

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

<p>NavTopia LLC, Plaintiff, v. HERE North America LLC, Defendant.</p>	<p>Case No. _____ Patent Case Jury Trial Demanded</p>
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COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff NavTopia LLC ("NavTopia"), through its attorneys, complains of HERE North America LLC ("HERE"), and alleges the following:

PARTIES

1. Plaintiff NavTopia LLC is a corporation organized and existing under the laws of Delaware that maintains its principal place of business at 717 Union St., Wilmington, DE 19805.
2. Defendant HERE North America LLC is a corporation organized and existing under the laws of Delaware that maintains its principal place of business at 425 W Randolph St, Chicago, IL 60606.

JURISDICTION

3. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.
4. This Court has exclusive subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over Defendant because it has engaged in systematic and continuous business activities in this District. As described below, Defendant has committed acts of patent infringement giving rise to this action within this District.

VENUE

6. Venue is proper in this District under 28 U.S.C. § 1400(b) because Defendant has committed acts of patent infringement in this District, and has an established place of business in this District. In addition, NavTopia has suffered harm in this district.

PATENT-IN-SUIT

7. NavTopia is the assignee of all right, title and interest in United States Patent No. 8,676,502 (the "'502 Patent"); (the "Patent-in-Suit"); including all rights to enforce and prosecute actions for infringement and to collect damages for all relevant times against infringers of the Patent-in-Suit. Accordingly, NavTopia possesses the exclusive right and standing to prosecute the present action for infringement of the Patent-in-Suit by Defendant.

The '502 Patent

8. The '502 Patent is entitled "GPS navigation and cellular route planning device," and issued 3/18/2014. The application leading to the '502 Patent was filed on 12/1/2010. A true and correct copy of the '502 Patent is attached hereto as Exhibit 1 and incorporated herein by reference.

9. The '502 Patent is valid and enforceable.

COUNT 1: INFRINGEMENT OF THE '502 PATENT

10. NavTopia incorporates the above paragraphs herein by reference.

11. **Direct Infringement.** Defendant has been and continues to directly infringe one or more claims of the '502 Patent in at least this District by making, using, offering to sell, selling

and/or importing, without limitation, at least HERE's Cellular Signals (the "Exemplary HERE Products") that infringe at least exemplary claims 1 of the '502 Patent (the "Exemplary '502 Patent Claims") literally or by the doctrine of equivalence. On information and belief, numerous other devices that infringe the claims of the '502 Patent have been made, used, sold, imported, and offered for sale by Defendant and/or its customers.

12. The filing of this Complaint constitutes notice and actual knowledge in accordance with 35 U.S.C. § 287.

13. Despite such actual knowledge, Defendant continues to make, use, test, sell, offer for sale, market, and/or import into the United States, products that infringe the '502 Patent. On information and belief, Defendant has also continued to sell the Exemplary HERE Products and distribute product literature and website materials inducing end users and others to use its products in the customary and intended manner that infringes the '502 Patent. Thus, on information and belief, Defendant is contributing to and/or inducing the infringement of the '502 Patent.

14. **Induced Infringement.** Defendant actively, knowingly, and intentionally has been and continues to induce infringement of the '502 Patent, literally or by the doctrine of equivalence, by selling Exemplary HERE Products to their customers for use in end-user products in a manner that infringes one or more claims of the '502 Patent.

15. **Contributory Infringement.** Defendant actively, knowingly, and intentionally has been and continues materially contribute to their own customers' infringement of the '502 Patent, literally or by the doctrine of equivalence, by selling Exemplary HERE Products to their customers for use in end-user products in a manner that infringes one or more claims of the '502 Patent.

16. Exhibit 2 includes charts comparing the Exemplary '502 Patent Claims to the Exemplary HERE Products. As set forth in these charts, the Exemplary HERE Products practice the technology claimed by the '502 Patent. Accordingly, the Exemplary HERE Products incorporated in these charts satisfy all elements of the Exemplary '502 Patent Claims.

17. NavTopia therefore incorporates by reference in its allegations herein the claim charts of Exhibit 2.

18. NavTopia is entitled to recover damages adequate to compensate for Defendant's infringement.

JURY DEMAND

19. Under Rule 38(b) of the Federal Rules of Civil Procedure, NavTopia respectfully requests a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, NavTopia respectfully requests the following relief:

- A. A judgment that the '502 Patent is valid and enforceable;
- B. A judgment that Defendant has infringed, contributorily infringed, and/or induced infringement of one or more claims of the '502 Patent;
- C. An accounting of all damages not presented at trial;
- D. A judgment that awards NavTopia all appropriate damages under 35 U.S.C. § 284 for Defendant's past infringement, and any continuing or future infringement of the Patent-in-Suit, up until the date such judgment is entered, including pre- or post-judgment interest, costs, and disbursements as justified under 35 U.S.C. § 284 and, if necessary, to adequately compensate NavTopia for Defendant's infringement, an accounting:

- i. that this case be declared exceptional within the meaning of 35 U.S.C. § 285 and that NavTopia be awarded its reasonable attorneys' fees against Defendant that it incurs in prosecuting this action;
- ii. that NavTopia be awarded costs, and expenses that it incurs in prosecuting this action; and
- iii. that NavTopia be awarded such further relief at law or in equity as the Court deems just and proper.

Dated: September 5, 2019

Respectfully submitted,

/s/ Isaac Rabicoff
Isaac Rabicoff
Rabicoff Law LLC
73 W Monroe St
Chicago, IL 60603
(773) 669-4590
isaac@rabilaw.com

Counsel for Plaintiff
NavTopia LLC