**IN THE UNITED STATES DISTRICT COURT**
**FOR THE DISTRICT OF MASSACHUSETTS**

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| LOCATION BASED SERVICES, LLC<br><br>Plaintiff,<br><br>v.<br><br>TOMTOM, INC.,<br><br>Defendant. | CIVIL ACTION NO. _____<br><br>JURY TRIAL DEMANDED |

**COMPLAINT FOR PATENT INFRINGEMENT**

TO THE HONORABLE COURT:

COMES NOW Plaintiff Location Based Services, LLC (the "Plaintiff") through its undersigned counsels and very respectfully alleges, states and prays:

## INTRODUCTION

This is an action for patent infringement in which the Plaintiff accuses TomTom, Inc. ("Defendant"), of infringing U.S. Patent No. 9,214,033, (the "'033 Patent")

## 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 TomTom, Inc., is a corporation organized and existing under the laws of the Commonwealth of Massachusetts, with its principal place of business located at 2400 District Avenue, Ste. 410, Burlington, MA 01803. Defendant may be served via its registered agent for service of process: National Registered Agents, Inc., 155 Federal Street, Ste. 700, Boston, MA 02110.

## JURISDICTION AND VENUE

3. This is an action for infringement of the ’033 Patent arising under 35 U.S.C. §§ 271(a)-(b), 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. § 1400(b). Defendant is a Massachusetts Corporation.

5. Upon information and belief, Defendant is subject to this Court’s specific and general personal jurisdiction pursuant to due process and/or the Massachusetts Long Arm Statute, due at least to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; (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 Massachusetts and in this Judicial District; and (iii) Defendant is incorporated in Massachusetts.

## U.S. PATENT NO. 9,214,033

6. On December 15, 2015, United States Patent No. 9,214,033 (the “’033 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 ’033 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 ’033 patent.

8. Plaintiff is the owner by assignment of the ’033 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.

10. Defendant directly or through intermediaries, makes, uses, imports, sells, and/or offers for sale products and or/systems (*i.e.*, TomTom Go 520, TomTom Go 620, TomTom Go 52, TomTom VIA 1425M, TomTom VIA 1525M, TomTom 1625M, TomTom 1525TM, TomTom 1625TM, TomTom Rider 400, and TomTom Trucker 600 ("TomTom GPS Units") and software, *i.e.*, TomTom GO Mobile for iOS and Android ("TomTom GPS Apps") (collectively, the "Accused Instrumentalities") that infringe one or more claims of the ''033 Patent. Defendant's TomTom GPS Units directly infringe claims 1-6, 8-11, 13-22, 24-29, and 32 of the '033 Patent and Defendant's TomTom GPS Apps directly infringe claims 1-6, 8-11, 13-22, 24-29, and 32 of the '033 Patent. Additionally, Defendant induces the infringement of claims 1-6, 8-11, 13-22, 24-29, and 32 of the '033 Patent by its customers using the TomTom GPS Apps.

**COUNT I**
**DIRECT INFRINGEMENT OF U.S. PATENT NO. 9,214,033**

11. Upon information and belief, Defendant has been and is now infringing claims 1-6, 8-11, 13-22, 24-29, and 32 of the '033 Patent in the Commonwealth of Massachusetts, 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.*, TomTom GPS Units, and software, *i.e.*, TomTom GPS Apps for iOS and Android to the injury of Plaintiff. Defendant is directly infringing, literally infringing, and/or infringing the '033 Patent under the doctrine of equivalents. Defendant is thus liable for direct infringement of the '033 Patent pursuant to 35 U.S.C. § 271(a).

12. For example, the use of the Accused Instrumentalities by Defendant, its resellers, or end-user customers, directly infringes claim 1 of the '033 Patent. When used, the Accused

Instrumentalities perform a method related to displaying a map, the method comprising: receiving a request for the map, the map illustrating one or more locations; determining a status associated with at least one of the one or more locations on the map (*e.g.*, traffic conditions), the status at least partially based on one or more traffic-related location interaction rules associated with the at least one of the one or more locations on the map (*e.g.*, the current traffic speed as compared to the normal speed of traffic), the status including at least an indication of at least one traffic condition verifiable via one or more monitoring devices (*e.g.*, traffic information from other TomTom devices); and generating a signal related to indicating at least one route associated with the at least one of the one or more locations on the map (*e.g.*, a colored line indicating the route and a second display of the route indicating traffic conditions), the signal generated at least partially based on the status including at least an indication of at least one traffic condition verifiable via one or more monitoring devices (*e.g.*, the traffic conditions are received from other TomTom devices). *See* Ex. A-1 Figs. 1-18, A-2 Figs. 1-15, and A-3 Figs. 1-18.

13. Defendant, its resellers, and end-users have directly infringed claim 2 of the ’033 patent by making, using, and/or selling the TomTom GPS Devices, and by the use of the TomTom GPS Apps. The TomTom GPS Devices and TomTom GPS Apps are a system comprising a computing device; and one or more instructions that, when executed on the computing device, cause the computing device to at least: receive a request for a map, the map illustrating one or more locations of interest (*e.g.*, gas stations or other points of interest); determine a status associated with at least one of the one or more locations on the map (*e.g.*, traffic conditions), the status at least partially based on one or more traffic-related location interaction rules associated with the at least one of the one or more locations on the map (*e.g.*, the current traffic speed as compared to the normal speed of traffic), the status including at least an indication of at least one

traffic condition verifiable via one or more monitoring devices (*e.g.*, traffic information received from other TomTom devices); and generate a signal related to indicating at least one route associated with the at least one of the one or more locations on the map (*e.g.*, a colored line indicating the route), the signal generated at least partially based on the status including at least an indication of at least one traffic condition verifiable via one or more monitoring devices (*e.g.*, the traffic conditions are received from other TomTom devices). *See* Ex. A-1 Figs. 1-18, A-2 Figs. 1-15, and A-3 Figs. 1-18.

14. Defendant, its resellers, and end-users have directly infringed claim 3 of the '033 patent by making, using, and/or selling the TomTom GPS Devices, and by the use of the TomTom GPS Apps. The TomTom GPS Devices and TomTom GPS Apps are a system comprising: circuitry configured for receiving a request for a map (*e.g.*, a touch screen and user interface), the map illustrating one or more locations; circuitry configured for determining a status associated with at least one of the one or more locations on the map (*e.g.*, it contains circuitry and software for determining traffic conditions), the status at least partially based on one or more traffic-related location interaction rules associated with the at least one of the one or more locations on the map (*e.g.*, the current traffic speed as compared to the normal speed of traffic), the status including at least an indication of at least one traffic condition verifiable via one or more monitoring devices (*e.g.*, traffic related information is received from other TomTom devices); and circuitry configured for generating a signal related to indicating at least one route associated with the at least one of the one or more locations on the map (*e.g.*, a colored line indicating the route), the signal generated at least partially based on the status including at least an indication of at least one traffic condition verifiable via one or more monitoring devices (*e.g.*, the traffic related information is received from other TomTom devices). *See* Ex. A-1 Figs. 1-18, A-2 Figs. 1-15, and A-3 Figs. 1-18.

15. Defendant, its resellers, and end-users have directly infringed claim 4 of the ’033 patent by making, using, and/or selling the TomTom GPS Devices, and by the use of the TomTom GPS Apps. The TomTom GPS Devices and TomTom GPS Apps include circuitry configured for updating (*i.e.*, a cellular radio, RDS Radio receiver or Bluetooth device), at one or more times (*e.g.*, it automatically updates traffic conditions as much as every 30 seconds), the status associated with the at least one of the one or more locations, the status including at least an indication, at the time of updating (*e.g.*, current traffic conditions), of at least one traffic condition verifiable via one or more monitoring devices (*e.g.*, traffic information is received from other TomTom devices); and circuitry configured for generating a signal related to indicating at least one route associated with the at least one of the one or more locations at least partially based on the status including at least the indication (*e.g.*, it displays a colored line on the map or traffic condition display), at the time of updating, of at least one traffic condition verifiable via one or more monitoring devices (*e.g.*, the traffic related information is received from other TomTom devices). *See* Ex. A-1 Figs. 1-18, A-2 Figs. 1-15, and A-3 Figs. 1-18.

16. Defendant, its resellers, and end-users have directly infringed claim 5 of the ’033 patent by making, using, and/or selling the TomTom GPS Devices, and by the use of the TomTom GPS Apps. The TomTom GPS Devices and TomTom GPS Apps include circuitry configured for receiving data from one or more monitoring devices capable of determining a traffic condition associated with the at least one of the one or more locations on the map (*e.g.*, it receives traffic information from other TomTom devices, each capable of determining traffic conditions associated with the one or more locations). *See* Ex. A-1 Figs. 1-18, A-2 Figs. 1-15, and A-3 Figs. 1-18.

17. Defendant, its resellers, and end-users have directly infringed claim 6 of the ’033 patent by making, using, and/or selling the TomTom GPS Devices, and by the use of the TomTom GPS Apps. The TomTom GPS Devices and TomTom GPS Apps include circuitry for updating, at one or more times, the status associated with the at least one of the one or more locations, the status including at least an indication, at the time of updating, of at least one traffic condition verifiable via one or more monitoring devices comprises circuitry configured for periodically updating the status associated with the at least one of the one or more locations. (*e.g.*, it periodically updates traffic conditions associated with the location). *See* Ex. A-1 Figs. 1-18, A-2 Figs. 1-15, and A-3 Figs. 1-18.

18. Defendant, its resellers, and end-users have directly infringed claim 8 of the ’033 patent by making, using, and/or selling the TomTom GPS Devices, and by the use of the TomTom GPS Apps. The TomTom GPS Devices and TomTom GPS Apps include circuitry configured for receiving a request for data related to preparing written directions associated with an order for traversing the one or more locations (*e.g.*, it displays sequential written directions for driving to or through the one or more locations). *See* Ex. A-1 Figs. 1-18, A-2 Figs. 1-15, and A-3 Figs. 1-18.

19. Defendant, its resellers, and end-users have directly infringed claim 9 of the ’033 patent by making, using, and/or selling the TomTom GPS Devices, and by the use of the TomTom GPS Apps. The TomTom GPS Devices and TomTom GPS Apps include circuitry configured for receiving a request for a route associated with an order for traversing the one or more locations (*e.g.*, it can receive a request for directions to multiple locations in a specific order). *See* Ex. A-1 Figs. 1-18, A-2 Figs. 1-15, and A-3 Figs. 1-18.

20. Defendant, its resellers, and end-users have directly infringed claim 10 of the ’033 patent by making, using, and/or selling the TomTom GPS Devices, and by the use of the TomTom

GPS Apps. The TomTom GPS Devices and TomTom GPS Apps include circuitry configured for receiving a request for at least one of walking directions or driving directions for traversing the one or more locations in accordance with one or more location interaction rules (*e.g.*, it receives a request for driving directions associated with rules such as avoid tolls, speed limits, or avoid major roads). *See* Ex. A-1 Figs. 1-18, A-2 Figs. 1-15, and A-3 Figs. 1-18.

21. Defendant, its resellers, and end-users have directly infringed claim 11 of the '033 patent by making, using, and/or selling the TomTom GPS Devices, and by the use of the TomTom GPS Apps. The TomTom GPS Devices and TomTom GPS Apps include circuitry configured for receiving a request for driving directions capable of directing traversal of the one or more locations including at least avoiding at least one location because of traffic conditions in accordance with one or more interaction rules related to traffic (*e.g.*, it will route a driver around a traffic delay). *See* Ex. A-1 Figs. 1-18, A-2 Figs. 1-15, and A-3 Figs. 1-18.

22. Defendant, its resellers, and end-users have directly infringed claim 13 of the '033 patent by making, using, and/or selling the TomTom GPS Devices, and by the use of the TomTom GPS Apps. The TomTom GPS Devices and TomTom GPS Apps include circuitry configured for receiving a request for a map, the map capable of use in illustrating at least one layout of at least one street (*e.g.*, it displays maps showing the street layouts as well as a lane guidance display). *See* Ex. A-1 Figs. 1-18, A-2 Figs. 1-15, and A-3 Figs. 1-18.

23. Defendant, its resellers, and end-users have directly infringed claim 14 of the '033 patent by making, using, and/or selling the TomTom GPS Devices, and by the use of the TomTom GPS Apps. The TomTom GPS Devices and TomTom GPS Apps include circuitry configured for determining a status associated with one or more diminished traffic capabilities associated with the at least one of the one or more locations on the map (*e.g.*, it determines traffic conditions which

include school zones and/or road/lane closures). *See* Ex. A-1 Figs. 1-18, A-2 Figs. 1-15, and A-3 Figs. 1-18.

24. Defendant, its resellers, and end-users have directly infringed claim 15 of the '033 patent by making, using, and/or selling the TomTom GPS Devices, and by the use of the TomTom GPS Apps. The TomTom GPS Devices and TomTom GPS Apps include circuitry configured for determining a status associated with one or more diminished traffic capabilities at least partially via one or more of a traffic camera, a red-light camera, a networked camera, or a sensor associated with the at least one of the one or more locations on the map (*e.g.*, fixed traffic sensors). *See* Ex. A-1 Figs. 1-18, A-2 Figs. 1-15, and A-3 Figs. 1-18.

25. Defendant, its resellers, and end-users have directly infringed claim 16 of the '033 patent by making, using, and/or selling the TomTom GPS Devices, and by the use of the TomTom GPS Apps. The TomTom GPS Devices and TomTom GPS Apps include circuitry configured for determining at least one location to avoid due to traffic conditions in association with the one or more traffic-related location interaction rules (*e.g.*, it routes around high traffic areas where the speed of traffic is below the posted speed limit). *See* Ex. A-1 Figs. 1-18, A-2 Figs. 1-15, and A-3 Figs. 1-18.

26. Defendant, its resellers, and end-users have directly infringed claim 17 of the '033 patent by making, using, and/or selling the TomTom GPS Devices, and by the use of the TomTom GPS Apps. The TomTom GPS Devices and TomTom GPS Apps include circuitry configured for generating the signal at least partially based on at least one indication related to the received request for the map, the at least one indication including at least one of shortest distance, least traffic, or fastest route (*e.g.*, the signal indicating the route to be taken is generated based on the driver's

preference for either the fastest route, shortest route, or most eco-friendly route). *See* Ex. A-1 Figs. 1-18, A-2 Figs. 1-15, and A-3 Figs. 1-18.

27. Defendant, its resellers, and end-users have directly infringed claim 18 of the ’033 patent by making, using, and/or selling the TomTom GPS Devices, and by the use of the TomTom GPS Apps. The TomTom GPS Devices and TomTom GPS Apps include circuitry configured for generating a signal related to indicating an order for traversing the one or more locations in association with the route (*e.g.*, it displays a colored line representing the route as well as text and voice route guidance). *See* Ex. A-1 Figs. 1-18, A-2 Figs. 1-15, and A-3 Figs. 1-18.

28. Defendant, its resellers, and end-users have directly infringed claim 19 of the ’033 patent by making, using, and/or selling the TomTom GPS Devices, and by the use of the TomTom GPS Apps. The TomTom GPS Devices and TomTom GPS Apps include circuitry configured for generating a signal related to revising the route associated with the one or more locations (*e.g.*, it notifies the driver when a faster route is detected due to traffic conditions). *See* Ex. A-1 Figs. 1-18, A-2 Figs. 1-15, and A-3 Figs. 1-18.

29. Defendant, its resellers, and end-users have directly infringed claim 20 of the ’033 patent by making, using, and/or selling the TomTom GPS Devices, and by the use of the TomTom GPS Apps. The TomTom GPS Devices and TomTom GPS Apps include circuitry configured for generating a signal related to revising the route associated with the one or more locations in real time responsive to the status including at least an indication of a traffic condition verifiable via one or more monitoring devices (*e.g.*, traffic data from other TomTom devices are used to revise the route in response to changing traffic conditions). *See* Ex. A-1 Figs. 1-18, A-2 Figs. 1-15, and A-3 Figs. 1-18.

30. Defendant, its resellers, and end-users have directly infringed claim 21 of the ’033 patent by making, using, and/or selling the TomTom GPS Devices, and by the use of the TomTom GPS Apps. The TomTom GPS Devices and TomTom GPS Apps include circuitry configured for generating a signal related to providing written directions in association with a determined route traversing the one or more locations at least partially based on the determined status of the at least one of the one or more locations on the map (*e.g.*, it generates a signal providing written directions of the route based on traffic conditions). *See* Ex. A-1 Figs. 1-18, A-2 Figs. 1-15, and A-3 Figs. 1-18.

31. Defendant, its resellers, and end-users have directly infringed claim 22 of the ’033 patent by making, using, and/or selling the TomTom GPS Devices, and by the use of the TomTom GPS Apps. The TomTom GPS Devices and TomTom GPS Apps include circuitry configured for generating a signal related to providing a layout of at least one street in association with a determined route traversing the one or more locations at least partially based on the determined status of the at least one of the one or more locations on the map (*e.g.*, it displays a map of the street as well as an image of upcoming turns or lane changes). *See* Ex. A-1 Figs. 1-18, A-2 Figs. 1-15, and A-3 Figs. 1-18.

32. Defendant, its resellers, and end-users have directly infringed claim 24 of the ’033 patent by making, using, and/or selling the TomTom GPS Devices, and by the use of the TomTom GPS Apps. The TomTom GPS Devices and TomTom GPS Apps include circuitry configured for generating a signal related to providing a layout of at least one street in association with a determined route traversing the one or more locations at least partially based on a real time traffic condition of at least one of the one or more locations on the map (*e.g.*, it generates a map of the

street and route with a colored line indicating the route and traffic conditions). *See* Ex. A-1 Figs. 1-18, A-2 Figs. 1-15, and A-3 Figs. 1-18.

33. Defendant, its resellers, and end-users have directly infringed claim 25 of the '033 patent by making, using, and/or selling the TomTom GPS Devices, and by the use of the TomTom GPS Apps. The TomTom GPS Devices and TomTom GPS Apps include circuitry configured for generating a signal related to indicating on the map a progress indication (*e.g.*, time to destination and distance to destination). *See* Ex. A-1 Figs. 1-18, A-2 Figs. 1-15, and A-3 Figs. 1-18.

34. Defendant, its resellers, and end-users have directly infringed claim 26 of the '033 patent by making, using, and/or selling the TomTom GPS Devices, and by the use of the TomTom GPS Apps. The TomTom GPS Devices and TomTom GPS Apps include circuitry configured for generating a signal related to indicating on the map a distance to a location (*e.g.*, distance to the next turn or distance to location). *See* Ex. A-1 Figs. 1-18, A-2 Figs. 1-15, and A-3 Figs. 1-18.

35. Defendant, its resellers, and end-users have directly infringed claim 27 of the '033 patent by making, using, and/or selling the TomTom GPS Devices, and by the use of the TomTom GPS Apps. The TomTom GPS Devices and TomTom GPS Apps include circuitry configured for directing to another portion of the map based on the associated status (*e.g.*, it redirects to another portion of the map depending on the impact of traffic on travel time). *See* Ex. A-1 Figs. 1-18, A-2 Figs. 1-15, and A-3 Figs. 1-18.

36. Defendant, its resellers, and end-users have directly infringed claim 28 of the '033 patent by making, using, and/or selling the TomTom GPS Devices, and by the use of the TomTom GPS Apps. The TomTom GPS Devices and TomTom GPS Apps include circuitry configured for generating a signal related to a revised map in real time at least partially based on the associated status, the associated status indicative of a real time traffic condition associated with the at least

one of the one or more locations (*e.g.*, it generates a revised map in real time based on the traffic conditions associated with possible routes to the destination). *See* Ex. A-1 Figs. 1-18, A-2 Figs. 1-15, and A-3 Figs. 1-18.

37. Defendant, its resellers, and end-users have directly infringed claim 29 of the '033 patent by making, using, and/or selling the TomTom GPS Devices, and by the use of the TomTom GPS Apps. The TomTom GPS Devices and TomTom GPS Apps include circuitry configured for receiving a request, the circuitry configured for determining a status, and the circuitry configured for generating a signal are effected in a mobile device, the mobile device including at least one of a GPS, a smartphone, a tablet, or a mobile computing device (*i.e.*, it is a mobile computing device). *See* Ex. A-1 Figs. 1-18, A-2 Figs. 1-15, and A-3 Figs. 1-18.

38. Defendant, its resellers, and end-users have directly infringed claim 32 of the '033 patent by making, using, and/or selling the TomTom GPS Devices, and by the use of the TomTom GPS Apps. They include circuitry configured for generating a signal related to indicating at least one route at least partially based on at least one indication of a direction that a device associated with the received request is at least one of heading or facing (*i.e.*, it generates a signal indicating the route based on the direction of travel, including recalculating the route if the device changes its direction of travel). *See* Ex. A-1 Figs. 1-18, A-2 Figs. 1-15, and A-3 Figs. 1-18.

39. As a result of Defendant's direct infringement of the '033 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.

40. 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 ’033 Patent, Plaintiff will be greatly and irreparably harmed.

**COUNT II**
**INDUCED INFRINGEMENT OF U.S. PATENT NO. 9,214,033**

41. Upon information and belief, Defendant has been and is now inducing the infringement by its resellers and end-use customers of claims 1-6, 8-11, 13-22, 24-29, and 32 of the ’033 Patent in the Commonwealth of Massachusetts, in this Judicial District, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, importing, selling and/or offering for sale the TomTom GPS Apps to the injury of Plaintiff. Defendant’s resellers and end-use customers are directly infringing, literally infringing, and/or infringing the ’033 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the ’033 Patent pursuant to 35 U.S.C. § 271(b).

42. As shown above, Defendant have and continue to indirectly infringe the ’033 Patent by inducing the infringement by its end-users and resellers of claims 1-6, 8-11, 13-22, 24-19, and 32 of the ’033 Patent in accordance with 35 U.S.C. 271(b).

43. As shown above, Defendant, its resellers, distributors, and end-users of the TomTom GPS Apps have engaged in and currently engage in activities that constitute direct infringement of claims 1-6, 8-11, 13-22, 24-30, and 32 of the ’033 Patent.

44. As shown above, the operation and use of the by Defendant, its resellers, or end-user customers of the Accused Instrumentality constitutes a direct infringement of claims

45. Defendant’s affirmative act of selling and/or offering for sale the Accused Instrumentalities and providing instruction manuals, advertisement of the infringing features, and support for the Accused Instrumentalities have induced and continues to induce Defendant’s

resellers and end users to use the TomTom GPS Apps in its normal and customary way to infringe claims 1-6, 8-11, 13-22, 24-30, and 32 of the ’033 Patent.

46. Through its making, selling, and/or offering for sale the TomTom GPS Apps, Defendant specifically intends that its resellers and end-users directly infringe 1-6, 8-11, 13-22, 24-30, and 32 of the ’033 Patent. Defendant has had knowledge of the ’033 Patent since the filing of this complaint and actually induces others, such as resellers and end-use customers, to directly infringe by using, selling, supplying, and or distributing the Accused Instrumentalities within the United States. Defendant is aware since at least the filing of this complaint that such actions would induce actual infringement. Furthermore, Defendant remains aware that these normal and customary activities would infringe the ’033 Patent.

47. For example, in connection with the sale and/or offering for sale of the TomTom GPS Apps, Defendant provides manuals and support to resellers and end-use customers regarding the user and operation of the TomTom GPS Apps. Specifically, Defendant provides manuals and support, see, *e.g.*, https://itunes.apple.com/us/app/TomTom-u-s-a/id435490305?mt=8. When end-users follow such instructions and support, they directly infringe the ’033 Patent. Defendant knows, should know or should have known that by providing such instructs and support, resellers and end-use customers follow these instructions and support and directly infringe the ’033 Patent.

48. Accordingly, Defendant has performed and continues to perform acts that constitute indirect infringement, and would induce actual infringement, with the knowledge of the ’033 Patent and with the knowledge or willful blindness to the fact that the induced acts would constitute infringement.

## PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter the following reliefs:

1. A judgment in favor of Plaintiff that Defendant has infringed the ’033 Patent;

2. A judgment in favor of Plaintiff that Defendant has induced its resellers and end-users to induce the ’033 Patent;

3. 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 ’033 Patent, or such other equitable relief the Court determines is warranted;

4. 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 ’033 Patent as provided under 35 U.S.C. § 284, and an accounting of ongoing post-judgment infringement; and

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

**DEMAND FOR JURY TRIAL**

Pursuant to Fed. R. Civ. P. 38, the Plaintiff requests a trial by jury of any issues so triable by right.

DATED April 18, 2018.

Respectfully submitted,

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