

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

CTAF SOLUTIONS, LLC,

Plaintiff,

v.

HONEYWELL INTERNATIONAL INC. dba
BENDIXKING,

Defendant.

Civil Action No.:

TRIAL BY JURY DEMANDED

COMPLAINT FOR INFRINGEMENT OF PATENT

Now comes, Plaintiff, CTAF Solutions, LLC (“Plaintiff” or “CTAF”), by and through undersigned counsel, and respectfully alleges, states, and prays as follows:

NATURE OF THE ACTION

1. This is an action for patent infringement under the Patent Laws of the United States, Title 35 United States Code (“U.S.C.”) to prevent and enjoin Defendant Honeywell International Inc. dba BendixKing (hereinafter “Defendant”), from infringing and profiting, in an illegal and unauthorized manner, and without authorization and/or consent from Plaintiff from U.S. Patent No. 10,389,396 (“the ‘396 Patent” or the “Patent-in-Suit”), which is attached hereto as Exhibit A and incorporated herein by reference, and pursuant to 35 U.S.C. §271, and to recover damages, attorney’s fees, and costs.

THE PARTIES

2. Plaintiff is a Washington limited liability company with its principal place of business at 12724 128th Avenue NE, Lake Stevens, WA 98258.

3. Upon information and belief, Defendant is a corporation organized under the laws of Delaware, having a principal place of business at 9201 B San Mateo Boulevard, Albuquerque, New Mexico 87113.

4. Upon information and belief, Defendant may be served with process c/o Corporation Service Company, 251 Little Falls Drive, Wilmington, DE 19808.

5. Plaintiff is further informed and believes, and on that basis alleges, that Defendant operates the website www.bendixking.com (the “BendixKing Website”), which is in the business of providing aviation computing solutions and products, amongst other things. Defendant derives a portion of its revenue from sales and distribution via electronic transactions conducted on and using at least, but not limited to, the BendixKing Website. Plaintiff is informed and believes, and on that basis alleges, that, at all times relevant hereto, Defendant has done and continues to do business in this judicial district, including, but not limited to, providing products/services to customers located in this judicial district by way of the BendixKing Website.

JURISDICTION AND VENUE

6. This is an action for patent infringement in violation of the Patent Act of the United States, 35 U.S.C. §§1 *et seq.*

7. The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§1331 and 1338(a).

8. This Court has personal jurisdiction over Defendant by virtue of its systematic and continuous contacts with this jurisdiction and its residence in this District, as well as because of the injury to Plaintiff, and the cause of action Plaintiff has risen in this District, as alleged herein.

9. Defendant is subject to this Court’s specific and general personal jurisdiction pursuant 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 this forum state and in this judicial District; and (iii) being incorporated in this District.

10. Venue is proper in this judicial district pursuant to 28 U.S.C. §1400(b) because Defendant resides in this District under the Supreme Court's opinion in *TC Heartland v. Kraft Foods Group Brands LLC*, 137 S. Ct. 1514 (2017) through its incorporation, and regular and established place of business in this District.

FACTUAL ALLEGATIONS

11. On August 20, 2019, the United States Patent and Trademark Office ("USPTO") duly and legally issued the '396 Patent, entitled "TERRAIN AWARENESS AND WARNING AIRCRAFT INDICATOR EQUIPMENT" after a full and fair examination. The '396 Patent is attached hereto as Exhibit A and incorporated herein as if fully rewritten.

12. Plaintiff is presently the owner of the '396 Patent, having received all right, title and interest in and to the '396 Patent from the previous assignee of record. Plaintiff possesses all rights of recovery under the '396 Patent, including the exclusive right to recover for past infringement.

13. To the extent required, Plaintiff has complied with all marking requirements under 35 U.S.C. § 287.

14. Claim 1 of the '396 Patent states:

"1. A method, comprising: determining a location of interest relative to an aircraft using a terrain awareness and warning system; calculating a distance value and a bearing value for the location of interest relative to the aircraft; providing first display data to an electronic display, the first display data configured to cause the electronic display to show an aircraft situation display image indicating the location of interest relative to the aircraft; and providing second display data to the electronic display, the second display data configured

to cause the electronic display to show the calculated distance value and the calculated bearing value.” See Exhibit A.

15. Claim 13 of the ‘396 Patent states:

“13. A system, comprising: an electronic display; and an electronic processor configured to: determine a location of interest relative to an aircraft using a terrain awareness and warning system; calculate a distance value and a bearing value for the location of interest relative to the aircraft; provide first display data to an electronic display, the first display data configured to cause the electronic display to show an aircraft situation display image indicating the location of interest relative to the aircraft; and provide second display data to the electronic display, the second display data configured to cause the electronic display to show the calculated distance value and the calculated bearing value.” See Exhibit A.

16. Defendant commercializes, inter alia, a product that perform all the steps recited in at least one claim of the ‘396 Patent. More particularly, Defendant commercializes, inter alia, a product that enables the system of Claim 13 and that perform all the steps recited in Claim 1 of the ‘396 Patent.

DEFENDANT’S PRODUCT(S)

17. Defendant offers solutions, such as “AERONAV GPS NAVIGATION SYSTEM” (the “Accused Product”), that is a self-contained, fault-tolerant, multi-function display. A non-limiting and exemplary claim chart comparing the Accused Product of Claim 1 of the ‘396 Patent is attached hereto as Exhibit B and is incorporated herein as if fully rewritten.

18. As recited in one step of Claim 1, the Accused Product, at least in internal testing and usage, practices a method for determining a location of interest relative to an aircraft using a terrain awareness and warning system. Namely, the Accused Product provides displays/processors for helping pilots in aircraft navigation and determines the real time situation

of the aircraft using terrain maps. The Accused Product can accept input from the TAWS because it purportedly works with any avionics suite. See Exhibit B.

19. As recited in another step of Claim 1, the Accused Product, at least in internal testing and usage, practices calculating a distance value and a bearing value for the location of interest relative to the aircraft. Namely, the Accused Product calculates the distance and the bearing angle to a designated waypoint or destination. See Exhibit B.

20. As recited in another step of Claim 1, the Accused Product, at least in internal testing and usage, practices providing first display data to an electronic display, the first display data configured to cause the electronic display to show an aircraft situation display image indicating the location of interest relative to the aircraft. Namely, a first display data that shows aircraft situation display image with respect to a waypoint. See Exhibit B.

21. As recited in another step of Claim 1, the Accused Product, at least in internal testing and usage, practices providing second display data to the electronic display, the second display data configured to cause the electronic display to show the calculated distance value and the calculated bearing value. Namely, a second display shows the distance and bearing angle to the destination. See Exhibit B.

22. As recited in Claim 13, the Accused Product enables a system, comprising: an electronic display; and an electronic processor configured to: determine a location of interest relative to an aircraft using a terrain awareness and warning system; calculate a distance value and a bearing value for the location of interest relative to the aircraft; provide first display data to an electronic display, the first display data configured to cause the electronic display to show an aircraft situation display image indicating the location of interest relative to the aircraft; and

provide second display data to the electronic display, the second display data configured to cause the electronic display to show the calculated distance value and the calculated bearing value.

23. The elements described in preceding Paragraphs are covered by at least Claim 1 and 13 of the '396 Patent. Thus, Defendant's manufacture, use, or sale of the Accused Product enables the method and system described in the '396 Patent.

INFRINGEMENT OF THE '396 PATENT

24. Plaintiff realleges and incorporates by reference all of the allegations set forth in preceding Paragraphs.

25. In violation of 35 U.S.C. § 271, Defendant is now, and has been directly infringing the '396 Patent.

26. Defendant has had knowledge of infringement of the '396 Patent at least as of the service of the present Complaint.

27. Defendant has directly infringed and continues to directly infringe at least one claim of the '396 Patent by using, at least through internal testing or otherwise, the Accused Product without authority in the United States, and will continue to do so unless enjoined by this Court. As a direct and proximate result of Defendant's direct infringement of the '396 Patent, Plaintiff has been and continues to be damaged.

28. Defendant has induced others to infringe the '396 Patent by encouraging infringement, knowing that the acts Defendant induced constituted patent infringement, and its encouraging acts actually resulted in direct patent infringement.

29. By engaging in the conduct described herein, Defendant has injured Plaintiff and is thus liable for infringement of the '396 Patent, pursuant to 35 U.S.C. § 271.

30. Defendant has committed these acts of infringement without license or authorization.

31. As a result of Defendant's infringement of the '396 Patent, Plaintiff has suffered monetary damages and is entitled to a monetary judgment in an amount adequate to compensate for Defendant's past infringement, together with interests and costs.

32. Plaintiff will continue to suffer damages in the future unless Defendant's infringing activities are enjoined by this Court. As such, Plaintiff is entitled to compensation for any continuing and/or future infringement up until the date that Defendant is finally and permanently enjoined from further infringement.

33. Plaintiff reserves the right to modify its infringement theories as discovery progresses in this case; it shall not be estopped for infringement contention or claim construction purposes by the claim charts that it provides with this Complaint. The claim chart depicted in Exhibit B is intended to satisfy the notice requirements of Rule 8(a)(2) of the Federal Rule of Civil Procedure and does not represent Plaintiff's preliminary or final infringement contentions or preliminary or final claim construction positions.

DEMAND FOR JURY TRIAL

34. Plaintiff demands a trial by jury of any and all causes of action.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for the following relief:

a. That Defendant be adjudged to have directly infringed the '396 Patent either literally or under the doctrine of equivalents;

b. An accounting of all infringing sales and damages including, but not limited to, those sales and damages not presented at trial;

c. That Defendant, its officers, directors, agents, servants, employees, attorneys, affiliates, divisions, branches, parents, and those persons in active concert or participation with any of them, be permanently restrained and enjoined from directly infringing the '396 Patent;

d. An award of damages pursuant to 35 U.S.C. §284 sufficient to compensate Plaintiff for the Defendant's past infringement and any continuing or future infringement up until the date that Defendant is finally and permanently enjoined from further infringement, including compensatory damages;

e. An assessment of pre-judgment and post-judgment interest and costs against Defendant, together with an award of such interest and costs, in accordance with 35 U.S.C. §284;

f. That Defendant be directed to pay enhanced damages, including Plaintiff's attorneys' fees incurred in connection with this lawsuit pursuant to 35 U.S.C. §285; and

g. That Plaintiff be granted such other and further relief as this Court may deem just and proper.

Dated: April 21, 2020

Respectfully submitted,

CHONG LAW FIRM PA

Together with:

SAND, SEBOLT & WERNOW CO., LPA

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