UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

NAVBLAZER, LLC, Plaintiff, v. **TOMTOM NORTH AMERICA INC., TOMTOM, INC., AND TOMTOM INTERNATIONAL BV** Defendants.	**Case No. 6:20-cv-112** **JURY TRIAL DEMANDED**

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

NavBlazer, LLC ("NavBlazer") hereby files this Original Complaint for Patent Infringement against Defendants TomTom North America Inc., TomTom, Inc. and TomTom International BV ("Defendants") and alleges, on information and belief, as follows:

THE PARTIES

1. NavBlazer is a limited liability company organized and existing under the laws of the State of Florida with its principal place of business at 600 S. Dixie Highway, Suite 605, West Palm Beach, Florida 33401.
2. TomTom North America Inc. is a New Hampshire corporation with its principal place of business located at 11 Lafayette St., Lebanon, NH 03766. TomTom North America Inc. may be served with process by serving its registered agent at National Registered Agents, Inc., Sulloway & Hollis, 11 Capitol Street, Concord, NH 03301.

3. Defendant TomTom, Inc., is a Massachusetts corporation with a principal office at 2400 District Avenue, Suite 410, Burlington, Massachusetts 01803. TomTom, Inc. may be served with process through National Registered Agents, Ind., 155 Federal Street, Suite 700, Boston, Massachusetts 02110.

4. TomTom International BV is a Netherlands corporation with its principal place of business located at De Ruyterkade 154, 1011 AC Amsterdam, The Netherlands. TomTom International BV can be served with process at its principal place of business at De Ruyterkade 154, 1011 AC Amsterdam, The Netherlands.

JURISDICTION AND VENUE

5. This Court has subject matter jurisdiction over this case under 28 U.S.C. §§ 1331, 1332, 1338, and 1367.

6. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391 and 1400(b).

7. This Court has personal jurisdiction over Defendants. Defendants have continuous and systematic business contacts with the state of Texas. Defendants, directly or through subsidiaries or intermediaries (including distributors, retailers, and others), conducts business extensively throughout Texas, by shipping, distributing, making, using, offering for sale, selling, and advertising (including the provision of interactive web pages) its products and services in the state of Texas and the Western District of Texas. Defendants, directly and through subsidiaries or intermediaries (including distributors, retailers, and others), have purposefully and voluntarily placed infringing products and services into this district and into the stream of commerce with the intention and expectation that they will be purchased and used by consumers in this district. Defendants have offered and sold and continues to offer and sell these infringing products and services in this district,

including at physical Defendants stores located within this district. Defendants and their customers also commit additional acts of direct infringement in this district with respect to each asserted patent through their infringing use of the accused devices, including Defendants' servers, in this district, including when Defendants and their customers put the accused devices into service and receive a benefit, and Defendants are liable for these additional acts of direct infringement and indirect infringement in this district. Defendants have committed acts of infringement, both direct and indirect, in this district with respect to each asserted patent and has a regular and established place of business in this judicial district.

U.S. PATENT NOS. 9,075,136 AND 9,885,782

8. NavBlazer is the owner, by assignment, of U.S. Patent No. 9,075,136 and 9,885,782, each entitled "VEHICLE OPERATOR AND/OR OCCUPANT INFORMATION APPARATUS AND METHOD" (hereinafter collectively referred to as "the Patents-in-Suit").
9. The patent application that issued as the '782 Patent is a continuation application of U.S. Patent Application Ser. No. 09/259,957, filed March 1, 1999, and entitled "VEHICLE OPERATOR AND/OR OCCUPANT INFORMATION APPARATUS AND METHOD", now U.S. Pat. No. 9,075,136. U.S. Patent Application Ser. No. 09/259,957, filed March 1, 1999, claims priority to U.S. Provisional Patent Application Ser. No. 60/076,800, filed March 4, 1998, and entitled "VEHICLE OPERATOR AND/OR OCCUPANT INFORMATION APPARATUS AND METHOD."
10. The Patents-in-Suit are valid, enforceable, and were duly issued in full compliance with Title 35 of the United States Code.
11. The inventions described and claimed in the Patents-in-Suit were invented by Raymond Anthony Joao.

12. The priority date of each of the Patents-in-Suit is at least as early as March 3, 1998.

13. The Patents-in-Suit relate generally to an apparatus and method for providing a user with one or more possible travel routes to a destination, as well as additional information regarding the one or more possible travel routes, such as traffic conditions, road conditions, traffic flow, weather information and/or other useful information.

14. During prosecution of the '782 Patent, the patent examiner considered whether the claims of the '782 Patent were eligible under 35 USC §101 in view of the United States Supreme Court's decision in *Alice*. The patent examiner found that the claims are in fact patent eligible under 35 USC §101 because all pending claims are directed to patent-eligible subject matter, none of the pending claims are directed to an abstract idea and there would be no preemption of the abstract idea or the field of the abstract idea.

DEFENDANTS' PRODUCTS

15. Upon information and belief, Defendants sell, advertise, offer for sale, use, or otherwise provide navigation devices including, but not limited to, the "TomTom VIA," "TomTom GO," "TomTom One," TomTom One XL," "TomTom Start," "TomTom Camper," "TomTom Rider," "TomTom Truck" and "TomTom Trucker" series of navigation devices that infringe the Patents-in Suit, as well as software and/or hardware for in-dash navigation devices that include, but are not limited to, "Subaru STARLINK Multimedia," "Uconnect 7" Radio Nav," "Alfa Connect 3D," "Uconnect 5" Radio Nav," "smart Media-System," "Sony XAV-602BT," "Blue&Me TomTom 2," and "NB1" series of in-dash navigation devices that infringe the Patents-in Suit, as well as applications for Android-based and iOS-based mobile devices including, but not limited to, "TomTom for iOS," "TomTom GO Mobile" and "TomTom GO Navigation" (collectively the "Accused Instrumentalities").

COUNT I

(Infringement of U.S. Patent No. 9,885,782)

16. Plaintiff incorporates the above paragraphs by reference.

17. Defendants have been on notice of the '782 Patent at least as early as the date they received service of this Original Complaint.

18. Upon information and belief, Defendants have directly infringed and continue to directly infringe at least Claims 1, 2, 7 and 8 of the '782 Patent by making, using, importing, selling, and/or, offering for sale the Accused Instrumentalities.

19. Defendants, with knowledge of the '782 Patent, also infringes at least Claims 1, 2, 7 and 8 of the '782 Patent by inducing others to infringe the '782 Patent. In particular, Defendants intend to induce their customers to infringe the '782 Patent by encouraging their customers to use the Accused Instrumentalities in a manner that results in infringement.

20. Defendants also induce others, including their customers, to infringe at least Claims 1, 2, 7 and 8 of the '782 Patent by providing technical support for the use of the Accused Instrumentalities.

21. Upon information and belief, at all times Defendants own and control the operation of the Accused Instrumentalities in accordance with an end user license agreement.

22. By way of example, the Accused Instrumentalities infringe Claim 1 of the '782 Patent by use of a global positioning device, wherein the global positioning device determines a location of the apparatus or a location of a vehicle. Defendants' "TomTom VIA 1525M" (hereinafter "VIA") is a representative example of the Accused Instrumentalities and is a GPS navigator (apparatus). See Figure 1 below, which is screenshot from TomTom's website, showing a picture of the VIA.

Figure 1[1] - TomTom VIA 1525M

23. The VIA uses a global positioning device, wherein the global positioning device determines a location of the apparatus or a location of a vehicle.

24. See Figure 2 below, which is a screenshot from TomTom's website that states "Let our **GPS** take care of lane guidance, road, and traffic updates, and directions to rest stops and attractions along the way" (emphasis added).

> **TomTom**
> Enjoy the freedom and thrill of the road! Let your GPS take care of lane guidance, road, and traffic updates, and directions to rest stops and attractions along the way.

Figure 2[2] - TomTom GPS

25. See also Figure 3 below, which is a screenshot from TomTom's website showing that TomTom offers "Car GPs," Motorcycle GPS," and "Large Vehicle GPS" devices.

[1] https://www.tomtom.com/en_us/drive/car/products/go-supreme-5-inch/ - 2/13/20
[2] https://www.tomtom.com/en_us/navigation/ - 2/13/20

Figure 3[3] - TomTom Navigation Devices

26. The VIA uses a processing device, wherein the processing device processes information regarding the location of the apparatus or the location of the vehicle and information regarding a destination, wherein the processing device determines or identifies a travel route to the destination on or along a road, a roadway, a highway, a parkway or an expressway.

27. See Figure 4 below, which is an excerpt from the TomTom VIA 1525M user's manual, attached hereto as Exhibit A, depicting the display of the VIA in "guidance view" mode. As shown in the excerpt, the calculated travel route along a road is displayed as a blue line, the device's current GPS location is displayed as an arrowhead symbol (marked as item "7") and the destination is shown as a checkered flag (marked as item "4"). A processing device is necessarily used to process the information regarding the location of the apparatus or vehicle and the destination, process information regarding a destination to which the vehicle can travel, as well as to determine the travel route to the destination.

[3] https://www.tomtom.com/en_us/navigation/ - 2/13/20

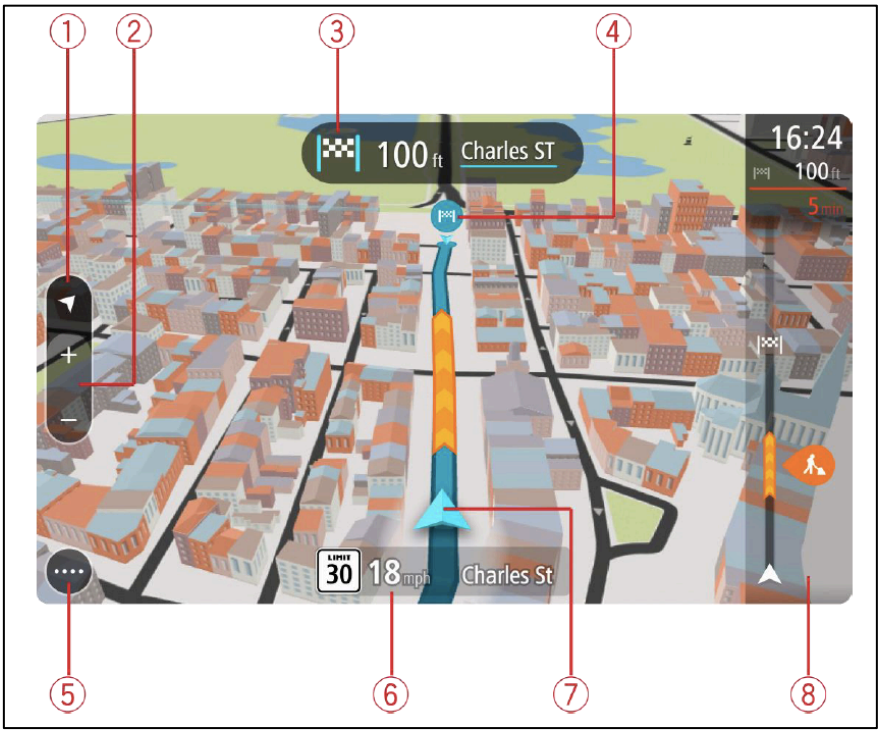


Figure 4[4] - VIA Guidance View

28. The VIA uses a display device or a speaker, wherein the display device displays information regarding the travel route or the speaker provides audio information regarding the travel route.

29. See Figure 4, reproduced below, depicting the display of the VIA in "guidance view" mode, which displays information regarding the travel route.

[4] Exhibit A – page 12

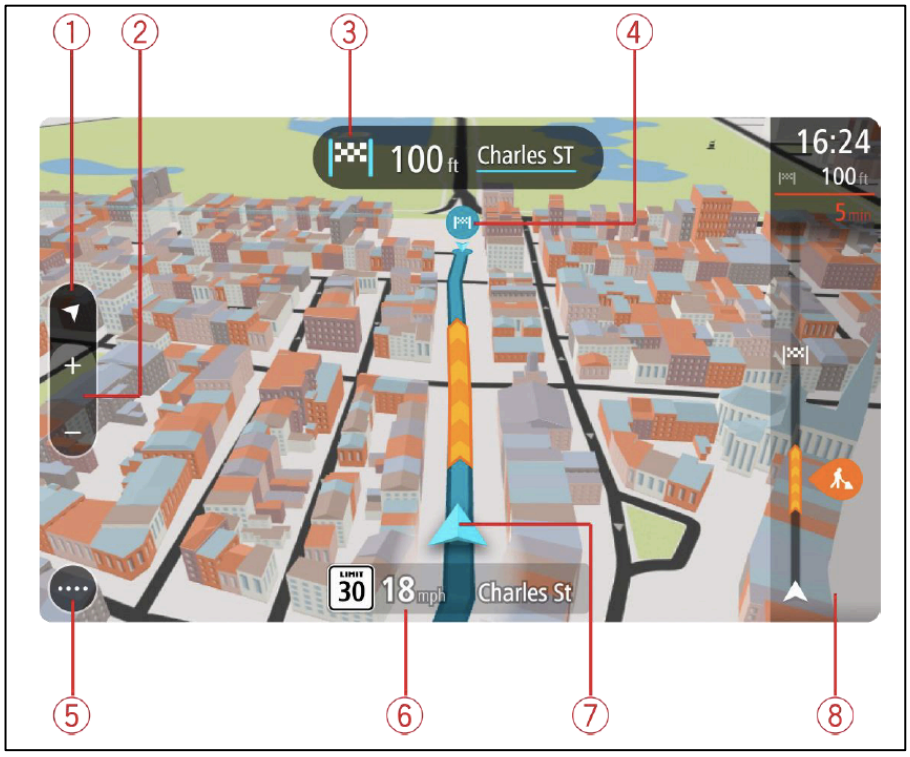


Figure 4 - VIA Guidance View

30. The VIA uses a receiver, wherein the receiver receives traffic information or information regarding a traffic condition.

31. See Figure 5 below, which is an excerpt from the TomTom VIA 1525M user's manual, indicating that traffic information is available when "using the TomTom RDS-TMC Traffic Receiver."

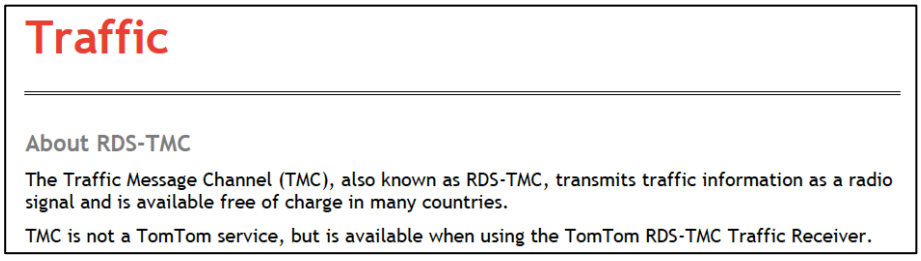
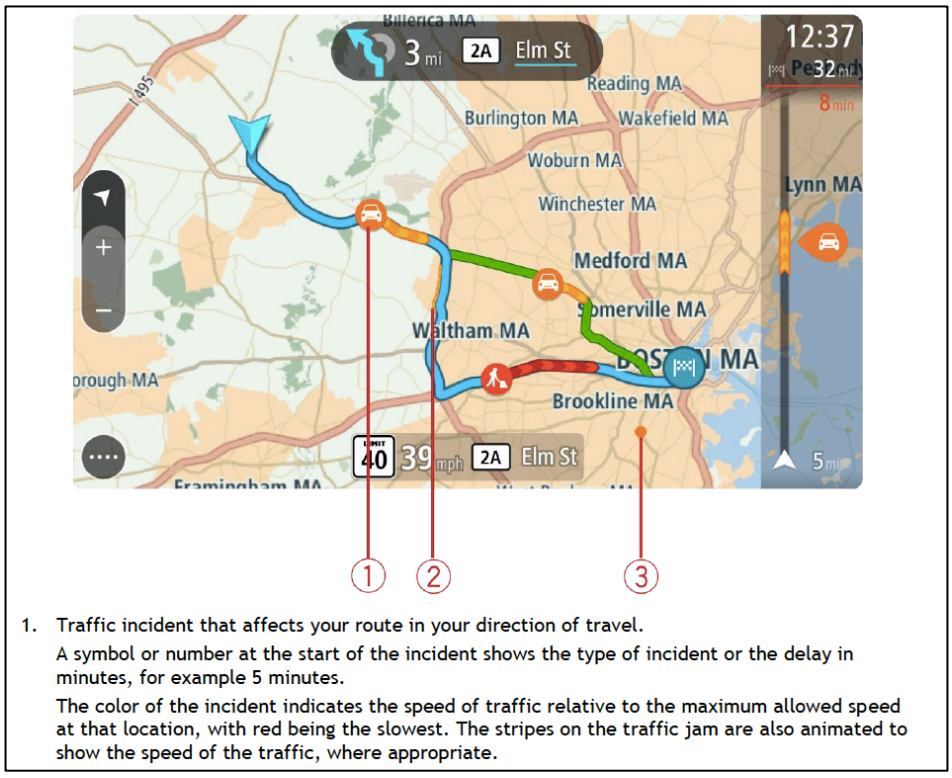


Figure 5[5] – Traffic Information

[5] Exhibit A – page 21

32. The VIA provides the traffic information or the information regarding a traffic condition via the display device or via the speaker. See Figure 6 below, which depicts the display of the VIA showing travel route information and traffic information.



1. Traffic incident that affects your route in your direction of travel.
   A symbol or number at the start of the incident shows the type of incident or the delay in minutes, for example 5 minutes.
   The color of the incident indicates the speed of traffic relative to the maximum allowed speed at that location, with red being the slowest. The stripes on the traffic jam are also animated to show the speed of the traffic, where appropriate.

Figure 6[6] – Traffic Information

33. By way of another example, the Accused Instrumentalities infringe Claim 8 of the '782 Patent by use of an apparatus that receives information regarding a weather condition and that provides the information regarding the weather condition via a display device. See Figure 7 below, which lists some of the incident symbols that are used in the VIA's map view and in the route bar to show the causes of a traffic jam. As shown, there are symbols for "rain," "fog," "ice or snow" and "wind." Thus, information regarding a weather condition is shown on the display of the VIA.

[6] Exhibit A – page 21

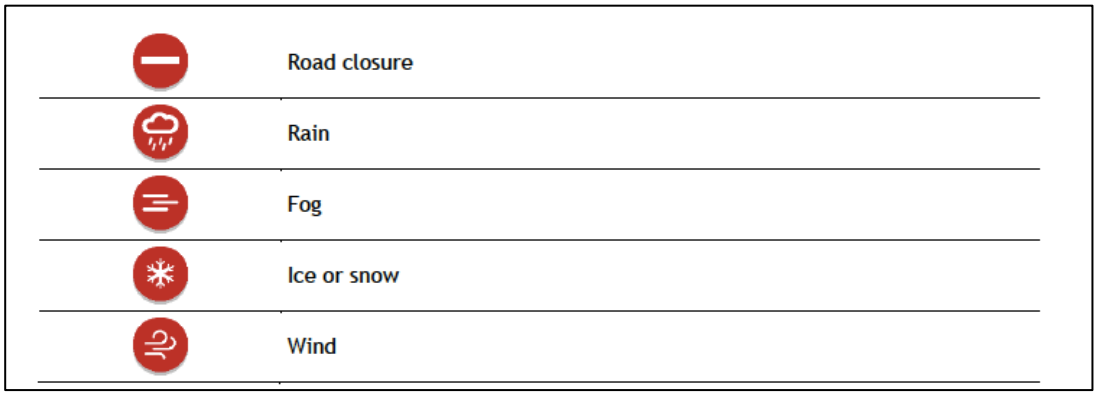


Figure 7[7] - Incident symbols

(Infringement of U.S. Patent No. 9,075,136)

34. Plaintiff incorporates the above paragraphs by reference.

35. Defendants have been on notice of the '136 Patent at least as early as the date it received service of this Original Complaint.

36. Upon information and belief, Defendants have infringed and continues to infringe at least Claims 55, 56, 61, 62, 66, 69-71, 76, 77, 82, 85, 86, 91, 94 and 95 of the '136 Patent by making, using, importing, selling, and/or, offering for sale the Accused Instrumentalities.

37. Defendants, with knowledge of the '136 Patent, infringe the '136 Patent by inducing others to infringe the '136 Patent. In particular, Defendants intend to induce their customers to infringe the '136 Patent by encouraging its customers to use the Accused Instrumentalities in a manner that results in infringement.

38. Defendants also induce others, including their customers, to infringe the '136 Patent by providing technical support for the use of the Accused Instrumentalities.

[7] Exhibit A – page 23

39. Upon information and belief, at all times Defendants own and control the operation of the Accused Instrumentalities in accordance with an end user license agreement.

40. By way of example, the Accused Instrumentalities infringe Claim 55 of the '136 Patent by use of a global positioning device, wherein the global positioning device determines a location of the apparatus or a location of a vehicle. The VIA is a representative example of the Accused Instrumentalities and is a GPS navigator (apparatus). See Figure 1, reproduced below, which is screenshot from TomTom's website, showing a picture of the VIA.

Figure 1 - VIA

41. The VIA uses a global positioning device, wherein the global positioning device determines a location of the apparatus or a location of a vehicle.

42. See Figure 2, reproduced below, which is a screenshot from TomTom's website that states "Let our **GPS** take care of lane guidance, road, and traffic updates, and directions to rest stops and attractions along the way" (emphasis added).

TomTom

Enjoy the freedom and thrill of the road! Let your GPS take care of lane guidance, road, and traffic updates, and directions to rest stops and attractions along the way.

Figure 2 - TomTom GPS

43. See also Figure 3, reproduced below, which is a screenshot from TomTom's website showing that TomTom offers "Car GPs," Motorcycle GPS," and "Large Vehicle GPS" devices.

Figure 3 – TomTom Navigation Devices

44. See also Figures 7 and 8 below, which are screenshots from TomTom's website describing TomTom's "Maps" application. Apple states that "[w]ith turn-by-turn spoken directions, interactive 3D views, proactive suggestions, lane guidance, and more, Maps gets you where you want to go."

45. In Fig. 8, Apple states that "Maps predicts the places you're most likely to go and recommends the fastest way to get there based on traffic, time of day, **your location**, and your schedule" (emphasis added). Fig. 8 also includes a mock-up of an iPhone running the Maps application, in which the blue dot on the map represents the current location of the device (i.e., iPhone XS or iPad). Thus, the VIA are capable of determining "a location of the apparatus" using "Assisted GPS" and displaying the location of the apparatus using the "Maps" application.

46. The VIA uses a processing device, wherein the processing device processes information regarding the location of the apparatus or the location of the vehicle and information regarding a destination, wherein the processing device determines or identifies a travel route to the destination on or along a road, a roadway, a highway, a parkway or an expressway.

47. See Figure 4, reproduced below, depicting the display of the VIA in "guidance view" mode. As shown in the excerpt, the calculated travel route along a road is displayed as a blue line, the device's current GPS location is displayed as an arrowhead symbol (marked as item "7") and the destination is shown as a checkered flag (marked as item "4"). A processing device is necessarily used to process the information regarding the location of the apparatus or vehicle and the destination, process information regarding a destination to which the vehicle can travel, as well as to determine the travel route to the destination.

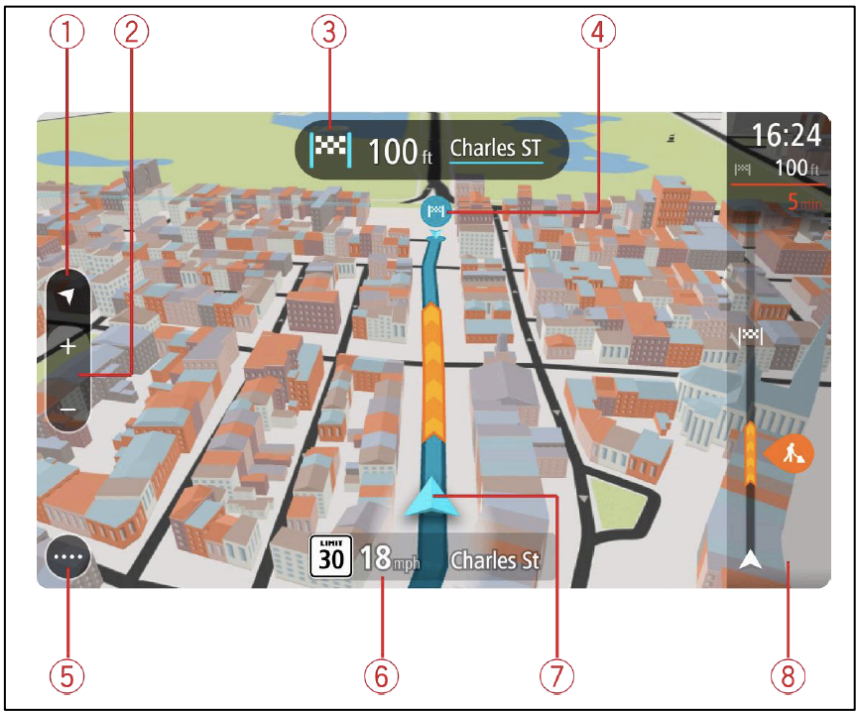


Figure 4 - VIA Guidance View

48. See also Figure 11 below, which is a screenshot from TomTom's website describing TomTom's "Maps"

application. Apple states that "Maps helps you find the way to your destination with turn-by-turn spoken directions, guidance on which lane you should be in, and the current speed limit." Fig. 11 also includes a mock-up of an iPhone running the Maps application, in which the device's current location is shown as a blue arrow with a circle around it and the travel route is highlighted with a blue line.

49. The VIA uses a display device or a speaker, wherein the display device displays information regarding the travel route or the speaker provides audio information regarding the travel route.

50. See Figure 4, reproduced below, depicting the display of the VIA in "guidance view" mode, which displays information regarding the travel route.

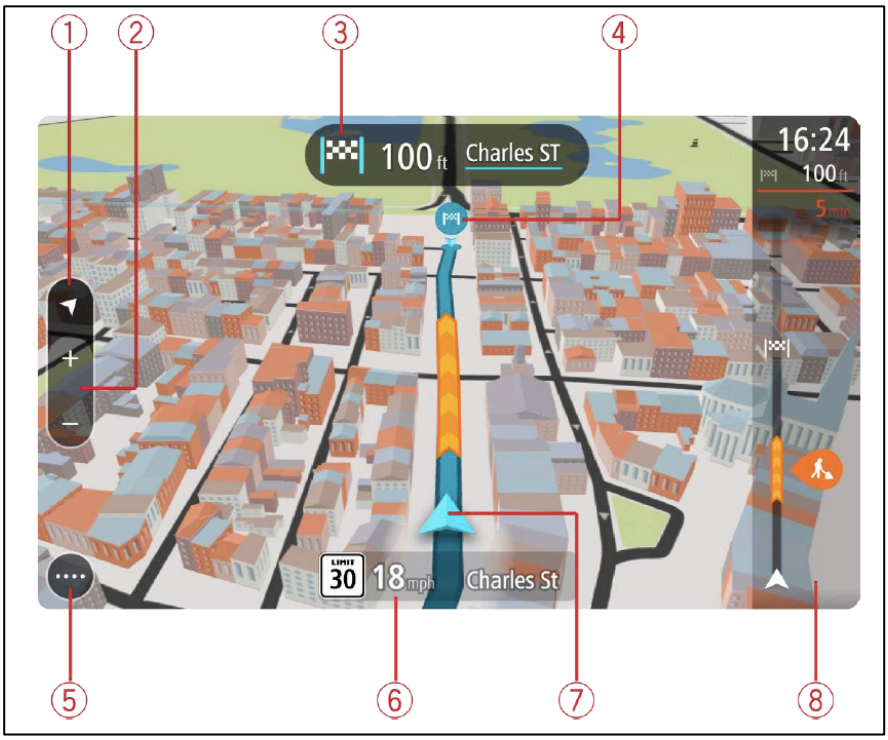


Figure 4 - VIA Guidance View

51. The VIA uses a receiver, wherein the receiver receives traffic information or information regarding a traffic condition.

52. See Figure 5, reproduced below, indicating that traffic information is available when "using the TomTom

RDS-TMC Traffic Receiver."

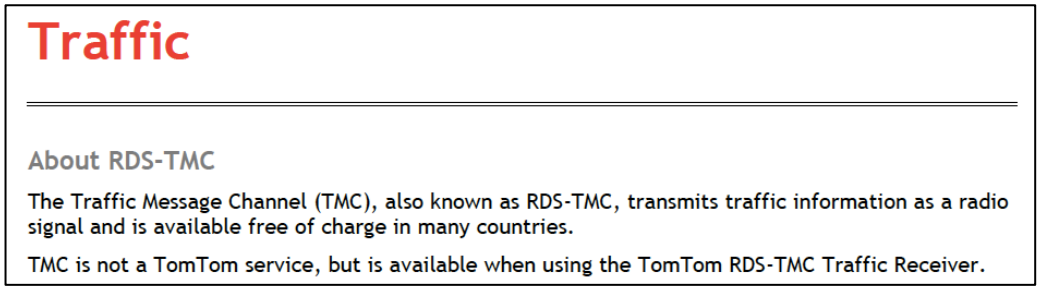


Figure 5 – Traffic Information

53. The VIA provides the traffic information or the information regarding a traffic condition via the display device or via the speaker. See Figure 6, reproduced below, which depicts the display of the VIA showing travel route information and traffic information.

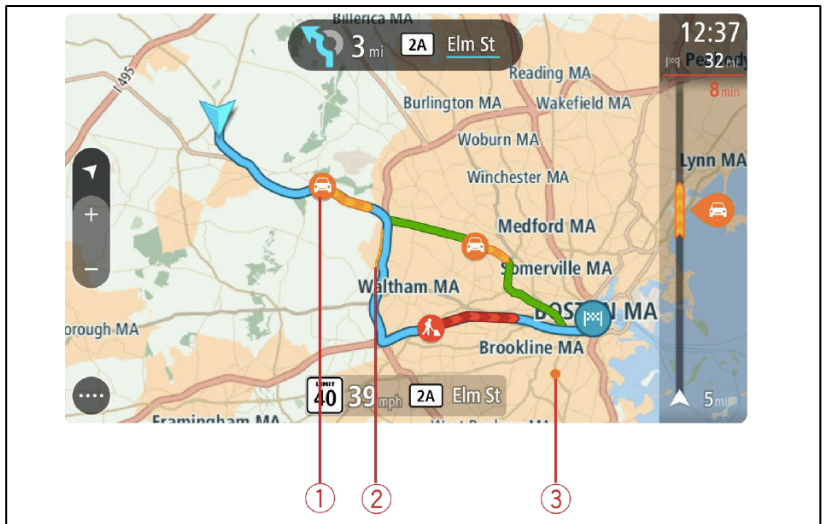


Figure 6 – Traffic Information

54. By way of another example, the Accused Instrumentalities infringe Claims 62 of the '136 Patent by use of an apparatus that receives information regarding a weather condition and that provides the information regarding the weather condition via a display device. See Figure 7, reproduced below,

which lists some of the incident symbols that are used in the VIA's map view and in the route bar to show the causes of a traffic jam. As shown, there are symbols for "rain," "fog," "ice or snow" and "wind." Thus, information regarding a weather condition is shown on the display of the VIA.

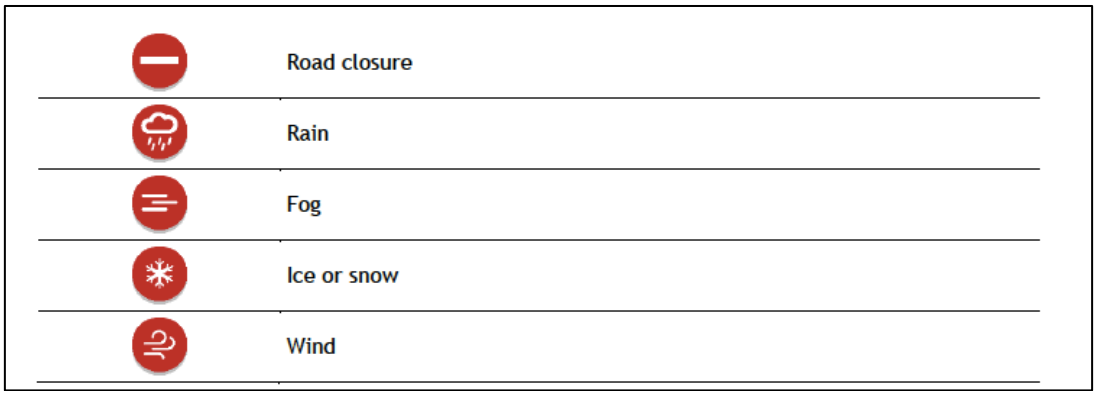


Figure 7 - Incident symbols

PRAYER FOR RELIEF

WHEREFORE, NavBlazer respectfully requests the Court enter judgment against Defendants:

1. Declaring that Defendants have infringed each of the Patents-in-Suit;
2. Awarding NavBlazer its damages suffered as a result of Defendants' infringement of the Patents-in-Suit;
3. Awarding NavBlazer its costs, attorneys' fees, expenses, and interest;
4. Awarding NavBlazer ongoing post-trial royalties; and
5. Granting NavBlazer such further relief as the Court finds appropriate.

JURY DEMAND

NavBlazer demands trial by jury, under Fed. R. Civ. P. 38.

Dated: February 14, 2020

Respectfully Submitted

/s/ Thomas Fasone III

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