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

GEOGRAPHIC LOCATION INNOVATIONS LLC	§	
	§	
Plaintiff,	§	Case No:
	§	
vs.	§	PATENT CASE
	§	
CAPITAL ONE, NATIONAL ASSOCIATION	§	
	§	
Defendant.	§	
	§	

COMPLAINT

Plaintiff Geographic Location Innovations LLC ("Plaintiff" or "GLI") files this Complaint against Capital One, National Association ("Defendant" or "Capital One") for infringement of United States Patent No. 7,917,285 (hereinafter "the '285 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 is a Texas limited liability company with a virtual office located at 1400 Preston Rd, Suite 400, Plano, TX 75093.

4. On information and belief, Defendant is a Virginia corporation with its principal office located at 1680 Capital One Dr., McLean, VA 22102. Defendant may be served through

its registered agent, Corporation Service Company d/b/a CSC- Lawyers Incorporating Service, located at 211 E. 7th St., Suite 620, Austin, TX 78701.

5. On information and belief, 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.

6. On information and belief, Defendant's instrumentalities that are alleged herein to infringe were and continue to be used, imported, offered for sale, and/or sold in the Eastern District of Texas.

VENUE

7. On information and belief, venue is proper in this District under 28 U.S.C. § 1400(b) because acts of infringement are occurring in this District and because Defendant has a regular and established place of business in this District. For example, on information and belief, Defendant has an office located at 100 N Bolivar St, Marshall, TX 75670. On information and belief, Defendant has other regular and established places of business in this District.

COUNT I
(INFRINGEMENT OF UNITED STATES PATENT NO. 7,917,285)

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

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

10. Plaintiff is the owner by assignment of the '285 Patent with sole rights to enforce the '044 Patent and sue infringers.

11. A copy of the '285 Patent, titled "Device, System and Method for Remotely

Entering, Storing and Sharing Addresses for a Positional Information Device," is attached hereto as Exhibit A.

12. The '285 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

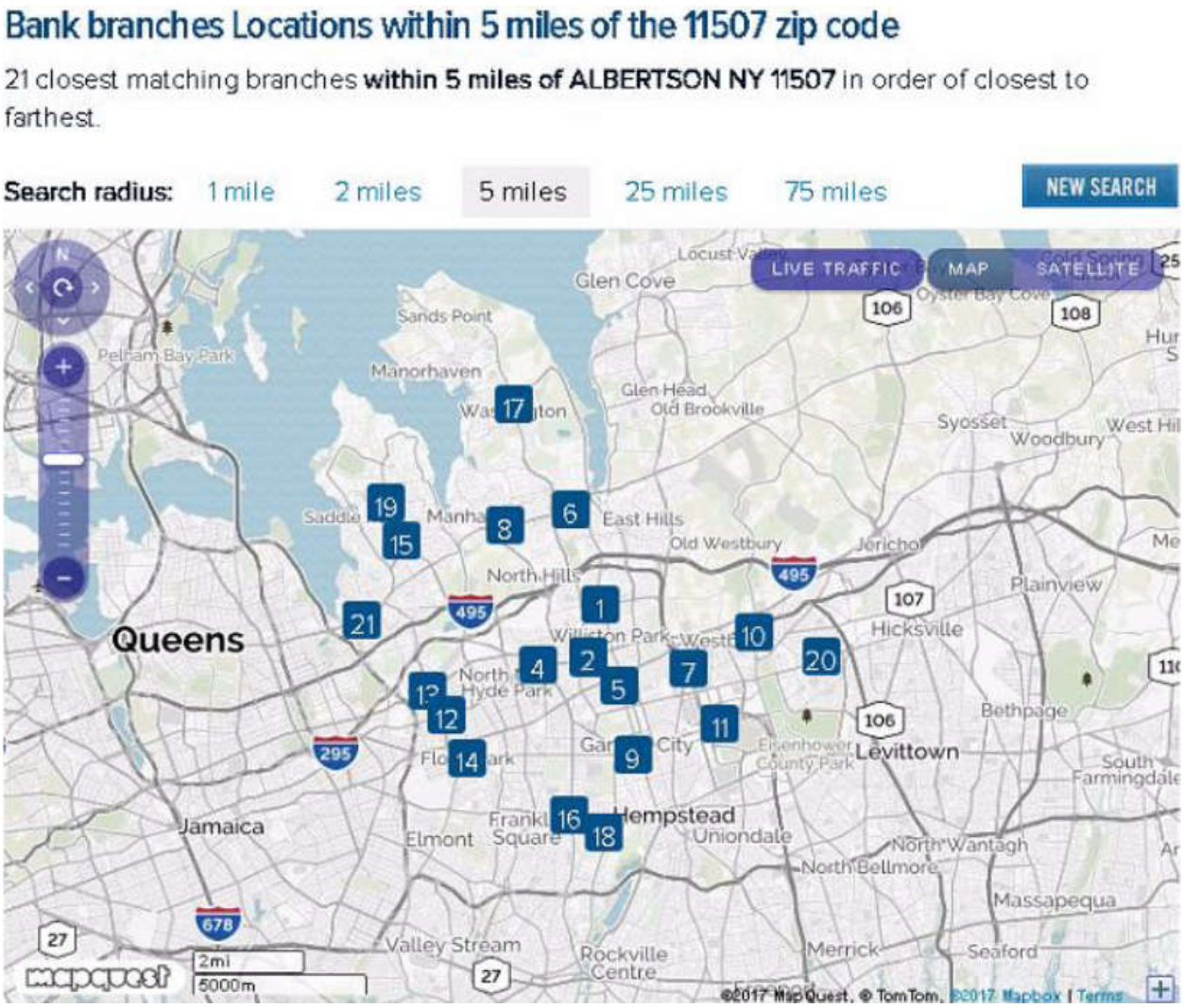
13. Upon information and belief, Defendant has infringed and continues to infringe one or more claims, including at least Claim 13, of the '285 patent by making, using (at least by having its employees, or someone under Defendant's control, test the System), importing, selling, and/or offering for sale a mobile website with associated hardware and software embodied, for example, in Defendant's Branch & ATM Locator service (the "System") covered by one or more claims of the '285 patent. Defendant has infringed and continues to infringe the '285 patent either directly or through acts of contributory infringement or inducement in violation of 35 U.S.C. § 271.

14. The System includes the mobile website and associated hardware. These tools provide for remote entry of location information, such as branch locations into a positional information device such as, for example, a table or smart phone. The website automatically loads nearby branch locations onto the positional information device based on the user's location.

15. On information and belief, the System includes one or more servers that receive a request for an address of at least one location such as, for example, the location of a branch nearby the user, which is not already stored in the positional information device.

16. On information and belief the server(s) determine the address(es) of the branch(es) and transmits the determined address(es) to the positional information device (e.g., tablet or smartphone). For example, the server(s) transmits to the positional information

device a visual indication of the branch(es) on a map. The following screenshot shows this functionality:



1 **Albertson** 983 WILLIS AVE ALBERTSON , NY 11507 Phone: (516) 747-5601 Distance: 0.12 miles	• Open after 5 PM • Open on Saturday • Branch Drive-Up • ATM Available	Sun Mon 9 AM - 6 PM Tue 9 AM - 6 PM Wed 9 AM - 6 PM Thu 9 AM - 6 PM Fri 9 AM - 6 PM Sat 9 AM - 1 PM	Sun Mon 9 AM - 6 PM Tue 9 AM - 6 PM Wed 9 AM - 6 PM Thu 9 AM - 6 PM Fri 9 AM - 6 PM Sat 9 AM - 1 PM
2 **Williston Park DU** 380 HILLSIDE AVE WILLISTON PARK , NY 11596 Phone: (516) 742-8900 Distance: 1.17 miles	• Open after 5 PM • Open on Saturday • Branch Drive-Up • ATM Available		Sun Mon 9 AM - 6 PM Tue 9 AM - 6 PM Wed 9 AM - 6 PM Thu 9 AM - 6 PM Fri 9 AM - 6 PM Sat 9 AM - 1 PM
3 **Williston Park** 422 HILLSIDE AVE WILLISTON PARK , NY 11596 Phone: (516) 742-8900 Distance: 1.19 miles	• Open after 5 PM • Open on Saturday • ATM Available	Sun Mon 9 AM - 6 PM Tue 9 AM - 6 PM Wed 9 AM - 6 PM Thu 9 AM - 6 PM Fri 9 AM - 6 PM Sat 9 AM - 1 PM	
4 **New Hyde Park** 2055 HILLSIDE AVE NEW HYDE PARK , NY 11040 Phone: (516) 488-7800 Distance: 1.8 miles	• Open after 5 PM • Open on Saturday • Branch Drive-Up • ATM Available	Sun Mon 9 AM - 6 PM Tue 9 AM - 6 PM Wed 9 AM - 6 PM Thu 9 AM - 6 PM Fri 9 AM - 6 PM Sat 9 AM - 1 PM	Sun Mon 9 AM - 6 PM Tue 9 AM - 6 PM Wed 9 AM - 6 PM Thu 9 AM - 6 PM Fri 9 AM - 6 PM Sat 9 AM - 1 PM

17. The positional information device includes a locational information module (e.g., GPS hardware), which Defendant uses, and which determines the location of the positional information device.

18. The System includes a communications module (e.g., cellular or WiFi components in the positional information device), which Defendant uses, and which receives the determined address(es) from the server(s).

19. The System includes a processing module (e.g., mapping software and the mobile website), which Defendant uses, and which receives the determined address(es) from the communication module. The processing module determines route guidance based on the location of the positional information device and the determined address(es). The screen shot below illustrates this feature:

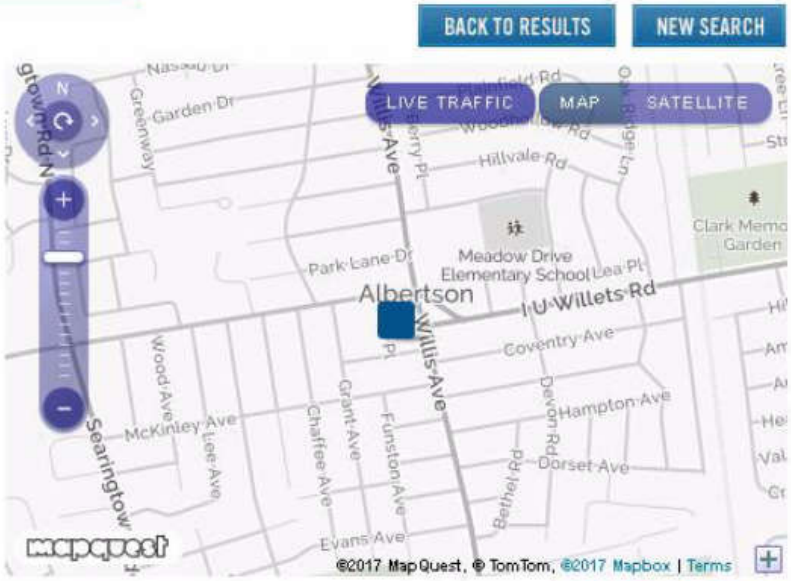
Capital One Bank - Albertson Branch

983 WILLIS AVE
ALBERTSON , NY 11507
Phone: (516) 747-5601

Features and Services:

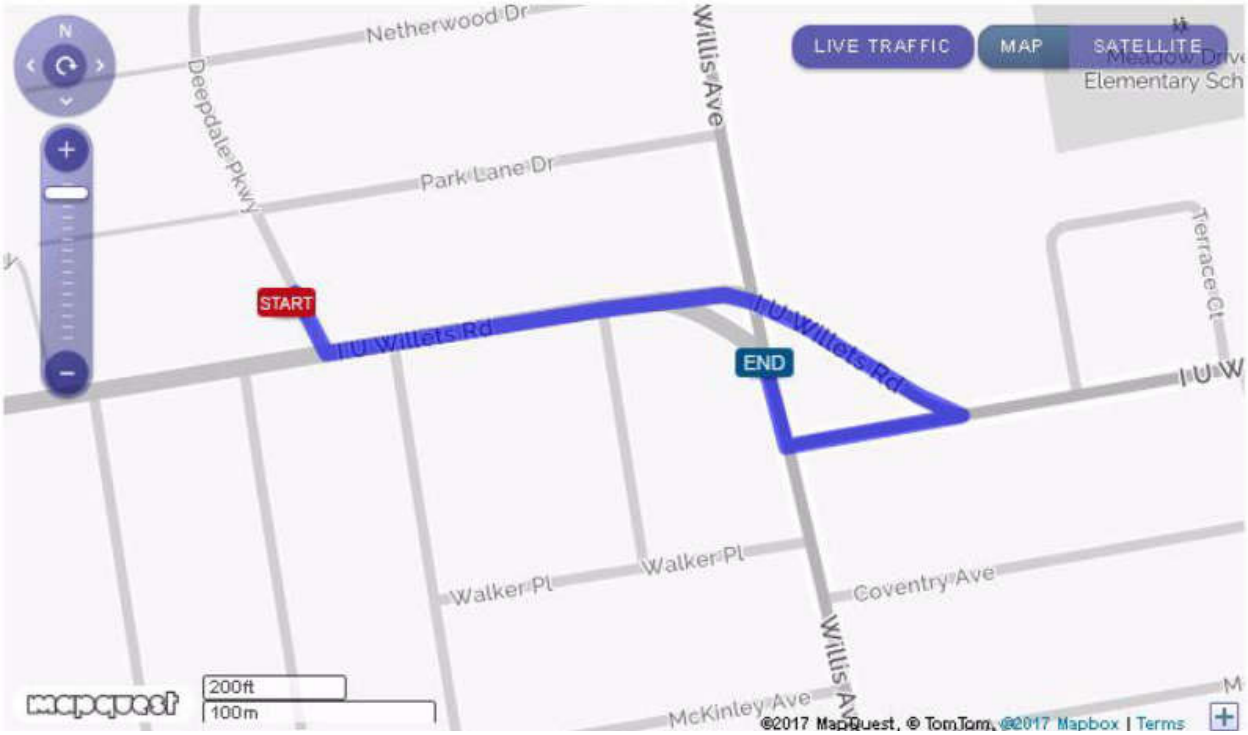
- Open after 5 PM
- Open on Saturday
- Branch Drive-Up
- ATM Available

DIRECTIONS



Directions to Albertson Branch

983 WILLIS AVE
ALBERTSON , NY 11507
Phone: (516) 747-5601



20. The System includes a display module (e.g., screen on the positional information device) for displaying the route guidance.

21. The System includes a communications network (e.g., cellular network) for coupling the positional information device to the server(s).

22. On information and belief, the server(s) receives a time and date (e.g., the time and date of the request for a location) associated with the requested location(s) and transmits the associated time and date with the determined address(es) to the positional information device and the positional information device displays the determined address at the associated time and date. For example, the time and date of the request must be sent to the server(s) so that the server(s) can determine traffic conditions associated with varying routes to the requested location and display location and route conditions corresponding to the time and date of the request. The screen shots below illustrate this feature:

[]}function w(e){return p[e]=p[e]||o(t)}function g(e,n){c(e,function(e,t){n=n||"feature",y[t]=n,n in s||(s[n]=[])})}var v={},y={},b={on:l,emit:t,get:u,listeners:m,context:n,buffer:g,abort:a,aborted:!1};return b}function i(){return new r}function a(){(s.api||s.feature)&&(d.aborted=!0,s=d.backlog={})}var u="nr@context",f=e("gos"),c=e(2),s={},p={},d=n.exports=o();d.backlog=s},{},{gos:[function(e,n,t){function r(e,n,t){if(o.call(e,n))return e[n];var r=t();if(Object.defineProperty&&Object.keys)try{return Object.defineProperty(e,n,{value:r,writable:!0,enumerable:!1}),r}catch(i){}return e[n]=r,r}var o=Object.prototype.hasOwnProperty;n.exports=r},{}],handle:[function(e,n,t){function r(e,n,t,r){o.buffer([e],r),o.emit(e,n,t)}var o=e("ee").get("handle");n.exports=r,r.ee=o},{}],id:[function(e,n,t){function r(e){var n=typeof e;return!e||"object"!==n&&"function"!==n?-1:e===window?0:a(e,i,function(){return o++})||var o=1,i="nr@id",a=e("gos");n.exports=r},{}],loader:[function(e,n,t){function r(){if(!x++){var e=h.info=NREUM.info,n=d.getElementsByTagName("script")[0];if(setTimeout(s.abort,3e4),!(e&&e.licenseKey&&e.applicationID&&n))return s.abort();c(y,function(n,t){e[n]||(e[n]=t)}),f("mark",["onload",a()+h.offset],null,"api");var t=d.createElement("script");t.src="https://"+e.agent,n.parentNode.insertBefore(t,n)}function o(){"complete"===d.readyState&&i()}function i(){f("mark",["domContent",a()+h.offset],null,"api")}function a(){return E.exists&&performance.now?Math.round(performance.now()):(u=Math.max((new Date).getTime(),u))-h.offset}var u=(new Date).getTime(),f=e("handle"),c=e(2),s=e("ee"),p=window,d=p.document,l="addEventListener",m="attachEvent",v=p.XMLHttpRequest,g=v&&v.prototype;NREUM.o={ST:setTimeout,CT:clearTimeout,XHR:v,REQ:p.Request,EV:p.Event,PR:p.Promise,MO:p.MutationObserver};var y=""+location,b={beacon:"bam.nr-data.net",errorBeacon:"bam.nr-data.net",agent:"js-agent.newrelic.com/nr-1026.min.js"},w=v&&g&&g[l]&&!/CriOS/.test(navigator.userAgent),h=n.exports={offset:u,now:a,origin:y,features:{},xhrWrappable:w};e(1),d[l]?d[l]("DOMContentLoaded",i,!1):p[l]?p[l]("load",r,!1):(p[m]("onreadystatechange",o),p[m]("onload",r)),f("mark",["firstbyte",u],null,"api");var x=0,E=e(4)},{}]),{},["loader"]};</script><script type="text/javascript">var clprsrv = true;</script><meta name="viewport" content="width=device-width, initial-scale=1.0"/>

<meta name="description" content="Capital One offers credit cards, checking and savings accounts, auto loans, rewards, and online banking services for individuals and businesses.">

view-source:http://maps.capitalone.com/locator/BranchSearch.action?&address&city=ALBERTSON+&state=NY&zip=11507&searchType=branchSearch&radius=5

23. Defendant's actions complained of herein will continue unless Defendant is enjoined by this court.

24. 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.

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

PRAYER FOR RELIEF

WHEREFORE, Plaintiff asks the Court to:

(a) Enter judgment for Plaintiff on this Complaint on all causes of action asserted herein;

(b) Enter an Order enjoining 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. 7,917,285 (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) Award Plaintiff pre-judgment and post-judgment interest and costs; and

(e) Award Plaintiff such further relief to which the Court finds Plaintiff entitled under law or equity.

Dated: June 8, 2017

Respectfully submitted,

/s/ Jay Johnson

JAY JOHNSON
State Bar No. 24067322
D. BRADLEY KIZZIA
State Bar No. 11547550
KIZZIA JOHNSON, PLLC
1910 Pacific Ave., Suite 13000
Dallas, Texas 75201
(214) 451-0164
Fax: (214) 451-0165
jay@kjpllc.com
bkizzia@kjpllc.com
ATTORNEYS FOR PLAINTIFF

EXHIBIT A