 28 U.S.C. §1331 and §1338(a).

4. Venue is proper in this district under 28 U.S.C. §§ 1391(c) and 1400(b). On information and belief, Defendant has transacted business in this district, and has committed acts of patent infringement in this district.

5. Upon information and belief, Defendant is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this Judicial District.

U.S. PATENT NO. 8,768,610

6. On July 1, 2014, United States Patent No. 8,768,610 (the "'610 patent") was duly and legally issued by the United States Patent and Trademark Office for an invention entitled "Map Display System and Method." A true and correct copy of the '610 patent is attached hereto as Exhibit A.

7. Edward K. Y. Jung, Royce A. Levien, and Robert W. Lord *et al.*, are the inventors of the '610 patent.

8. Plaintiff is the owner by assignment of the '610 Patent with all rights in and to that patent.

9. Upon information and belief, to the extent any marking was required by 35 U.S.C. § 287, Plaintiff has complied with such requirements.

U.S. PATENT NO. 7,522,996

10. On April 21, 2009, United States Patent No. 7,522,996 (the "'996 patent") was duly and legally issued by the United States Patent and Trademark Office for an invention entitled "Map

Display System and Method.” A true and correct copy of the ’996 patent is attached hereto as Exhibit B.

11. Edward K. Y. Jung, Royce A. Levien, and Robert W. Lord *et al.*, are the inventors of the ’996 patent.

12. Plaintiff is the owner by assignment of the ’996 Patent with all rights in and to that patent.

13. Upon information and belief, to the extent any marking was required by 35 U.S.C. § 287, Plaintiff has complied with such requirements.

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 8,768,610

14. Defendant directly or through intermediaries, makes, uses, offers to sell, or sells navigation devices and software which infringe the ’610 Patent, shown in Exhibit A-1.

15. Upon information and belief, Defendant has been and is now infringing claims 1, 2, and 6 of the ’610 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, selling, and/or offering for sale navigation devices, *i.e.*, Road Explorer 70, Road Explorer 60, Road Explorer 50, RV Tablet 80, RVND 7730 LM, TND Tablet 80, IntelliRoute TND 730 LM, and IntelliRoute TND 530 LM (collectively, the “Accused Instrumentalities”), covered by one or more claims of the ’610 Patent to the injury of Plaintiff. Defendant is directly infringing, literally infringing, and/or infringing the ’610 Patent under the doctrine of equivalents. Defendant is thus liable for direct infringement of the ’610 Patent pursuant to 35 U.S.C. § 271(a).

16. The Accused Instrumentalities infringe claim 1 of the ’610 Patent. They include computer system comprising: a processor; a memory coupled to the processor; a receiver coupled to the processor (*i.e.*, a GPS receiver); and a map display module coupled to the receiver and the

memory, the map display module including a data store configurable to hold data related to one or more interaction rules associated with one or more locations in a predefined area and one or more identifiers (*i.e.*, type of road such as toll or freeway, speed limit on the road, current flow of traffic in comparison to the posted speed limit); and a status module configurable to determine a status associated with at least one of the one or more locations on the map, the status being a function of one or more location interaction rules associated with the at least one of the locations (*i.e.*, it determines traffic conditions based on the flow of traffic and the posted speed limit). *See* Ex. A-1, Figs. 1-6.

17. The Accused Instrumentalities infringe claim 2 of the '610 Patent. They meet the limitations of claim 1, and furthermore, wherein the status module is configurable to match an identifier associated with a received request for a map with a data store entry in the data store, the data store entry providing the one or more location interaction rules for the at least one of the one or more locations on the map, (*i.e.*, it determines a route to a specific location by using a combination of traffic information and speed limit data associated with the requested location and the route to the location stored in device data). *See* Ex. A-1, Figs. 1-6.

18. The Accused Instrumentalities infringe claim 6 of the '610 Patent. They meet the limitations of claim 1, and furthermore, wherein the map display module includes logic for generating a signal related to highlighting the at least one location on the map, the highlighting indicative of one or more locations the user is to next visit on the map (*i.e.*, the route to be traveled is highlighted). *See* Ex. A-1, Figs. 1-8.

19. As a result of Defendant's infringement of the '610 Patent, Plaintiff has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for the use made of the

invention by Defendant, together with interest and costs as fixed by the court, and Plaintiff will continue to suffer damages in the future unless Defendant's infringing activities are enjoined by this Court.

20. Unless a permanent injunction is issued enjoining Defendant and its agents, servants, employees, representatives, affiliates, and all others acting on in active concert therewith from infringing the '610 Patent, Plaintiff will be greatly and irreparably harmed.

COUNT II
INFRINGEMENT OF U.S. PATENT NO. 7,522,996

21. Defendant directly or through intermediaries, makes, uses, offers to sell, or sells navigation devices and software which infringe the '996 Patent, shown in Exhibit B-1.

22. Upon information and belief, Defendant has been and is now infringing claims 1, 2, 16, and 17 of the '996 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, selling, and/or offering for sale navigation devices, *i.e.*, the Accused Instrumentalities, covered by one or more claims of the '996 Patent to the injury of Plaintiff. Defendant is directly infringing, literally infringing, and/or infringing the '996 Patent under the doctrine of equivalents. Defendant is thus liable for direct infringement of the '996 Patent pursuant to 35 U.S.C. § 271(a).

23. The Accused Instrumentalities infringe claim 1 of the '996 Patent. They perform a method for providing map-related data, the method comprising: receiving a request for a map display illustrating information relative to one or more locations in a predetermined area; determining a status associated with at least one of the locations on the map display (*i.e.*, traffic status is determined using the speed limit associated with the location, the status of the road including accidents and whether or not the road is open or closed, and the type of road such as toll or free), the status being a function of one or more location interaction rules associated with at

least one of the locations on the map display (*i.e.*, whether the road is closed or open, whether the road is a toll road and whether the user has disallowed toll roads, whether the speed of traffic is greatly slowed or stopped in comparison to the maximum speed associated with the location); and generating a signal to indicating on the map display the status regarding a permitted traverse or visit that is allowed under an applicable location interaction rule associated with the at least one of the locations on the map display (*i.e.*, an icon showing traffic conditions, road closures, or disallowing traversal on the road based on the user settings such as avoid tolls or traffic). *See* Ex. B-1, Figs. 1-5.

24. The Accused Instrumentalities infringe claim 2 of the '996 Patent. They periodically update the status associated with the at least one of the locations (*i.e.*, road closures and traffic conditions) and generate a signal related to indicating on the map display an updated status associated with the at least one of the locations (*i.e.*, road closures and traffic conditions are indicated on the displayed map). *See* Ex. B-1, Figs. 1-6.

25. The Accused Instrumentalities infringe claim 16 of the '996 Patent. They generate the signal related to highlighting the at least one of the locations on the map display, the highlighting indicative of one or more locations the user is to next visit on the map display (*i.e.*, as the user travels the route to be taken next is highlighted). *See* Ex. B-1, Figs. 1-8.

26. The Accused Instrumentalities infringe claim 17 of the '996 Patent. They generate the signal related to displaying one or more overlays on the map display to represent a traffic condition for one or more locations in the predetermined area (*i.e.*, a colored overlay is generated which indicates the traffic conditions of the locations). *See* Ex. B-1, Figs. 1-6.

27. As a result of Defendant's infringement of the '996 Patent, Plaintiff has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for

Defendant's infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the court, and Plaintiff will continue to suffer damages in the future unless Defendant's infringing activities are enjoined by this Court.

28. Unless a permanent injunction is issued enjoining Defendant and its agents, servants, employees, representatives, affiliates, and all others acting on in active concert therewith from infringing the '996 Patent, Plaintiff will be greatly and irreparably harmed.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter:

1. A judgment in favor of Plaintiff that Defendant has infringed the Patents-in-Suit;
2. a permanent injunction enjoining Defendant and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith from infringement, inducing the infringement of, or contributing to the infringement of the Patents-in-Suit, or such other equitable relief the Court determines is warranted;
3. a judgment and order requiring Defendant pay to Plaintiff its damages, costs, expenses, and prejudgment and post-judgment interest for Defendant's infringement of the Patents-in-Suit as provided under 35 U.S.C. § 284, and an accounting of ongoing post-judgment infringement; and
4. any and all other relief, at law or equity, to which Plaintiff may show itself to be entitled.

DEMAND FOR JURY TRIAL

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

DATED February 16, 2017.

Respectfully submitted,

By: /s/ Hao Ni

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