

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

**LOCATION BASED SERVICES, LLC,**

Plaintiff,

v.

**MITAC DIGITAL CORP.,**

Defendant.

**Civil Action No. 2:17-cv-134-JRG-RSP**

**JURY TRIAL DEMANDED**

**AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

This is an action for patent infringement in which Location Based Services, LLC (“Plaintiff”) accuses MITAC Digital Corp. (“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, with a registered agent located at 719 Sawdust Rd., #204, The Woodlands, TX 77380.

2. Upon information and belief, Defendant MITAC Digital Corp., is a corporation organized and existing under the laws of the State of California, with its principal place of business located at 279 E. Arrow Highway, San Dimas, CA 91773. Defendant may be served via its registered agent for service of process: Pierre Parent at the address above.

**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.*, Magellan RoadMate 9616T-LM, RoadMate 9612T-LM, RoadMate 9465T-LMB, RoadMate RV9365T-LMB, RoadMate 9416T-LM, RoadMate 9412T-LM, RoadMate 9250T-LMB, RoadMate 9212T-LM, RoadMate 9055, RoadMate 9020, RoadMate 9020T-LM, RoadMate 6630T-LM, RoadMate 5635T-LM, RoadMate 5630T-LM, RoadMate 5465T-LMB, RoadMate 5430T-LM, SmartGPS 5390, RoadMate 5375T-LMB, RoadMate 5330T-LM, SmartGPS 5295, RoadMate 5265T-LMB, RoadMate 5255T-LM, RoadMate 5255T-LM Navigation and Back-up Camera System, RoadMate 5250T-LM, RoadMate 5245T-LM, RoadMate 5236T-LM, RoadMate 2255T-LMB, RoadMate 5235T-LM, RoadMate 5230T-LM, RoadMate 5175T-LM, RoadMate 5145T-LM, RoadMate 5120 LMTX,

RoadMate 5045, RoadMate 5045T-EU, RoadMate 5045 MU, RoadMate 5045-LM, RoadMate 3065, RoadMate 3065T-LM, RoadMate 3055, RoadMate 3055-MU, RoadMate 3055T-LM, RoadMate 3045, RoadMate 3045-MU, RoadMate 3045-LM, RoadMate 2535T-LM, RoadMate 2240T-LM, RoadMate 2230T-LM, RoadMate 2210T, RoadMate 2145T LM, RoadMate 2136T-LM, RoadMate 2120T, RoadMate 2120T LM, RoadMate 2055, RoadMate 2055T-LM, RoadMate 2045, RoadMate 2045T-LM, RoadMate 2036, RoadMate 2036-MU, RoadMate 2035, RoadMate 1475T, RoadMate 1445T, RoadMate 1430 - North America, RoadMate 1470, RoadMate 1470 Bean Bag Mount Bundle, RoadMate 1440, RoadMate 1400 – US, RoadMate 1340, RoadMate 1210, RoadMate RV9490T-LMB, RoadMate RV9165T-LM, RoadMate RV9365T-LMB, RoadMate RV9165T, RoadMate RC9485T-LMB, RoadMate Commercial RC9496T-LMB, RoadMate Commercial 9270T-LM, RoadMate Commercial 9261T-LM, RoadMate Commercial 5370T-LMB, RoadMate Commercial 5190T-LM, RoadMate Commercial 5190T, Magellan Maestro 4700, Magellan Maestro 4370, Magellan Maestro 4350, and Magellan Maestro 4250 (collectively, the “Magellan GPS Devices”), and software, *i.e.*, Magellan SmartGPS for iOS and Magellan SmartGPS App for Android (“Magellan GPS Apps”) (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. 1-11.

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. Figs. 1-11.

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. Figs. 1-11.

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.*, Magellan GPS Devices, and software, *i.e.*, the Magellan GPS Apps, 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. 1-9.

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. 1-9.

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. 1-9.

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. 1-9.

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 May 9, 2017.

Respectfully submitted,

By: /s/ Hao Ni

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**ATTORNEYS FOR PLAINTIFF**

**LOCATION BASED SERVICES, LLC**

**CERTIFICATE OF SERVICE**

I hereby certify that on the 9th day of May, 2017, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Eastern District of Texas, Marshall Division, using the electronic case filing system of the court. The electronic case filing system sent a "Notice of Electronic Filing" to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

/s/ Hao Ni

Hao Ni