

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

LOCATION BASED SERVICES, LLC

Plaintiff,

v.

MAPILLARY INC,

Defendant.

C.A. No. _____

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

This is an action for patent infringement in which Location Based Services, LLC (“Plaintiff”) accuses Mapillary Inc. (“Defendant”) of infringing U.S. Patent No. 8,311,733, (the “’733 Patent”), 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 Mapillary Inc., is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located at 134 North 4th St., Brooklyn, NY 11249. Defendant may be served via its registered agent for service of process: Corporation Service Company, 251 Little Falls Dr., Wilmington, DE 19808.

JURISDICTION AND VENUE

3. This is an action for infringement of the ’733 Patent 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. § 1400(b). Upon information and belief, Defendant is a resident of 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 Delaware 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 Connecticut and in this Judicial District; and (iii) residing in this district.

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

6. On November 13, 2012, United States Patent No. 8,311,733 was duly and legally issued by the United States Patent and Trademark Office for an invention entitled "Interactive Key Frame Image Mapping System and Method." A true and correct copy of the '733 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 '733 Patent.

8. Plaintiff is the owner by assignment of the '733 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. The '733 Patent, filed on February 15, 2005, is directed to an unconventional and innovative practice of combining a data store for organizing multiple images according to map locations with a table associating meta data for the images with a time line, image history, and a location. *See* Exhibit A. In fact, it wasn't until August of 2008 that Nikon released one of the first cameras with built in GPS that had even the hardware necessary to add location meta data to

pictures, *i.e.*, the Coolpix P6000 camera. Thus, the invention claimed in the '733 Patent—which calls for the combination of location, time and image data—is clearly directed to unconventional activity.

11. Defendant directly or through intermediaries, makes, uses, imports, sells, and/or offers for sale products and or/systems (*i.e.*, Mapillary photo mapping (the “Accused Instrumentality”)) that infringe one or more claims of the ‘733 Patent.

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

12. Upon information and belief, Defendant has been and is now infringing claims 6 of the '733 Patent in the State of Delaware, 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 the Accused Instrumentality to the injury of Plaintiff. Defendant is directly infringing, literally infringing, and/or infringing the '733 Patent under the doctrine of equivalents. Defendant is thus liable for direct infringement of the '733 Patent pursuant to 35 U.S.C. § 271(a).

13. For example, the Accused Instrumentality directly infringes claim 6 of the '733 Patent. The Accused Instrumentalities comprise a computer system including a processor, a memory coupled to the processor (*e.g.*, the Accused Instrumentalities are computer programs operating on a computer, which includes processors and memory); a mapping module coupled to the memory (*e.g.*, the Accused Instrumentalities correlate image information with map data in the form of GPS information), the mapping module including a data store configurable to collect one or more images of a predetermined area on a map (*e.g.*, as images are collected for storage associated location data is collected), the data store configurable to store the one or more images as a function of a time line, a location or an image history parameter (*e.g.*, the mapillary server

stores the images as a function of the time line, location they were taken, and an image history parameter); and, the mapping module including a data store which organizes multiple images according to one or more locations on a map (*e.g.*, images are organized based on the correlated map data), the data store configurable to store a table, the table configurable to associate metadata for the one or more images with one or more of: the time line, the image history parameter and the location, the association to enable an instantiation of a time-related image from the one or more images at the location on the map. *See* Ex. A-1, Figs. 1-3.

14. As a result of Defendant's direct infringement of the '733 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.

15. 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 '733 Patent, Plaintiff will be greatly and irreparably harmed.

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.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter:

1. A judgment in favor of Plaintiff that Defendant has infringed the '733 Patent;

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 '733 Patent, 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 '733 Patent 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.

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