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*Attorney(s) for Plaintiff Geographic Location Innovations, LLC.*

**IN THE UNITED STATES DISTRICT COURT**
**FOR THE CENTRAL DISTRICT OF CALIFORNIA**
**WESTERN DIVISION**

Geographic Location Innovations, LLC,

*Plaintiff*,

v.

Condor Outdoor Product, Inc.,

*Defendant*.

CASE NO.: 2:19-cv-03211-RGK-RAO

**FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

**JURY TRIAL DEMANDED**

**FIRIST AMENDED COMPLAINT**

Plaintiff Geographic Location Innovations LLC ("Plaintiff" or "GLI") files this First Amended Complaint against Condor Outdoor Products, Inc. ("Defendant" or "Condor") for infringement of United States Patent No. 7,917,285 (hereinafter "the '285 Patent"). Plaintiff is filing this First Amended Complaint pursuant to F.R.Civ.P. 15(a)(1)(B). The pleading (i.e., the original Complaint) is one to which a responsive pleading is required. Defendant filed a 12(b)(6) motion on June 20, 2019 ("Motion"). Defendant's Motion is a responsive pleading. Defendant did not separately serve its Motion on Plaintiff. Nevertheless, assuming ECF notification meets the service requirement, Plaintiff files this First Amended Complaint within 21 days of the filing of Defendant's Motion and the ECF notification thereof.

Plaintiff additionally notes that Defendant did not meet and confer with Plaintiff regarding its Motion. Defendant sent Plaintiff a letter informing Plaintiff of Defendant's intention to file a Section 101 motion if Plaintiff did not withdraw its Complaint. Defendant also requested a meet and confer, but filed its Motion prior to a meet and confer taking place. Plaintiff also notes that the Motion itself lacks a Certificate of Conference and a Certificate of Service. Plaintiff respectfully submits that Defendant's filing does not comport with the Federal Rules of Civil Procedure or the Local Rules of this Court. (See L.R. 7-3. ***Conference of Counsel Prior to Filing of Motions***. "If the proposed motion is one which under the F.R.Civ.P. must be filed within a specified period of time (e.g., a motion to dismiss pursuant to F.R.Civ.P. 12(b) . . .), then this conference shall take place at least five (5) days prior to the last day for filing the motion . . . .").

**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 California corporation with its principal office located at 5268 Rivergrade Rd., Irwindale, CA 91706. On information and belief, Defendant may be served through its registered agent, Spencer Tien, at 1621 Orlando Rd., Pasadena, CA 91106.

5. On information and belief, this Court has personal jurisdiction over Defendant because Defendant has committed, and continues to commit, acts of infringement in this District, has conducted business in this District, and/or has engaged in continuous and systematic activities in this District. Alternatively, Defendant has already appeared in this action and has not challenged *in personam* jurisdiction, which is now waived by operation of law.

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 this District.

## VENUE

7. On information and belief, venue is proper in this District under 28 U.S.C. § 1400(b) because Defendant is deemed to be a resident of this District. Alternatively, acts of infringement are occurring in this District and Defendant has a regular and established place of business in this District. Alternatively, Defendant has already appeared in this action and has not challenged venue, which is now waived by operation of law.

## 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. On March 29, 2011, the United States Patent & Trademark Office (USPTO) duly and legally issued the '285 Patent.

14. The '285 Patent teaches a method and apparatus for storing and sharing addresses for a positional information device. Among other things, the claimed system allows a user to request an address, such as the address for a store, from a server. The server determines the requested address and transmits it to the positional information device. The device receives the address and the system determines route guidance to the store address based at least in part on the location of the positional information device. The server also receives a time and date associated with the address request.

15. The present invention solves problems that existed with then-existing navigation systems associate with having address information loaded onto a positional information device (such as a GPS-equipped mobile phone). Problems arose due to a number of different factors including: (1) disparate navigational devices; (2) navigational devices that required preprogramming of address information; (3) the use of different vehicles by one or more users all going to the same address; and (4) users needing address information downloaded while driving. See, '285 Patent Specification, 1:35-2:13.

16. At the time of the invention, telematics enabled a central processing center to provide certain services such as help with directions and tracking stolen

vehicles. Telematics, however, did not provide address downloads and associated route guidance to stores to a user's mobile phone. The claimed invention provides these features and overcomes problems associated with prior systems.

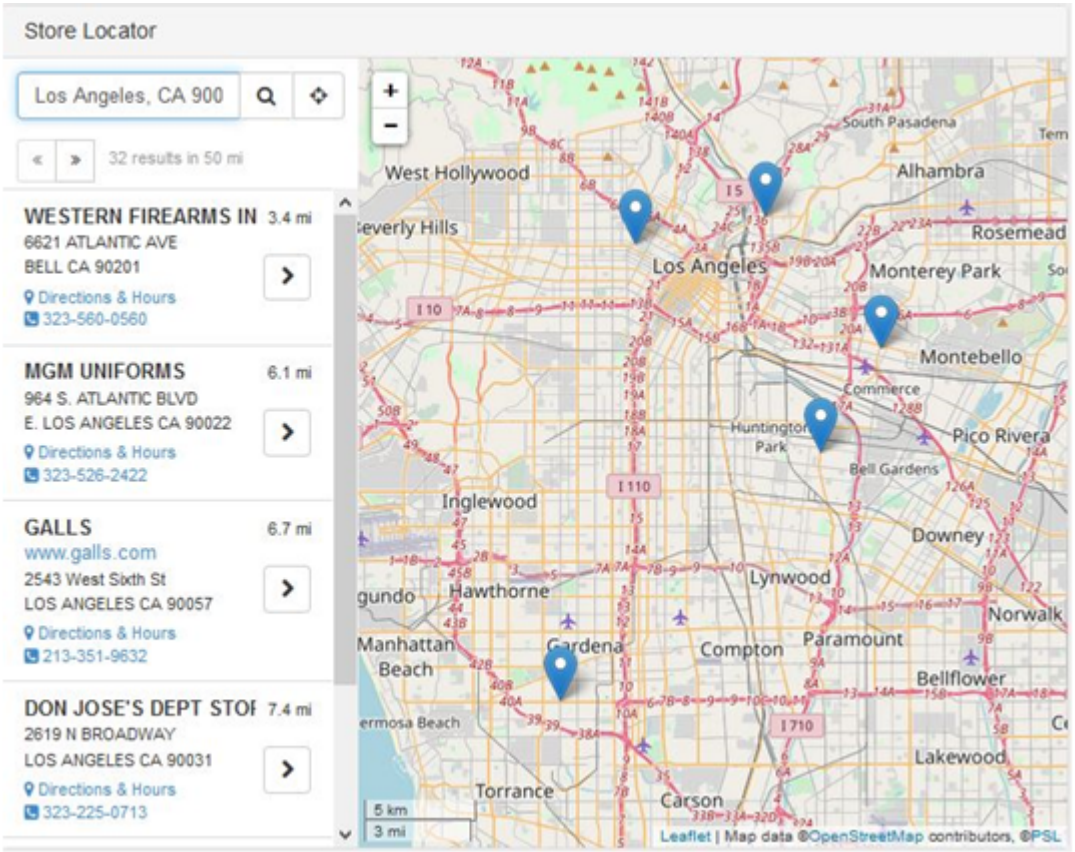
17. The '285 Patent is directed to computerized technologies to provide users with easy access to address downloads and associated route guidance. Among other things, the '285 Patent claims (in Claim 13 for example), a system for entering location information into a positional information device. The system includes a server, which is configured to receive an address request, to determine the address of at least one location, and to transmit that address to the positional information device. The positional information device includes: (1) a location information module for determining the location of the device; (2) a communication module for receiving the information from the server; (3) a processing module for receiving the at least one determined address and for determining route guidance based at least in part on the location of the device; (4) a display module for displaying the route guidance; and (5) a communication network to couple the device to the server. Collectively, these components operate in a way that was neither generic, nor well-known, at least at the time of the invention. Moreover, certain individual components (e.g., the processing module and the server) operate in a way that is neither generic nor well-known.

18. The '285 Patent solves problems with the art that are rooted in computer technology and that are associated with electronic transmission, loading, and storage of location information, as well as automatic provisioning of route guidance. The '285 Patent claims do not merely recite the performance of some business practice known from the pre-Internet world along with the requirement to perform it on the Internet.

19. 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 its store locator service

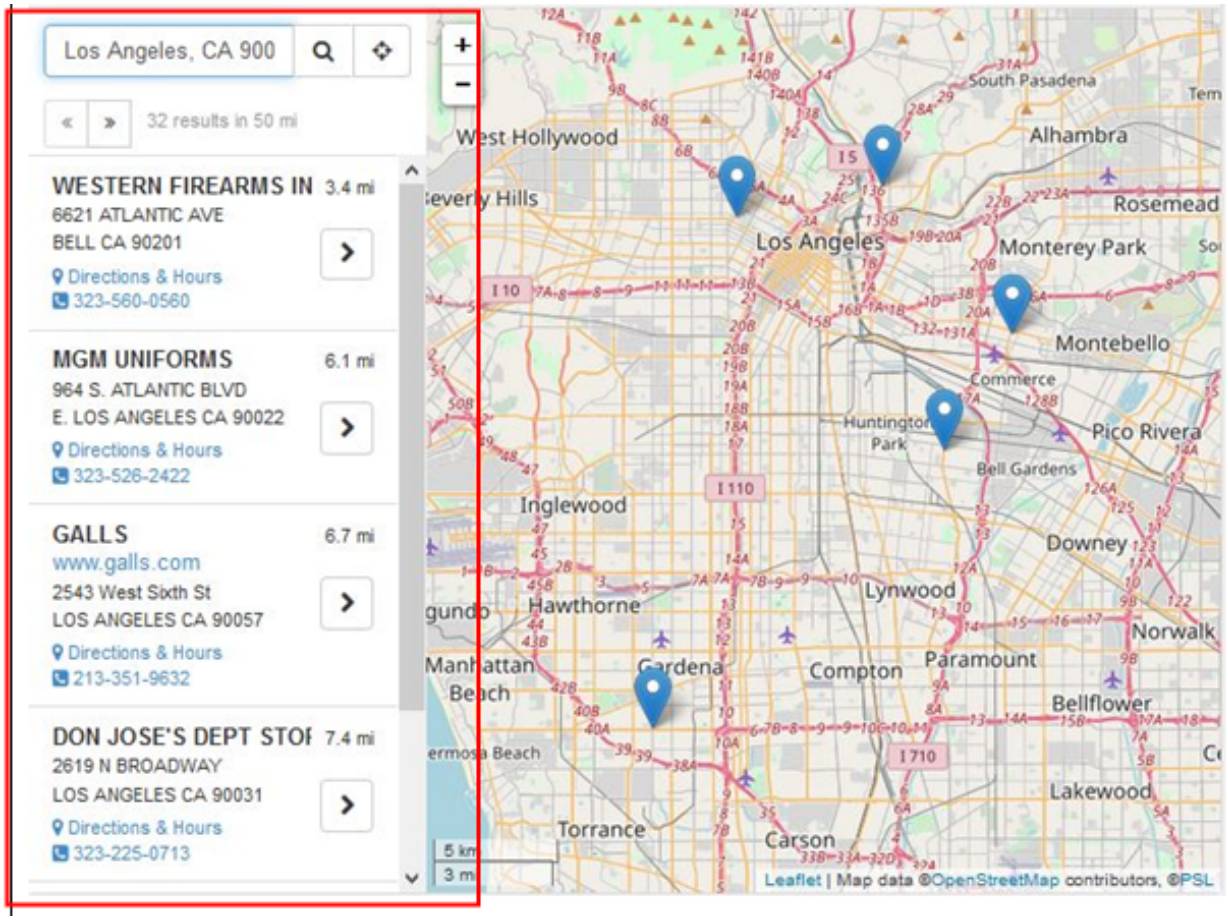
(the "System") covered by at least Claim 13 of the '285 Patent. The System is used, for example, in connection with Defendant's website at https://condoroutdoor.com/store_locator. Defendant has infringed and continues to infringe the '285 patent either directly or through acts of contributory infringement or inducement in violation of 35 U.S.C. § 271.

20. The System includes the mobile website and associated hardware. These tools provide for remote entry of location information, such as store locations into a positional information device such as, for example, a tablet or smart phone. The website automatically loads nearby store locations for purchasing Defendant's products onto the positional information device based on the user's location. Certain aspects of these elements are illustrated in the screenshot(s) below and/or in screenshots provided in connection with other allegations herein.

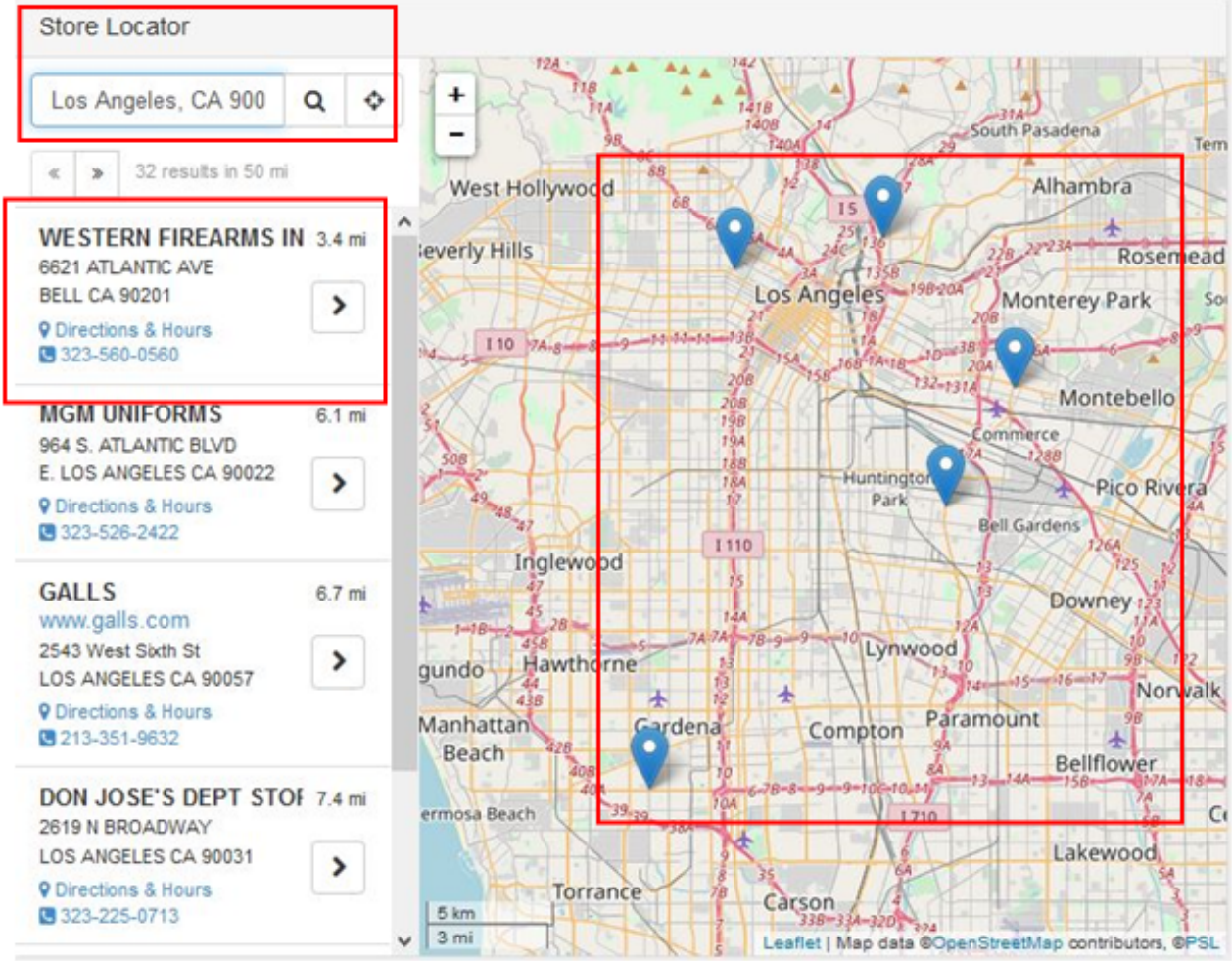



21. On information and belief, the System includes one or more servers that

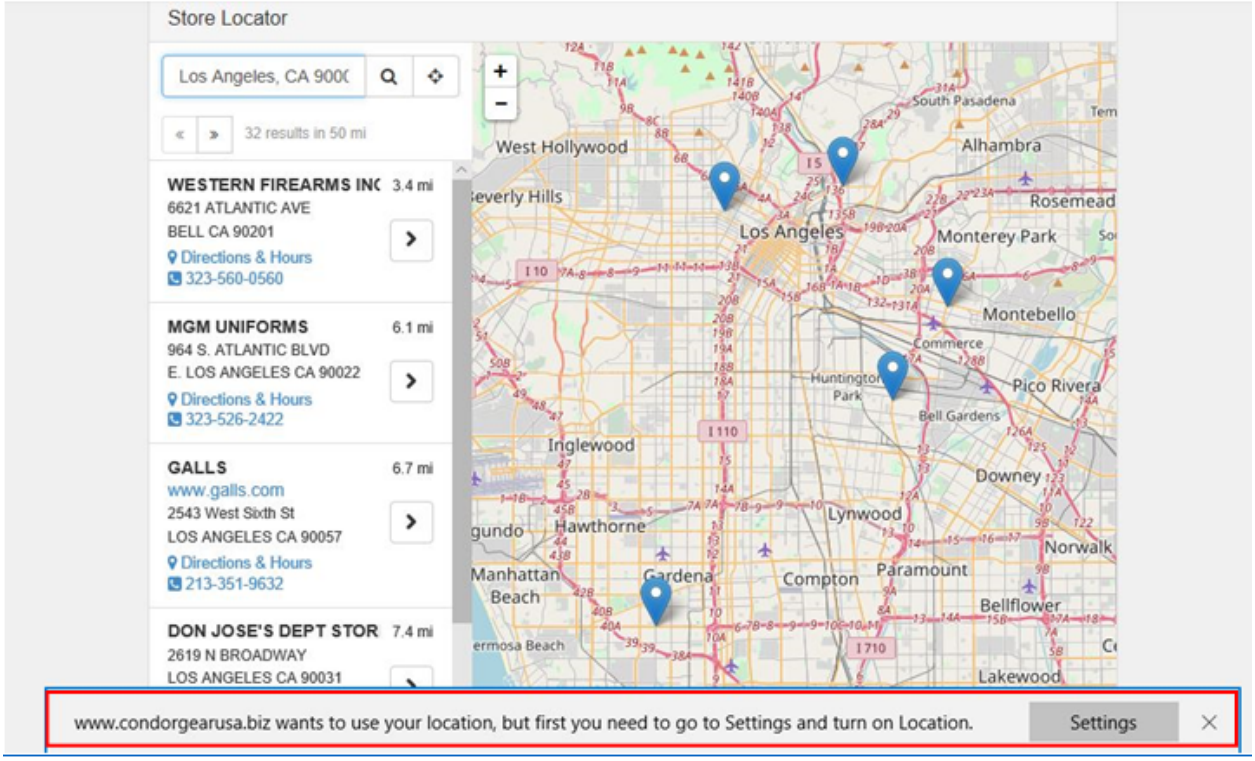
receive a request for an address of at least one location such as, for example, the location of a store nearby the user, which is not already stored in the positional information device. Certain aspects of these elements are illustrated in the screenshot(s) below and/or in screenshots provided in connection with other allegations herein.




22. On information and belief the server(s) determine the address(es) of the store(s) 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 store(s) on a map. Certain aspects of these elements are illustrated in the screenshot(s) below and/or in screenshots provided in connection with other allegations herein.

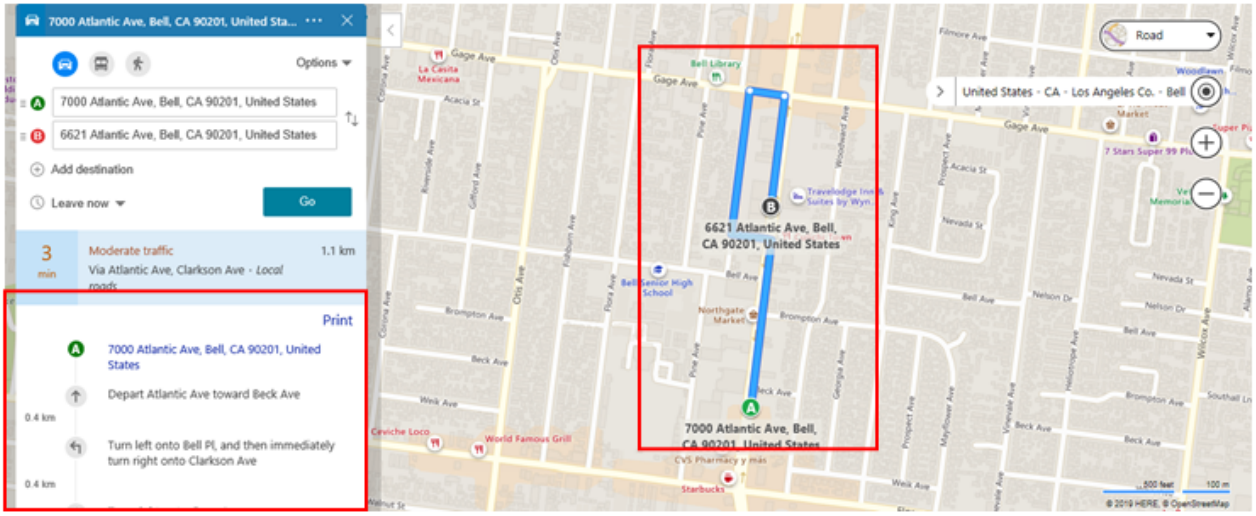



23. The positional information device includes a locational information module (e.g., GPS hardware), which Defendant uses, and which determines the location of the positional information device. The System automatically loads nearby store locations based on the user's location. Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.

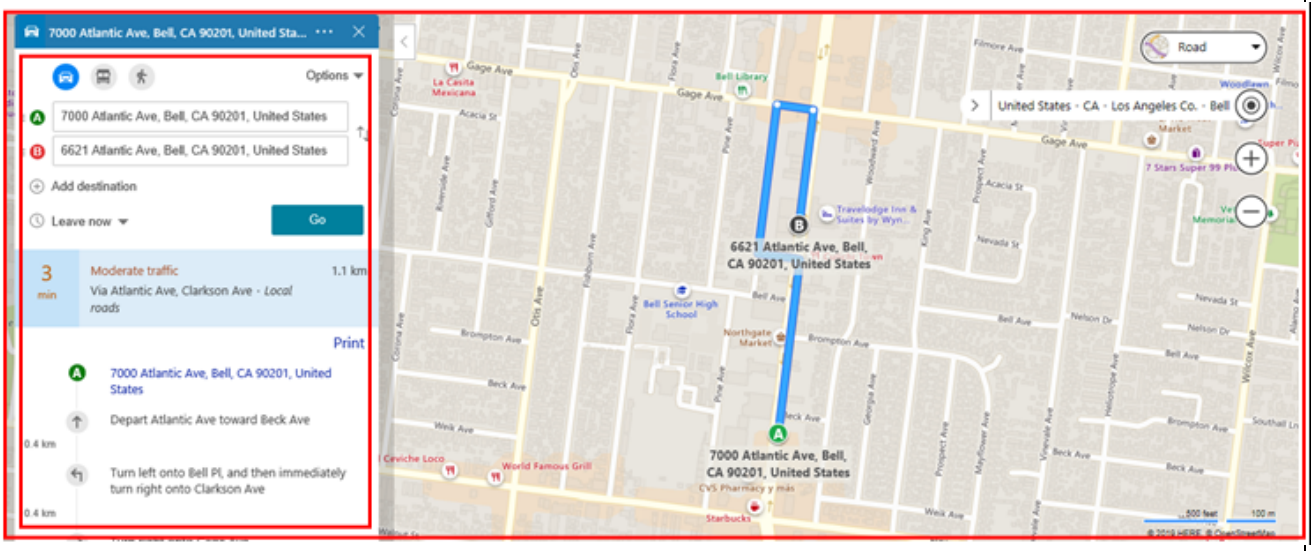



24. The System includes a communications module (e.g., cellular or WiFi components in the positional information device), which Defendant uses, and which receives the determined address(es) from the server(s).

25. 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). Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.



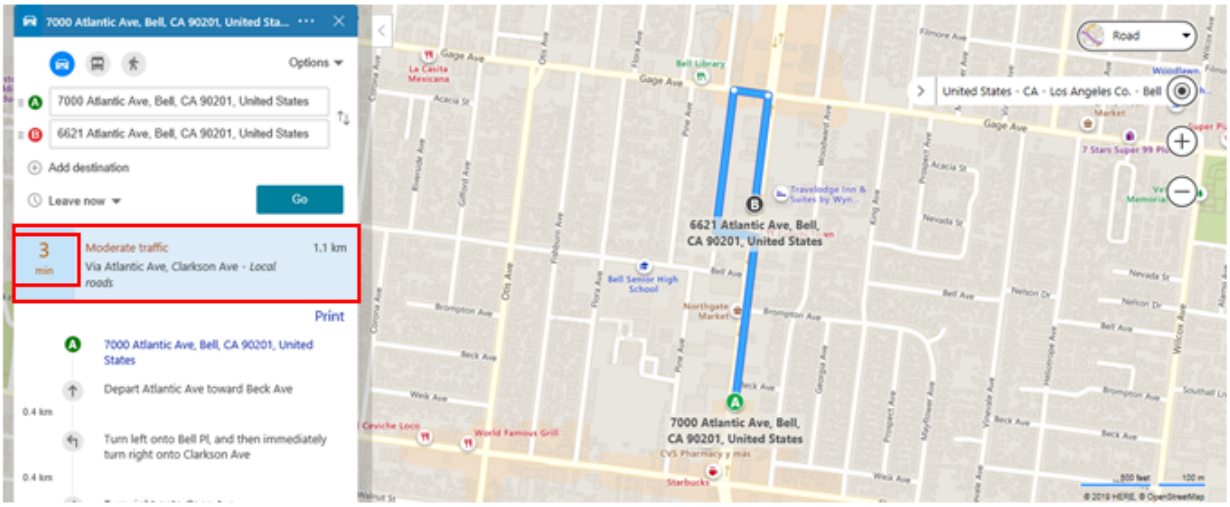

26. The System includes a display module (e.g., screen on the positional information device) for displaying the route guidance. Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.




27. The System includes a communications network (e.g., cellular network) for coupling the positional information device to the server(s). Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.

> The A-GPS device will use a data connection (e.g. 3G on a cellphone) to contact an assistance server. The server can supply almanac and ephemeris data so the GPS doesn't have to wait to receive them from the satellites. The server can also send an approximate location derived from cellphone towers, allowing an immediate fix. In some cases the A-GPS device may send incomplete GPS data to the server for processing into a fix.
> https://www.maptoaster.com/maptoaster-topo-nz/articles/how-gps-works/how-gps-works.html

28. 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. Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.



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

30. 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.

31. 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: July 9, 2018

Respectfully submitted,

/s/ Grant McArthur

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***Attorney(s) for Plaintiff Geographic Location Innovations, LLC.***

**Certificate of Service**

The undersigned certifies that all counsel of record who have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system on July 9, 2019.

/s/ Grant McArthur
GRANT MCARTHUR