

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

TELENAV, INC.,

Plaintiff,

v.

TRAXCELL TECHNOLOGIES, LLC,

Defendant.

CASE NO. 2:18-cv-253

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff Telenav, Inc. (“Telenav” or “Plaintiff”) brings this declaratory judgment action against Defendant Traxcell Technologies, LLC (“Traxcell” or “Defendant”) as follows:

NATURE OF THE ACTION

1. This is a declaratory judgment action arising under the patent laws of the United States, 35 U.S.C. § 1, *et seq.*, and under the Declaratory Judgment Act, 28 U.S.C. § 2201, *et seq.*, seeking a declaration that neither Telenav nor its products infringe any claim of United States Patent No. 9,549,388 (the “388 Patent”).

THE PARTIES

2. Plaintiff Telenav is a Delaware corporation with its principal place of business at 4655 Great America Parkway, Suite 300, Santa Clara, California 95054.

3. Defendant Traxcell is a Texas limited liability company with its principal place of business at 1405 Municipal Ave., Suite 2305, Plano, TX 75074.

JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction under the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202. There is a justiciable controversy within the meaning of 28 U.S.C. §§ 2201 and 2202 between Telenav and Traxcell regarding whether Telenav and/or its products infringe the '388 Patent. Traxcell has placed Telenav in reasonable apprehension of being sued for alleged infringement based on the sale, offer for sale, and/or importation of Telenav's products.

5. In 2017, Traxcell filed six lawsuits alleging infringement of, *inter alia*, the '388 Patent. The defendants in these actions include Telenav's customers. For example, in *Traxcell Technologies, LLC v. AT&T, Inc., et al.*, Case No. 2:17-cv-00718 (E.D. Tex. Oct. 31, 2017), Traxcell's Complaint accuses AT&T, Inc.'s ("AT&T") AT&T Navigator application of infringing the '388 Patent. The AT&T Navigator application is a Telenav product and AT&T has sought indemnification from Telenav. Telenav has reached out to Traxcell about its allegations. To date, Traxcell has refused to engage in any meaningful discussions with Telenav, choosing instead to pursue against Telenav's customers.

6. Although Telenav does not infringe the '388 Patent, Traxcell's allegations against Telenav's customers create a cloud over Telenav's products and threaten its business and relationships with its customers and partners. A substantial controversy exists between Traxcell and Telenav, of sufficient immediacy and reality, to warrant a declaratory judgment under 28 U.S.C. § 2201.

7. Jurisdiction over this action also arises under the patent laws of the United States, 35 U.S.C. § 1 et seq., and pursuant to the provisions of 28 U.S.C. §§ 1331 and 1338.

8. This Court has personal jurisdiction over Traxcell because it is a Texas limited liability company and maintains its principal place of business in Plano, TX, which is within this judicial district. Traxcell has also previously asserted its patents through litigation in this judicial

district. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b) and (c) because Traxcell resides in this District.

COUNT I
(Declaration of Non-Infringement of U.S. Patent No. 9,549,388)

9. Plaintiff incorporates by reference the allegations set forth in paragraphs 1 through 8 as though fully set forth herein.

10. In Traxcell's October 31, 2017 Complaint against AT&T, Traxcell alleges that the AT&T Navigator application infringes claim 1 of the '388 Patent. The AT&T Navigator application is a Telenav product. While Traxcell identifies claim 1 as allegedly infringed, it fails to provide sufficient detail to show how the AT&T Navigator application maps to this asserted claim to support its infringement contentions. Further, the AT&T Navigator application does not meet the limitations of the asserted claims. For example, and by no means limiting, the AT&T Navigator application does not practice the requirement of "a second processor coupled to the at least one second radio frequency transceiver programmed to determine the location of the wireless mobile communications device." The AT&T Navigator application therefore does not infringe the claims of the '388 Patent.

11. Telenav and its products (including but not limited to the AT&T Navigator application) do not infringe and has not infringed the claims of the '388 Patent, either literally or under the doctrine of equivalents, directly, by inducement, contributorily, or in any other way.

12. Telenav is entitled to a declaration pursuant to 28 U.S.C. §§ 2201 and 2202 that Telenav and its products (including but not limited to the AT&T Navigator application) do not infringe the claims of the '388 Patent. A judicial declaration is necessary and appropriate so that Telenav and Traxcell may ascertain their respective rights regarding the '388 Patent.

REQUEST FOR RELIEF

WHEREFORE, Plaintiff respectfully requests for relief as follows:

- (a) Declare that neither Telenav nor its products (including the AT&T Navigator application) infringe any claim of the '388 Patent;
- (b) Pursuant to 35 U.S.C. § 284 and/or other applicable laws, find this an exceptional case and award Telenav its attorneys' fees incurred in connection with this action;
- (c) Award Telenav its cost of suit incurred herein; and
- (d) Any further relief that the Court deems just and proper.

Respectfully submitted,

s/ Jennifer H. Doan

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**ATTORNEYS FOR PLAINTIFF
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