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22 Attorneys for Plaintiff

23 LOCATION BASED SERVICES, LLC

24 **IN THE UNITED STATES DISTRICT COURT**
25 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

26 LOCATION BASED SERVICES, LLC,

27 Plaintiff,

28 v.

JVCKENWOOD USA CORPORATION,

Defendant.

CASE NO. 8:18-cv-00493

**COMPLAINT FOR PATENT
INFRINGEMENT**

JURY TRIAL DEMANDED

1 This is an action for patent infringement in which Location Based Services, LLC
2 (“Plaintiff”) accuses JVCKenwood USA Corporation (“Defendant”) of infringing U.S.
3 Patent No. 8,311,733 (the “’733 Patent”), alleging as follows:
4

5 **PARTIES**

6 1. Plaintiff Location Based Services, LLC is a Texas limited liability company,
7 with a registered agent located at 719 Sawdust Rd., #204, The Woodlands, TX 77380.

8 2. Upon information and belief, Defendant JVCKenwood USA Corporation, is a
9 corporation organized and existing under the laws of the state of California, with its
10 principal place of business located at 2201 E. Dominguez St., Long Beach, CA 90810.
11 Defendant may be served via its registered agent for service of process: Corporation Service
12 Company, 251 Little Falls Dr., Wilmington, DE 19808.

13 **JURISDICTION AND VENUE**

14 3. This is an action for infringement of the ’733 Patent arising under 35 U.S.C.
15 §§ 271(a)-(b), 281, and 284 - 85. This Court has subject matter jurisdiction over this action
16 under 28 U.S.C. §1331 and §1338(a).

17 4. Venue is proper in this district under 28 U.S.C. § 1400(b). Upon information
18 and belief, Defendant is a California corporation.

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

25 **U.S. PATENT NO. 8,311,733**

26 6. On November 13, 2012, United States Patent No. 8,311,733 was duly and
27 legally issued by the United States Patent and Trademark Office for an invention titled
28

1 “Interactive Key Frame Image Mapping System and Method.” A true and correct copy of
2 the ’733 Patent is attached hereto as Exhibit A.

3 7. Edward K. Y. Jung, Robert W. Lord and Royce A. Levien, *et al.*, are the
4 inventors of the ’733 Patent.

5 8. Plaintiff is the owner by assignment of the ’733 Patent with all rights in and to
6 that patent.

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

9 10. The ’733 Patent, filed on February 15, 2005, is directed to an unconventional
10 and innovative practice of combining a data store for organizing multiple images according
11 to map locations with a table associating metadata for the images with a time line, image
12 history, and a location. *See Ex. A.* In fact, it wasn’t until August of 2008 that Nikon released
13 one of the first cameras with built-in GPS that had even the hardware necessary to add
14 location metadata to pictures, *i.e.*, the Coolpix P6000 camera. Thus, the invention claimed
15 in the ’733 Patent—which calls for the combination of location, time and image data—is
16 clearly directed to unconventional activity.

17 11. Defendant directly or through intermediaries, makes, uses, imports, sells,
18 and/or offers for sale products and or/systems (*i.e.*, Kenwood Driver Reviewer for PC and
19 Mac, (the “Accused Instrumentalities”) that infringe one or more claims of the ’733 Patent.
20 When placed into operation, the Accused Instrumentalities infringe claim 1 of the ’733
21 Patent. Additionally, Defendant induces the infringement of claim 1 of the ’733 Patent by
22 its customers using the Accused Instrumentalities.

23 **COUNT I**
24 **DIRECT INFRINGEMENT OF U.S. PATENT NO. 8,214,733**

25 12. Upon information and belief, Defendant has been and is now infringing claim
26 1 of the ’733 Patent in the State of California, in this Judicial District, and elsewhere in the
27 United States, by, among other things, directly or through intermediaries, making, using,
28 selling, and/or offering for sale the Accused Instrumentalities to the injury of Plaintiff.

1 Defendant is directly infringing, literally infringing, and/or infringing the '733 Patent under
2 the doctrine of equivalents. Defendant is thus liable for direct infringement of the '733
3 Patent pursuant to 35 U.S.C. § 271(a).

4 13. For example, the use of the Accused Instrumentalities by Defendant, its
5 resellers, or end-user customers, directly infringes claim 1 of the '733 Patent. When used,
6 the Accused Instrumentalities comprise a computer system including a processor, a memory
7 coupled to the processor (*e.g.*, the Accused Instrumentalities are computer programs
8 operating on a Windows PC or Mac, which both include processors and memory); and a
9 mapping module coupled to the memory (*e.g.*, the Accused Instrumentalities correlate video
10 information with map data in the form of GPS information), the mapping module including
11 a data store which organizes multiple images according to one or more locations on a map
12 (*e.g.*, video frames are organized based on the correlated map data), and a table coupled to
13 the data store which associates metadata for the multiple images with a time line, an image
14 history, and a location (*e.g.*, the metadata from multiple video frames is associated with a
15 time line, image history, and a location), the association to enable an instantiation of time-
16 related images from the multiple images at one or more locations on the map in response to
17 an instantiation of a cursor positioned at different locations along an instantiation of the
18 time line (*e.g.*, when a user clicks on a location on the time line, the corresponding video
19 frame along with map data is displayed). *See* Ex. A-1, Figs. 1-5.

20 14. As a result of Defendant's direct infringement of the '733 Patent, Plaintiff has
21 suffered monetary damages and is entitled to a money judgment in an amount adequate to
22 compensate for Defendant's infringement, but in no event less than a reasonable royalty for
23 the use made of the invention by Defendant, together with interest and costs as fixed by the
24 court, and Plaintiff will continue to suffer damages in the future unless Defendant's
25 infringing activities are enjoined by this Court.

26 15. Unless a permanent injunction is issued enjoining Defendant and its agents,
27 servants, employees, representatives, affiliates, and all others acting in active concert
28

1 therewith from infringing the '733 Patent, Plaintiff will be greatly and irreparably harmed.

2 **COUNT II**
3 **INDUCED INFRINGEMENT OF U.S. PATENT NO. 8,311,733**

4 16. Upon information and belief, Defendant has been and is now inducing the
5 infringement by its resellers and end-user customers of claim 1 of the '733 Patent in the
6 State of California, in this Judicial District, and elsewhere in the United States, by, among
7 other things, directly or through intermediaries, making, using, importing, selling and/or
8 offering for sale the Accused Instrumentalities to the injury of Plaintiff. Defendant's
9 resellers and end-user customers are directly infringing, literally infringing, and/or
10 infringing the '733 Patent under the doctrine of equivalents. Defendant is thus liable for
11 infringement of the '733 Patent pursuant to 35 U.S.C. § 271(b).

12 17. As shown above, Defendant has and continues to indirectly infringe the '733
13 Patent by inducing the infringement by its end-users and resellers of claim 1 of the '733
14 Patent in accordance with 35 U.S.C. 271(b).

15 18. As shown above, Defendant, its resellers, distributors, and end-users of the
16 Accused Instrumentalities have engaged in and currently engage in activities that constitute
17 direct infringement of claim 1 of the '733 Patent.

18 19. As shown above, the operation and use by Defendant, its resellers, or end-user
19 customers of the Accused Instrumentalities constitutes a direct infringement of claim 1.

20 20. Defendant's affirmative act of selling and/or offering for sale the Accused
21 Instrumentalities and providing instruction manuals, advertisement of the infringing
22 features, and support for the Accused Instrumentalities have induced and continue to induce
23 Defendant's resellers and end users to use the Accused Instrumentalities in their normal and
24 customary way to infringe claim 1 of the '733 Patent.

25 21. Through its making, selling, and/or offering for sale the Accused
26 Instrumentalities, Defendant specifically intends that its resellers and end-users directly
27 infringe claim 1 of the '733 Patent. Defendant has had knowledge of the '733 Patent since
28 at least the filing of this complaint and actually induces others, such as resellers and end-

1 user customers, to directly infringe by using, selling, supplying, and or distributing the
2 Accused Instrumentality within the United States. Defendant is aware since at least the
3 filing of this complaint that such actions would induce actual infringement. Furthermore,
4 Defendant remains aware that these normal and customary activities would infringe the
5 '733 Patent.

6 22. For example, in connection with the sale and/or offering for sale of the
7 Accused Instrumentalities, Defendant provides manuals and support to resellers and end-
8 use customers regarding the user and operation of the Accused Instrumentalities.
9 Specifically, Defendant provides manuals and support, see, *e.g.*,
10 http://www.kenwood.com/car/app/kenwood_drive_reviewer/eng/. When end-users follow
11 such instructions and support, they directly infringe the '733 Patent. Defendant knows or
12 should have known that by providing such instructions and support, resellers and end-user
13 customers follow these instructions and support and directly infringe the '733 Patent.

14 23. Accordingly, Defendant has performed and continues to perform acts that
15 constitute indirect infringement, and would induce actual infringement, with the knowledge
16 of the '733 Patent and with the knowledge or willful blindness to the fact that the induced
17 acts would constitute infringement.

18
19 **PRAYER FOR RELIEF**

20 WHEREFORE, Plaintiff respectfully requests that this Court enter:

- 21 1. A judgment in favor of Plaintiff that Defendant has infringed the '733 Patent;
- 22 2. A judgment in favor of Plaintiff that Defendant has induced its resellers and
23 end-users to infringe the '733 Patent;
- 24 3. A permanent injunction enjoining Defendant and its officers, directors, agents,
25 servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others
26 acting in active concert therewith from infringement, or inducing the infringement of the
27 '733 Patent, or such other equitable relief the Court determines is warranted;
- 28

1 4. A judgment and order requiring Defendant pay to Plaintiff its damages, costs,
2 expenses, and prejudgment and post-judgment interest for Defendant's infringement of the
3 '733 Patent as provided under 35 U.S.C. § 284, and an accounting of ongoing post-judgment
4 infringement; and

5 5. any and all other relief, at law or equity, to which Plaintiff may show itself to
6 be entitled.

7 **DEMAND FOR JURY TRIAL**

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

10 Dated: March 26, 2018

11 FEINBERG DAY ALBERTI LIM &
12 BELLOLI LLP

13 By:

14 /s/ M. Elizabeth Day

15 M. ELIZABETH DAY

16 Attorney for PLAINTIFF
17 LOCATION BASED SERVICES, LLC
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