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

NAVBLAZER, LLC, Plaintiff v. **APPLE, INC.,** Defendant	**Case No. 6:20-cv-00085-ADA** **JURY TRIAL DEMANDED**

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

NavBlazer, LLC ("NavBlazer") hereby files this First Amended Complaint for Patent Infringement against Defendant Apple, Inc. ("Apple"), and alleges, upon 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. Apple is a California corporation with its principal place of business at 1 Infinite Loop, Cupertino, California 95014. Apple may be served with process through its registered agent CT Corporation System, located at 1999 Bryan St., Suite 900, Dallas, Texas 75201. Apple designs, manufactures, makes, uses, imports into the United States, sells, and/or offers for sale in the United States Apple smartphones, tablets, smartwatches, macs, and Apple servers. Apple's

smartphones, tablets, smartwatches, and macs are marketed, used, offered for sale, and/or sold throughout the United States, including within this district.

JURISDICTION AND VENUE

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

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

5. This Court has personal jurisdiction over Apple. Apple has continuous and systematic business contacts with the state of Texas. Apple, directly or through subsidiaries or intermediaries (including distributors, retailers, and others), conducts its 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. Apple, directly and through subsidiaries or intermediaries (including distributors, retailers, and others), has 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. Apple has offered and sold and continues to offer and sell these infringing products and services in this district, including at physical Apple stores located within this district. Apple and its 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 Apple's servers, in this district, including when Apple and its customers put the accused devices into service and receive a benefit, and Apple is liable for these additional acts of direct infringement and indirect infringement in this district.

Apple has 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

6. 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").
7. 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."
8. The Patents-in-Suit are valid, enforceable, and were duly issued in full compliance with Title 35 of the United States Code.
9. The inventions described and claimed in the Patents-in-Suit were invented by Raymond Anthony Joao.
10. The priority date of each of the Patents-in-Suit is at least as early as March 4, 1998.
11. 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.

12. 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.

ACCUSED INSTRUMENTALITIES

13. Upon information and belief, Apple, under the brand name "iPhone" and "iPad" sells, advertises, offers for sale, uses, or otherwise provides mobile devices with navigation functionality. Upon information and belief, these products include, but are not necessarily limited to, "iPhone 5C," "iPhone 5S," "iPhone 6," "iPhone 6 Plus," "iPhone 6S," "iPhone 6S Plus," "iPhone SE," "iPhone 7," "iPhone 7 Plus," "iPhone 8," "iPhone 8 Plus," "iPhone X," "iPhone XS," "iPhone XS Max," "iPhone XR," "iPhone 11," "iPhone 11 Pro," "iPhone 11 Pro Max," "iPad" (2nd generation and higher), "iPad 2," "iPad Air," "iPad Mini" (all generations), "iPad Mini 2," iPad Mini 3," "iPad Air 2," "iPad Mini 4," and "iPad Pro" (all generations) (collectively, the Accused Instrumentalities").

COUNT I

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

14. Plaintiff incorporates the above paragraphs by reference.

15. Apple has been on notice of the '782 Patent at least as early as the date it received service of this Original Complaint.

16. Upon information and belief, Apple has directly infringed and continues to directly infringe at least Claims 1 and 8 of the '782 Patent by making, using, importing, selling, and/or, offering for sale the Accused Instrumentalities.

17. By way of example, the Accused Instrumentalities infringes 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. The iPhone XS and iPad are representative examples and are mobile devices (apparatuses). See Figure 1 below, showing a picture of the iPhone XS. See also Figure 2 below, showing a picture of the iPad.

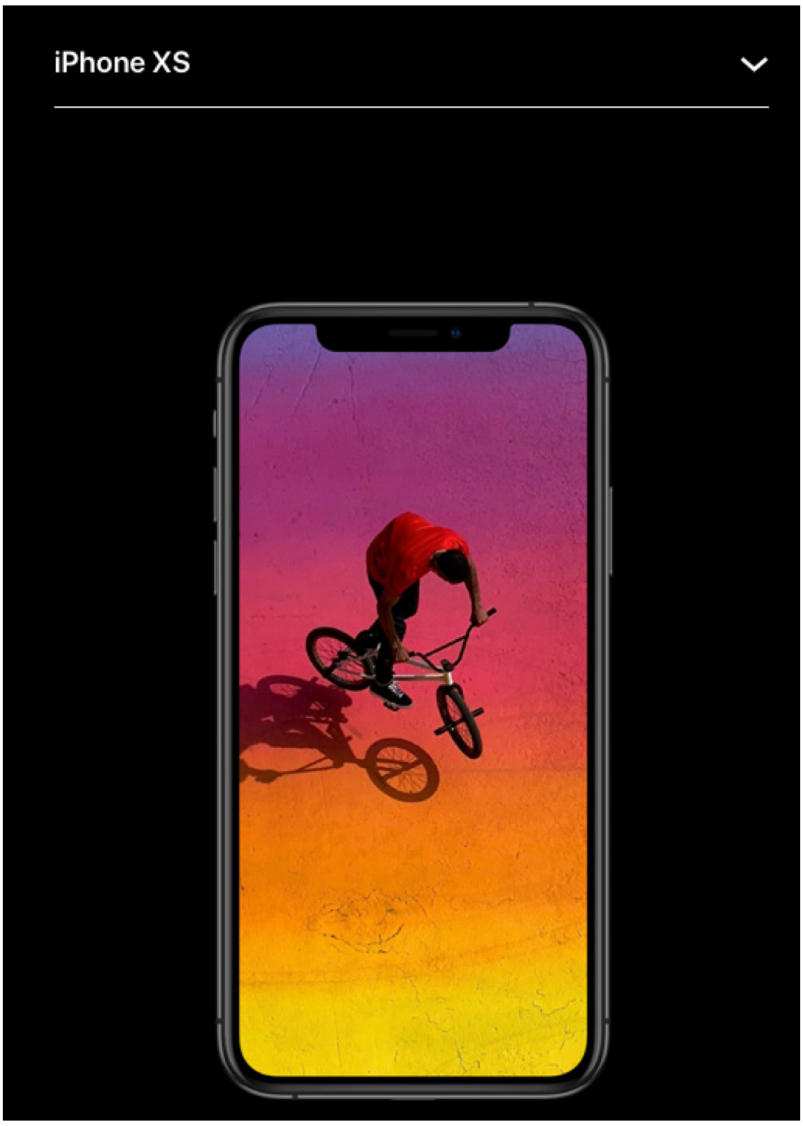


Figure 1[1] - Apple's iPhone XS

[1] https://www.apple.com/iphone-xs/display/ - 9/10/19

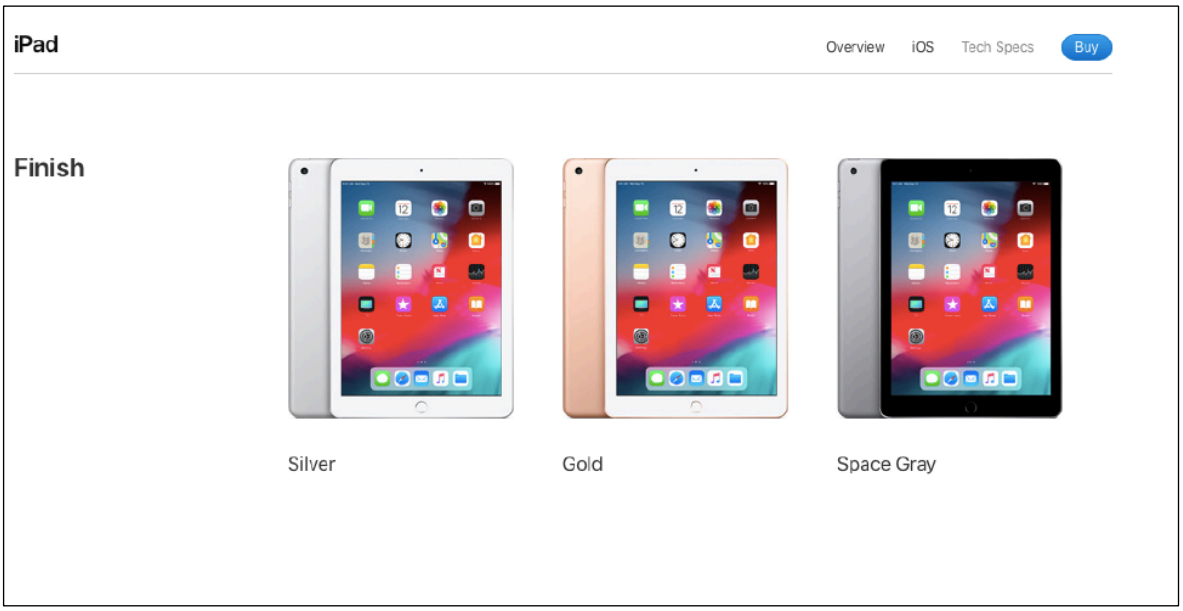


Figure 2[2] - Apple's iPad.

18. The iPhone XS and iPad both use a global positioning device, wherein the global positioning device determines a location of the apparatus or a location of a vehicle.

19. See Figures 3 and 4 below, which are screenshots from Apple's website describing the "location" features of the iPhone XS and iPad, respectfully, which each include "Assisted GPS." The iPhone XS and the iPad must necessarily include a global positioning device in order to offer "Assisted GPS."

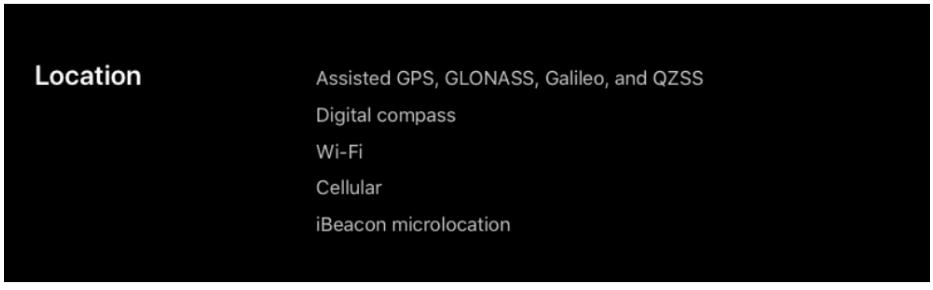


Figure 3[3] - iPhone XS location specifications

[2] https://www.apple.com/ipad-9.7/specs/ - 9/10/19
[3] https://www.apple.com/iphone-xs/specs/ - 9/10/19

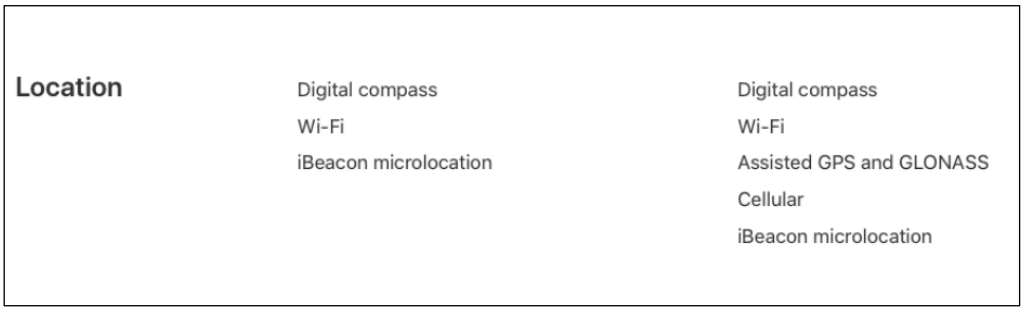


Figure 4[4] - iPad location specifications

20. See also Figures 5 and 6 below, which are screenshots from Apple's website listing the applications that come "built-in" with the iPhone XS and iPad, respectfully. The applications include Apple's "Maps" application, which provides location information and navigation information utilizing Apple's "Assisted GPS."

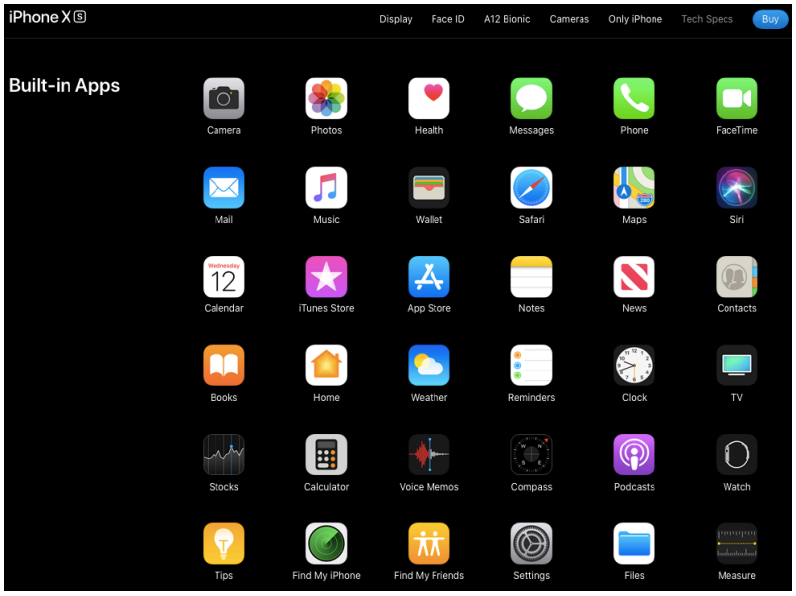


Figure 5[5] - iPhone built-in applications

[4] https://www.apple.com/ipad-9.7/specs/ - 9/10/19
[5] https://www.apple.com/iphone-xs/specs/ - 9/10/19

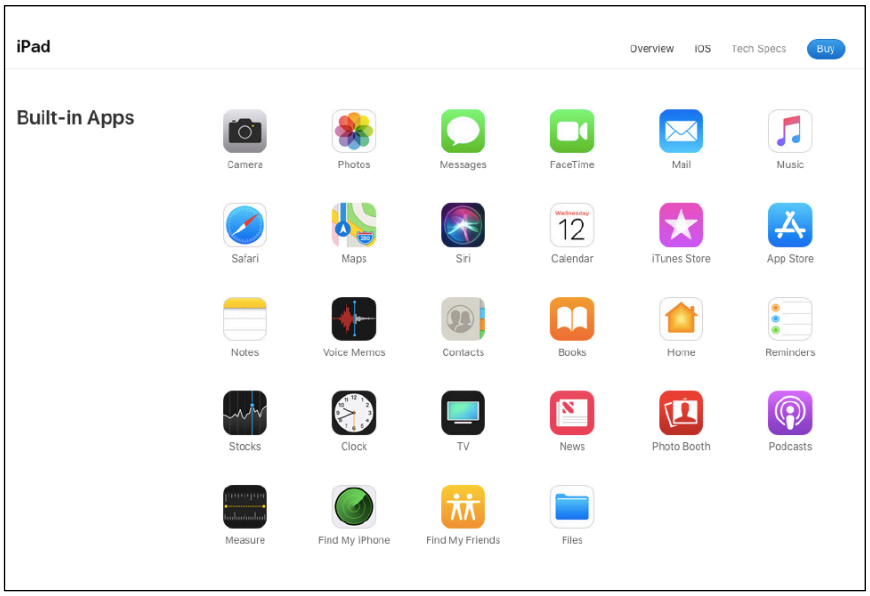


Figure 6[6] - iPad built-in applications

21. See also Figures 7 and 8 below, which are screenshots from Apple's website describing Apple'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."

22. 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 iPhone XS and iPad are capable of determining "a location of the apparatus" using "Assisted GPS" and displaying the location of the apparatus using the "Maps" application.

[6] https://www.apple.com/ipad-9.7/specs/ - 9/10/19

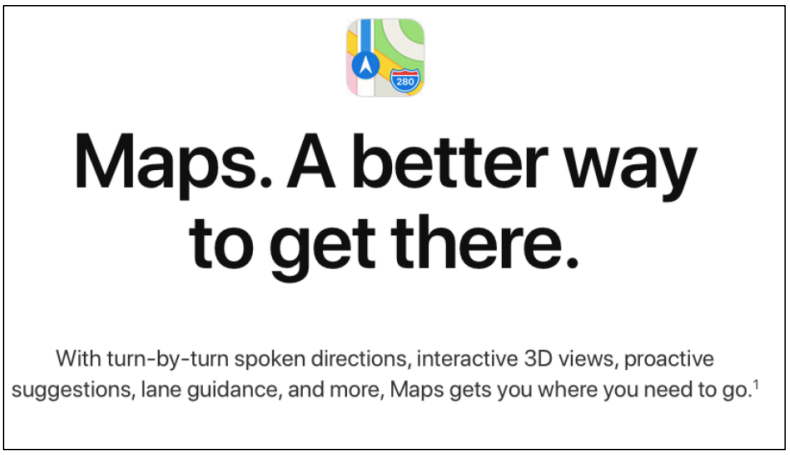


Figure 7[7] - Maps application

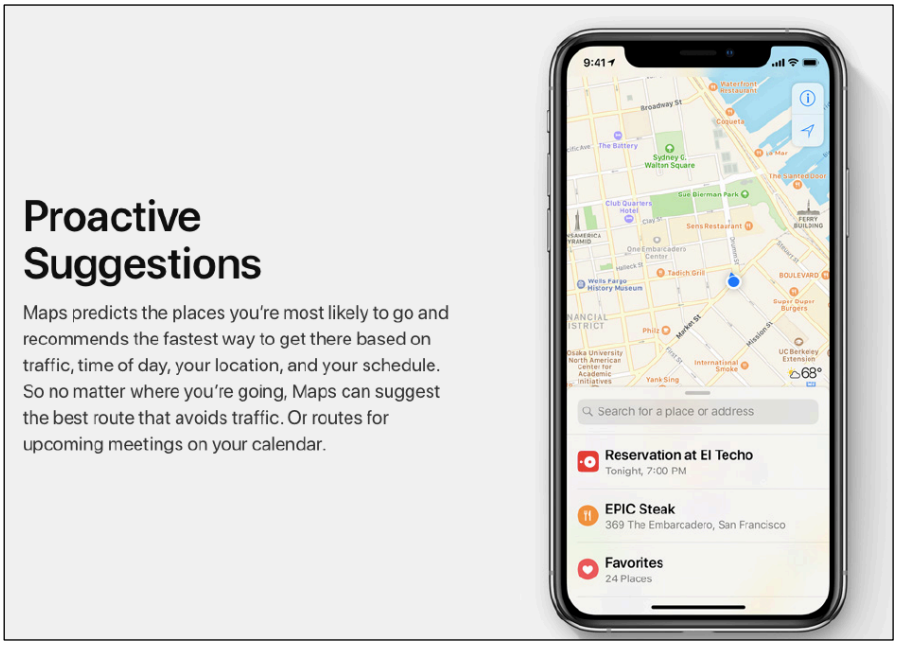


Figure 8[8] - Maps application

23. The iPhone XS and iPad both use a processing device, wherein the processing device processes

[7] https://www.apple.com/ios/maps/ - 9/10/19
[8] https://www.apple.com/ios/maps/ - 9/10/19

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.

24. See Figure 9 below, which is a screenshot of Apple's website explaining the "Apple-designed CPU" (i.e., processor) used in the iPhone XS. See also Figure 10 below, which is a screenshot of Apple's website indicating that the A10 Fusion chip (i.e., processor) is used in the iPad.

25. The processing devices used in the iPhone XS and iPad are necessarily used to process the information regarding the location of the apparatus or vehicle and the destination, as well as to calculate the travel route to the destination using "Assisted GPS" and the "Maps" application.

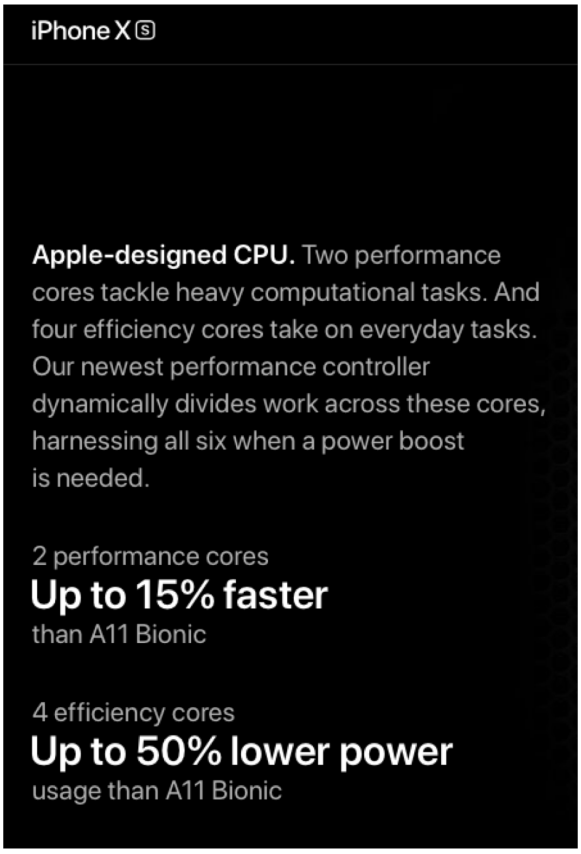


Figure 9[9] - iPhone XS CPU

[9] https://www.apple.com/iphone-xs/a12-bionic/ - 9/10/19

Figure 10[10] - iPad A10 chip

26. See also Figure 11 below, which is a screenshot from Apple's website describing Apple'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.

[10] https://www.apple.com/ipad-9.7/specs/ - 9/10/19

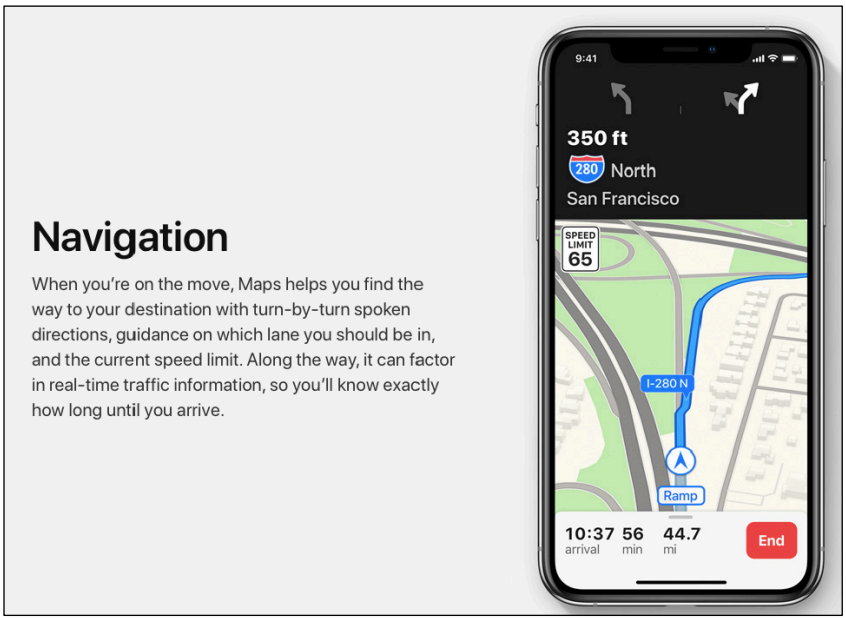


Figure 11[11] - Maps application

27. The iPhone XS and iPad both use 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.

28. See Figure 11, reproduced below, describing 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. The iPad is also bundled with the Maps application and would operate in the same manner.

[11] https://www.apple.com/ios/maps/ - 9/10/19

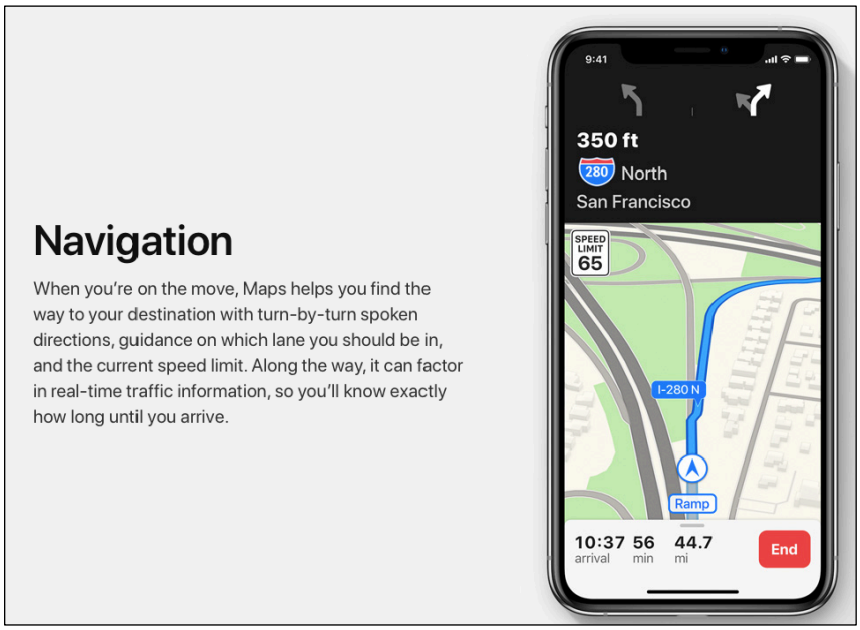


Figure 11 - Maps application

29. The iPhone XS and iPad both use a receiver, wherein the receiver receives traffic information or information regarding a traffic condition.

30. See Figure 8, reproduced below, in which 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).

31. See also Figure 11, reproduced below, describing 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. Along the way, it can factor in **real-time traffic information**, so you'll know exactly how long until you arrive" (emphasis added).

32. A receiver is necessarily required in order to receive real-time traffic information.

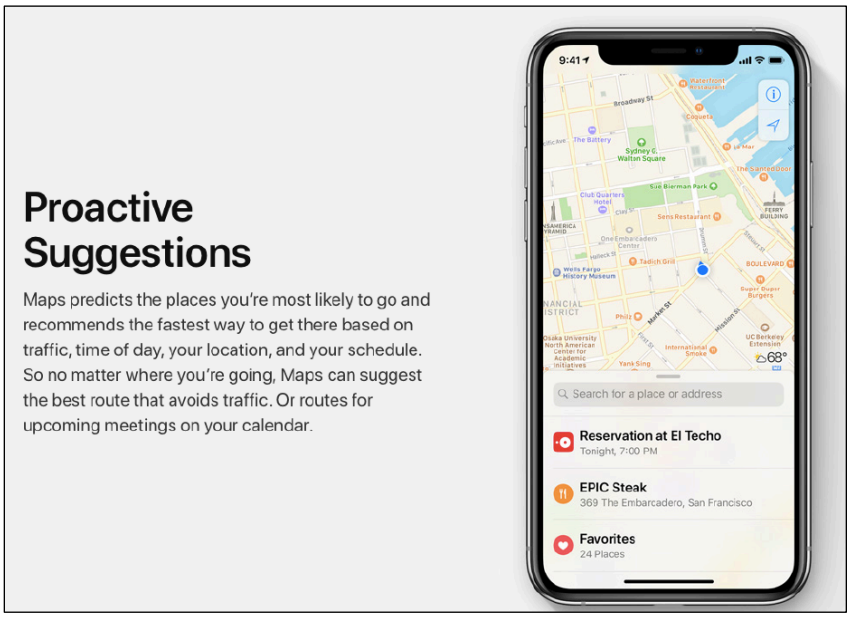


Figure 8 - Maps application

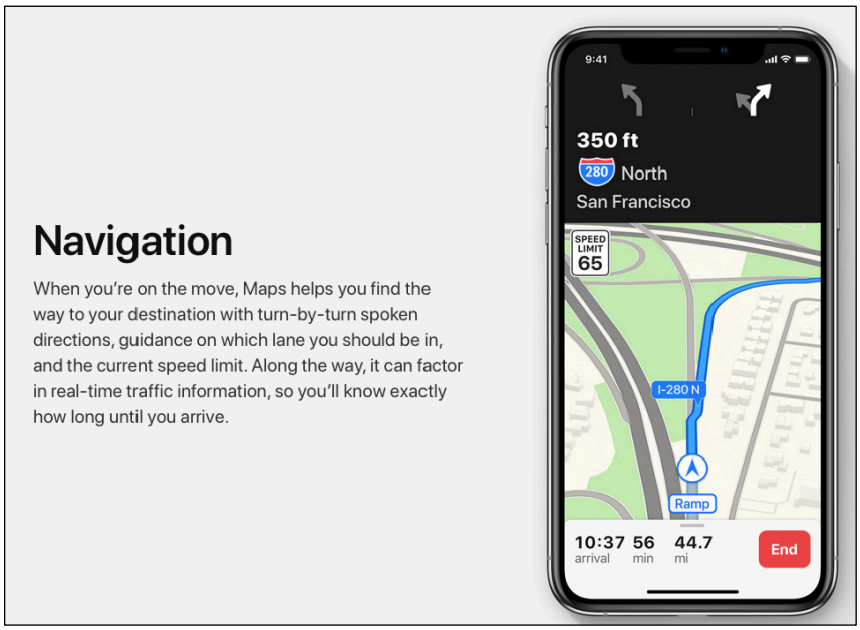
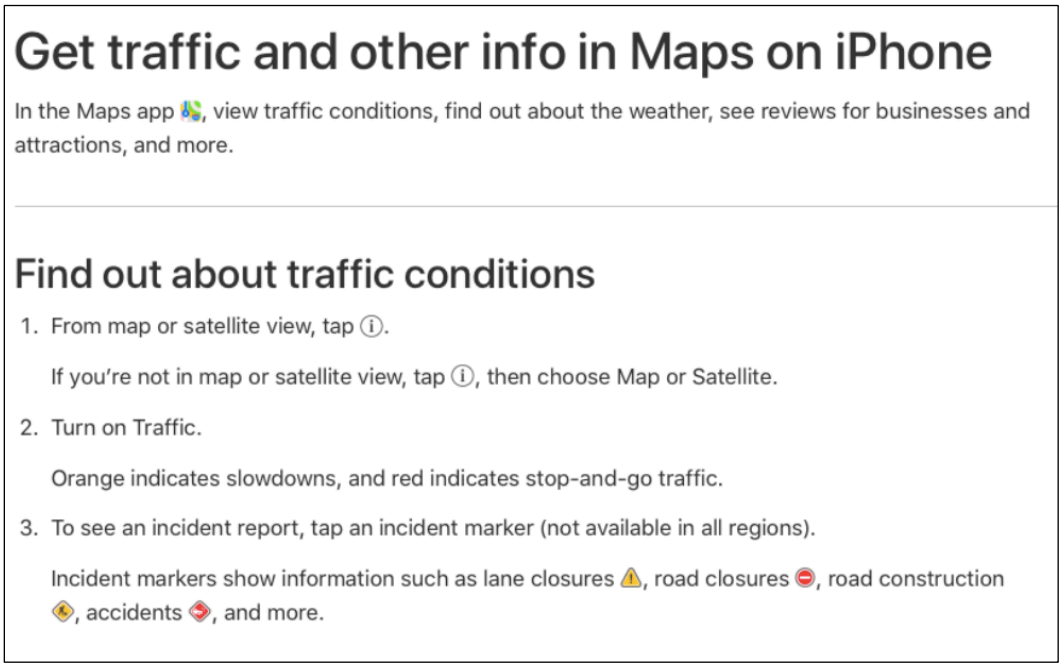


Figure 11 - Maps application

33. The iPhone XS and iPad both provide the traffic information or the information regarding a traffic condition via the display device or via the speaker.

34. See Figure 12 below, which is a screenshot from Apple's website that explains how to display traffic

conditions on the "Maps" application on an iPhone. Apple states that "[o]range indicates slowdowns and red indicates stop-and-go traffic."



Get traffic and other info in Maps on iPhone

In the Maps app, view traffic conditions, find out about the weather, see reviews for businesses and attractions, and more.

Find out about traffic conditions

1. From map or satellite view, tap ⓘ.

   If you're not in map or satellite view, tap ⓘ, then choose Map or Satellite.

2. Turn on Traffic.

   Orange indicates slowdowns, and red indicates stop-and-go traffic.

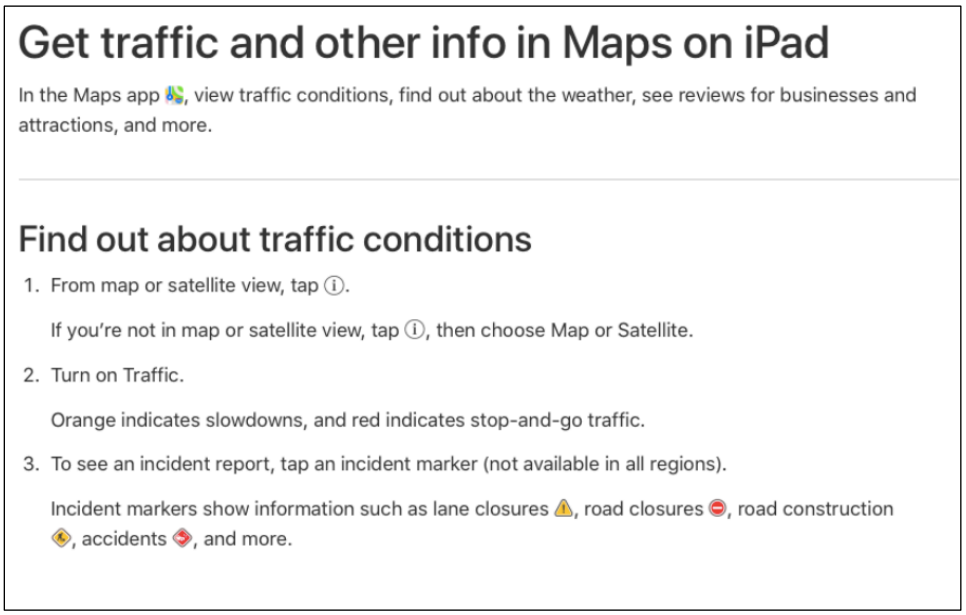
3. To see an incident report, tap an incident marker (not available in all regions).

   Incident markers show information such as lane closures, road closures, road construction, accidents, and more.

Figure 12[12] - Traffic information on Maps application.

35. See also Figure 13 below, which is a screenshot from Apple's website that explains how to display traffic conditions on the "Maps" application on an iPad. Apple states that "[o]range indicates slowdowns and red indicates stop-and-go traffic."

[12] https://support.apple.com/guide/iphone/get-traffic-and-other-info-iphbe0a968ca/ios - 9/10/19



Get traffic and other info in Maps on iPad

In the Maps app, view traffic conditions, find out about the weather, see reviews for businesses and attractions, and more.

Find out about traffic conditions

1. From map or satellite view, tap ⓘ.

   If you're not in map or satellite view, tap ⓘ, then choose Map or Satellite.

2. Turn on Traffic.

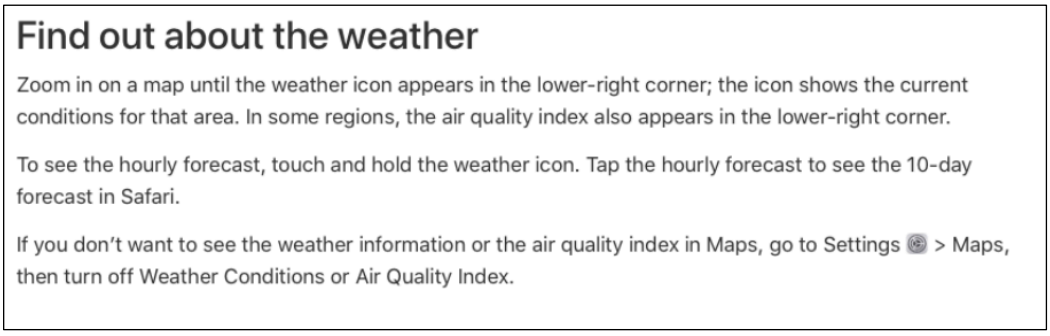
   Orange indicates slowdowns, and red indicates stop-and-go traffic.

3. To see an incident report, tap an incident marker (not available in all regions).

   Incident markers show information such as lane closures, road closures, road construction, accidents, and more.

Figure 13[13] - Traffic information on Maps application

36. 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 14 below, describing how one can zoom on the map to obtain current weather conditions.



Find out about the weather

Zoom in on a map until the weather icon appears in the lower-right corner; the icon shows the current conditions for that area. In some regions, the air quality index also appears in the lower-right corner.

To see the hourly forecast, touch and hold the weather icon. Tap the hourly forecast to see the 10-day forecast in Safari.

If you don't want to see the weather information or the air quality index in Maps, go to Settings > Maps, then turn off Weather Conditions or Air Quality Index.

Figure 14[14] - Traffic information on Maps application

[13] https://support.apple.com/guide/ipad/get-traffic-and-other-info-ipad9934089f/ios - 9/10/19
[14] https://support.apple.com/guide/ipad/get-traffic-and-weather-info-ipad9934089f/ipados - 1/30/20

COUNT II

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

37. Plaintiff incorporates the above paragraphs by reference.

38. Apple has been on notice of the '136 Patent at least as early as the date it received service of this Original Complaint.

39. Upon information and belief, Apple has infringed and continues to infringe at least Claims 55 and 62 of the '136 Patent by making, using, importing, selling, and/or, offering for sale the Accused Instrumentalities.

40. By way of example, the Accused Instrumentalities infringes 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. On information and belief, the iPhone XS and iPad are mobile devices (apparatuses). See Figure 1 below, showing a picture of the iPhone XS. See also Figure 2 below, showing a picture of the iPad.

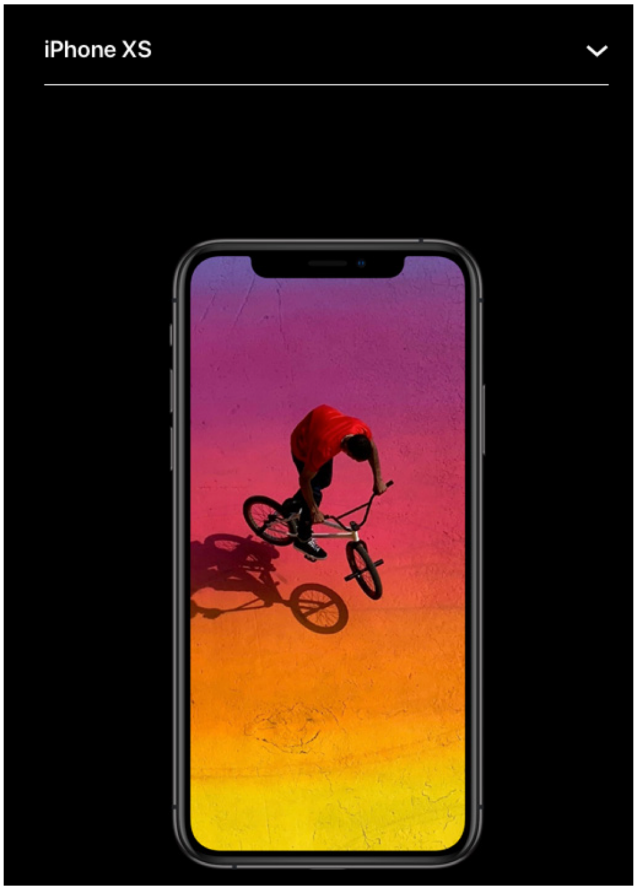


Figure 1 - Apple's iPhone XS

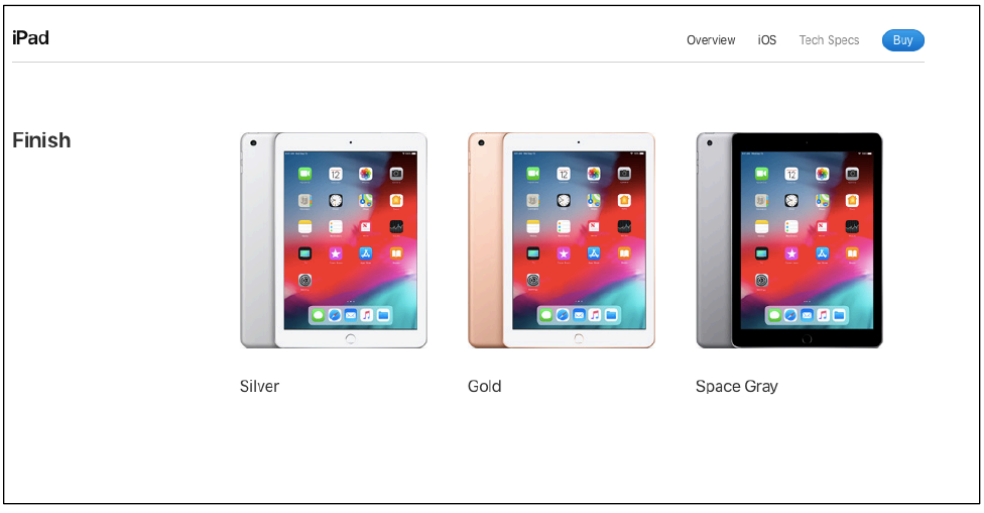


Figure 2 - Apple's iPad

41. The iPhone XS and iPad both use a global positioning device, wherein the global positioning device determines a location of the apparatus or a location of a vehicle.

42. See Figures 3 and 4 below, which are screenshots from Apple's website describing the "location" features of the iPhone XS and iPad, respectfully, which each include "Assisted GPS." The iPhone XS and the iPad must necessarily include a global positioning device in order to offer "Assisted GPS."

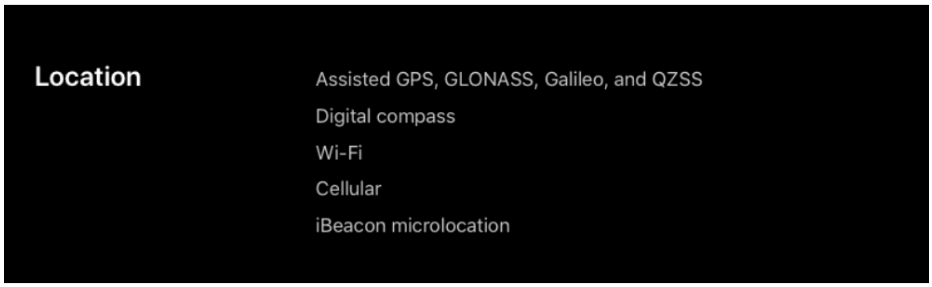


Figure 3 - iPhone XS location specifications

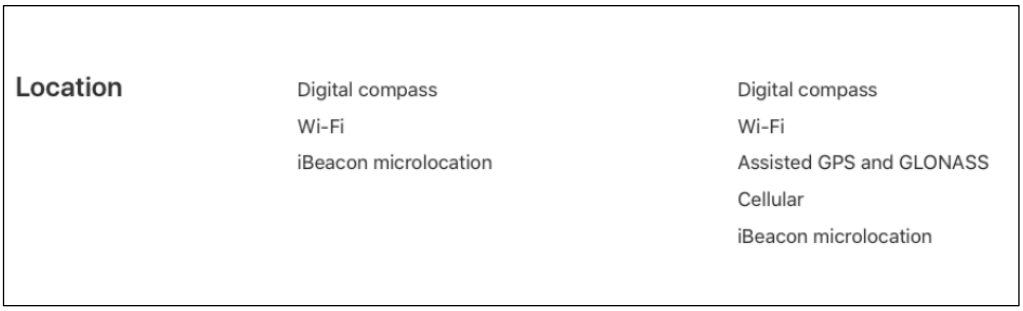


Figure 4 - iPad location specifications

43. See also Figures 5 and 6 below, which are screenshots from Apple's website listing the applications that come "built-in" with the iPhone XS and iPad, respectfully. The applications include Apple's "Maps" application, which provides location information and navigation information utilizing Apple's "Assisted GPS."

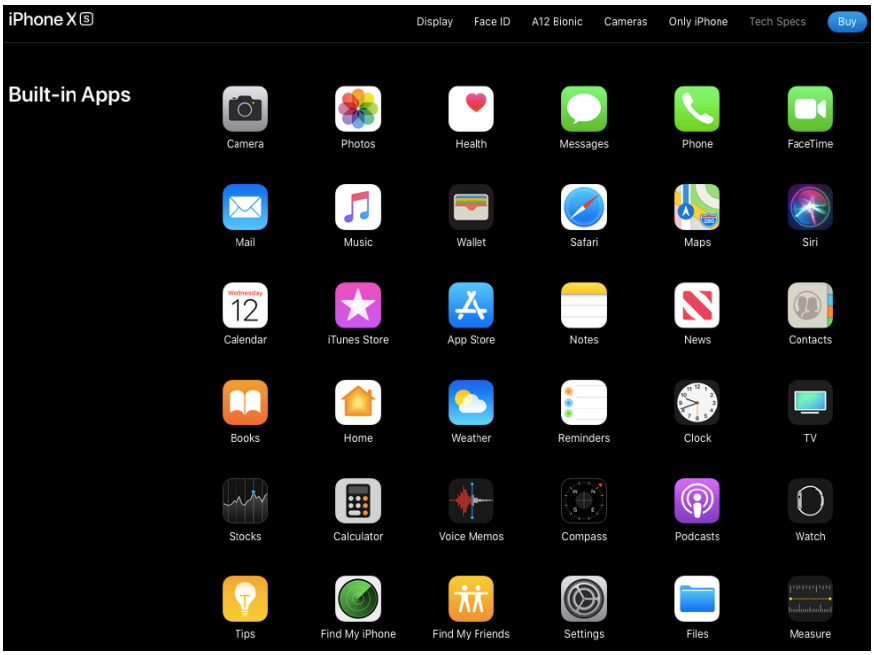


Figure 5 - iPhone built-in applications

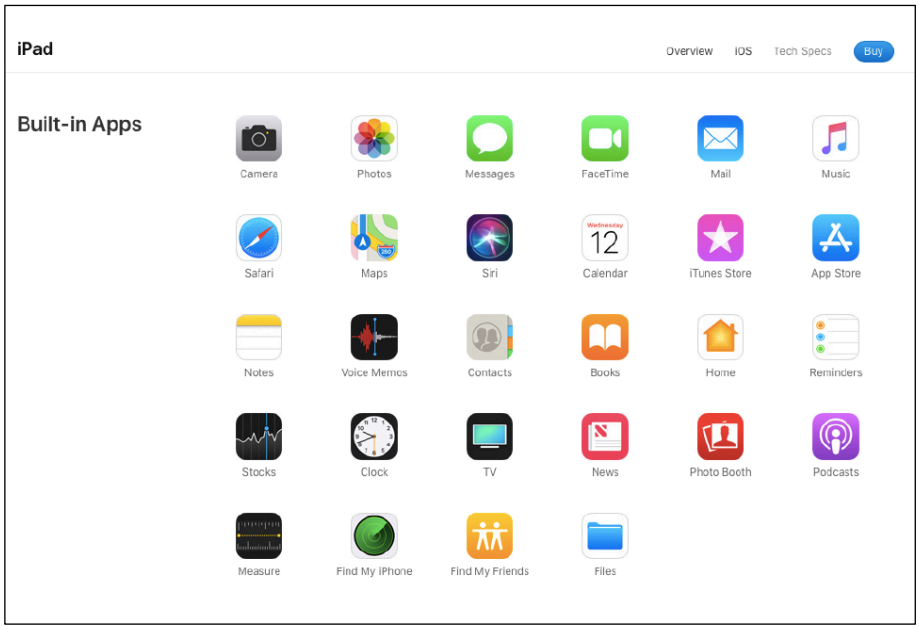


Figure 6 - iPad built-in applications

44. See also Figures 7 and 8 below, which are screenshots from Apple's website describing Apple'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 iPhone XS and iPad are capable of determining "a location of the apparatus" using "Assisted GPS" and displaying the location of the apparatus using the "Maps" application.

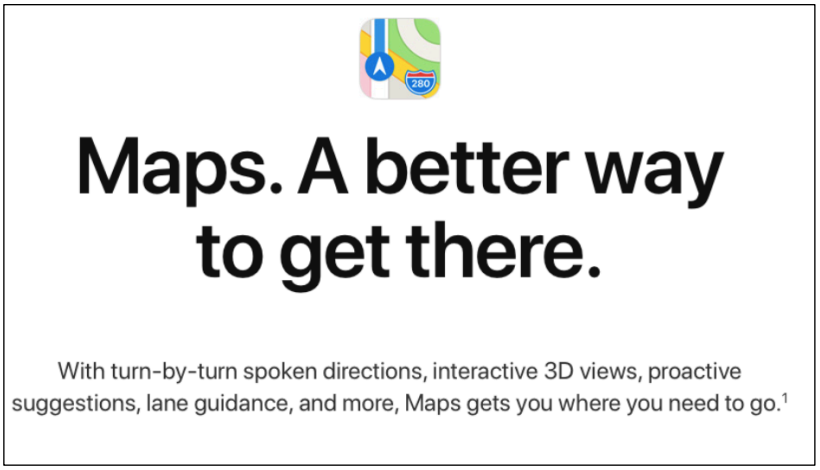


Figure 7 - Maps application

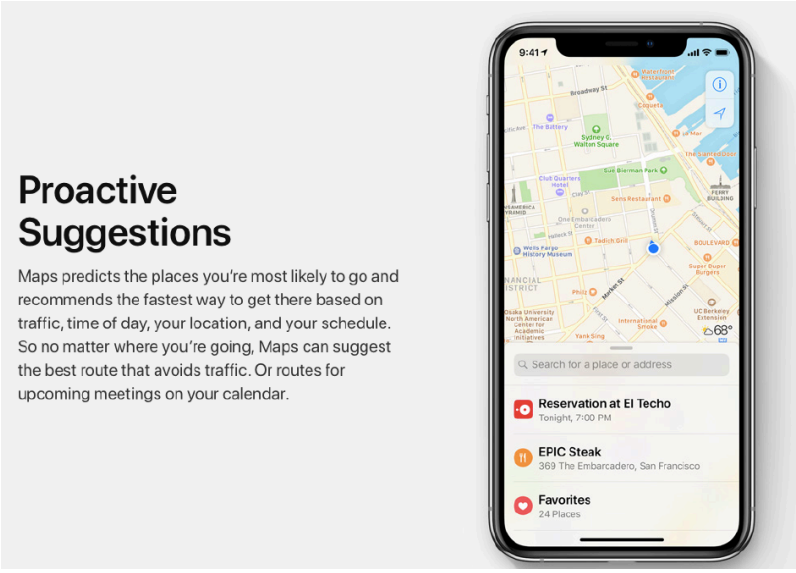


Figure 8 - Maps application

46. The iPhone XS and iPad both use 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 9 below, which is a screenshot of Apple's website explaining the "Apple-designed CPU" (i.e., processor) used in the iPhone XS. See also Figure 10 below, which is a screenshot of Apple's website indicating that the A10 Fusion chip (i.e., processor) is used in the iPad.

48. The processing devices used in the iPhone XS and iPad are necessarily used to process the information regarding the location of the apparatus or vehicle and the destination, as well as to calculate the travel route to the destination using "Assisted GPS" and the "Maps" application.

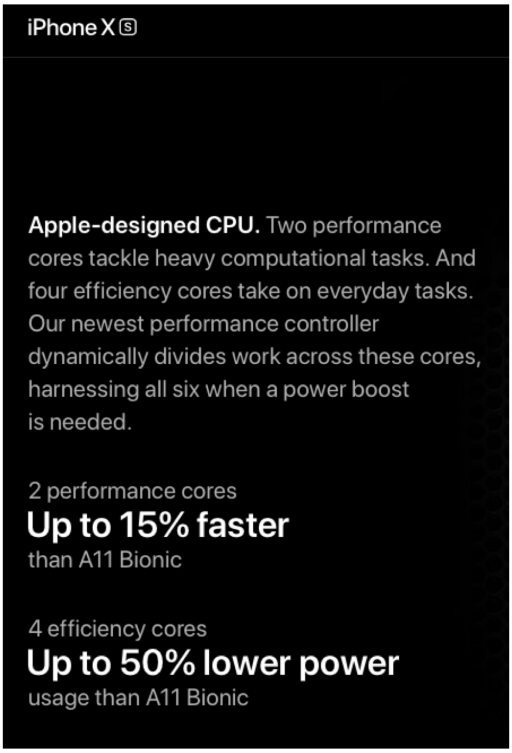


Figure 9 - iPhone XS CPU

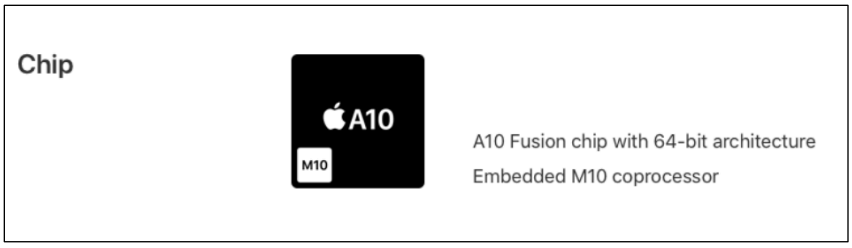


Figure 10 - iPad A10 chip

49. See also Figure 11 below, which is a screenshot from Apple's website describing Apple'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.

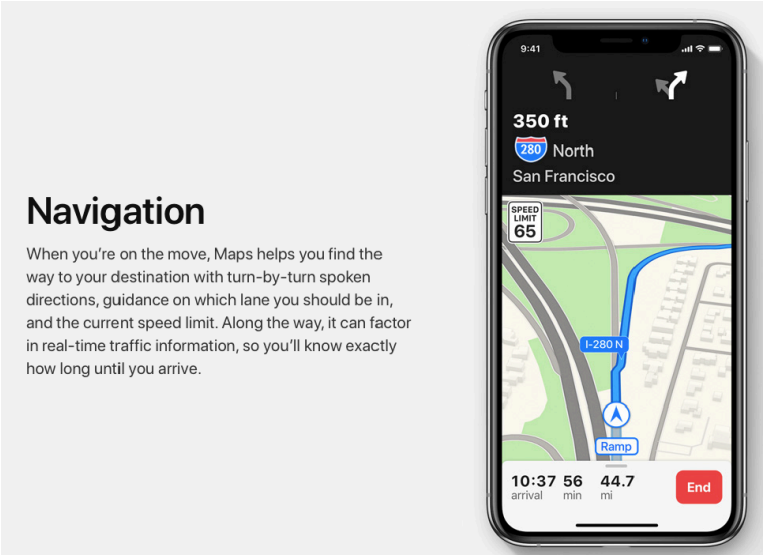


Figure 11 - Maps application

50. The iPhone XS and iPad both use 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.

51. See Figure 11, reproduced below, describing 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. The iPad is also bundled with the Maps application and would operate in the same manner.

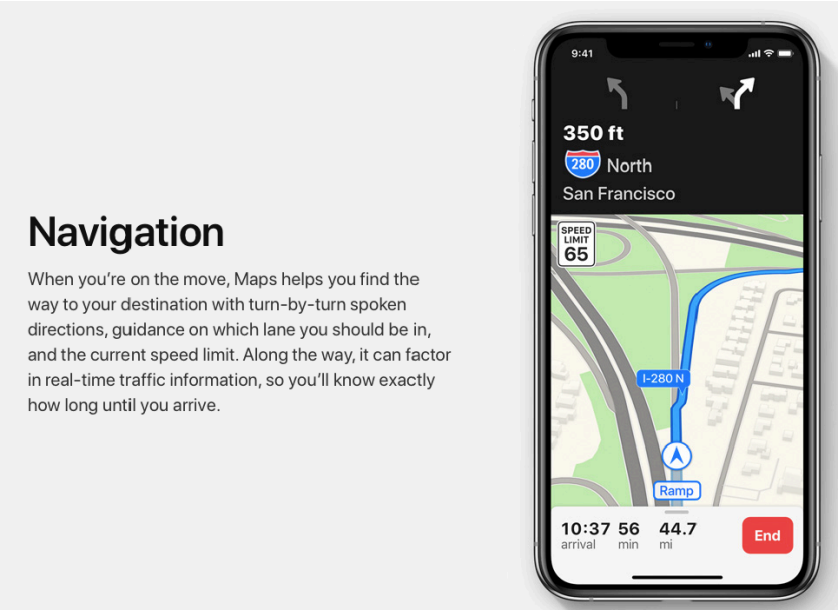


Figure 11 - Maps application

52. The iPhone XS and iPad both use a receiver, wherein the receiver receives traffic information or information regarding a traffic condition.

53. See Figure 8, reproduced below, in which 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).

54. See also Figure 11, reproduced below, describing 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. Along the way, it can factor in **real-time traffic information**, so you'll know exactly how long until you arrive" (emphasis added).

55. A receiver is necessarily required in order to receive real-time traffic information.

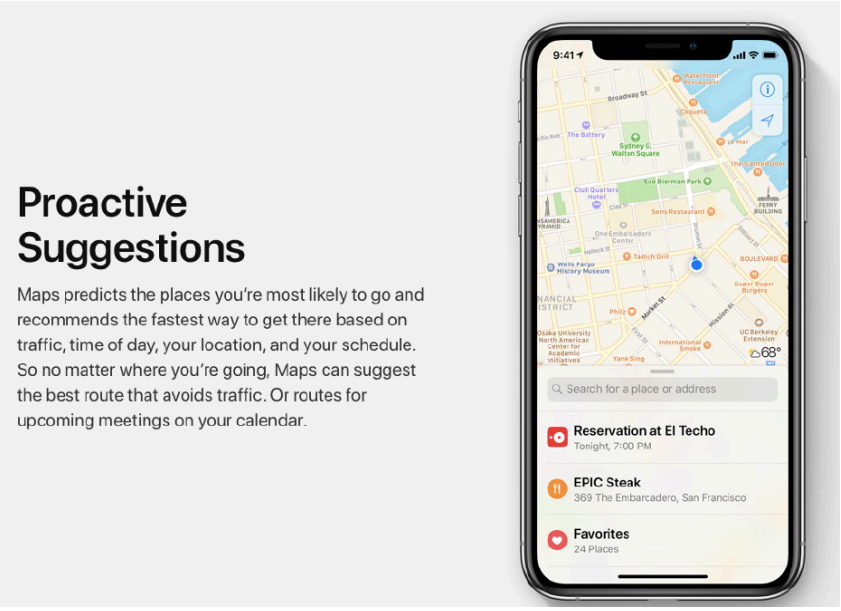


Figure 8 - Maps application

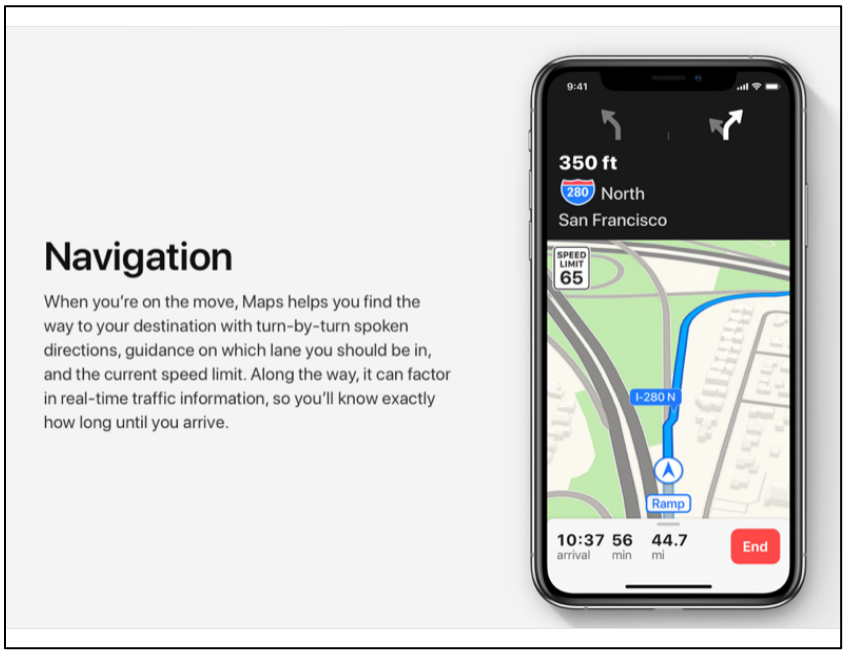


Figure 11 - Maps application

56. The iPhone XS and iPad both provide the traffic information or the information regarding a traffic condition via the display device or via the speaker.

57. See Figure 12 below, which is a screenshot from Apple's website that explains how to display traffic

conditions on the "Maps" application on an iPhone. Apple states that "[o]range indicates slowdowns and red indicates stop-and-go traffic."

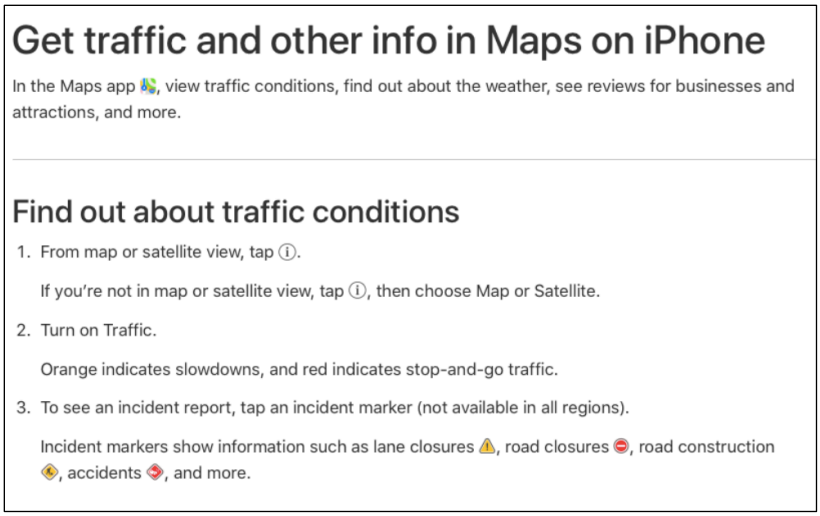


Figure 12 - Traffic information on Maps application

58. See also Figure 13 below, which is a screenshot from Apple's website that explains how to display traffic conditions on the "Maps" application on an iPad. Apple states that "[o]range indicates slowdowns and red indicates stop-and-go traffic."

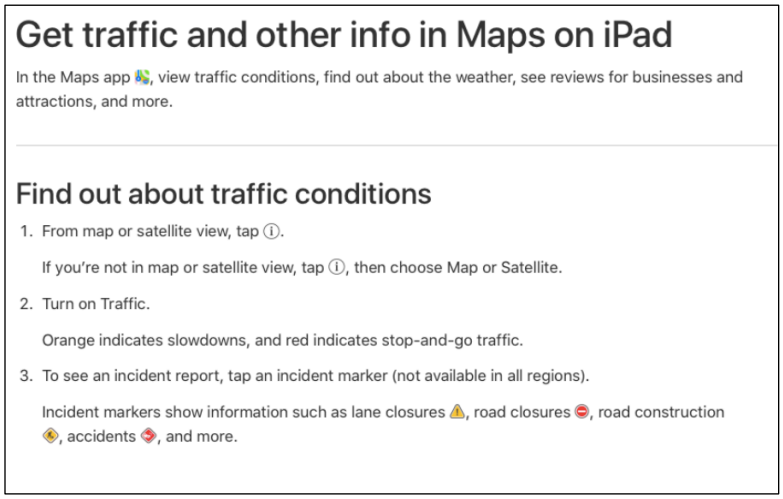


Figure 13 - Traffic information on Maps application

59. By way of another example, the Accused Instrumentalities infringe Claim 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 14 below, describing how one can zoom on the map to obtain current weather conditions.

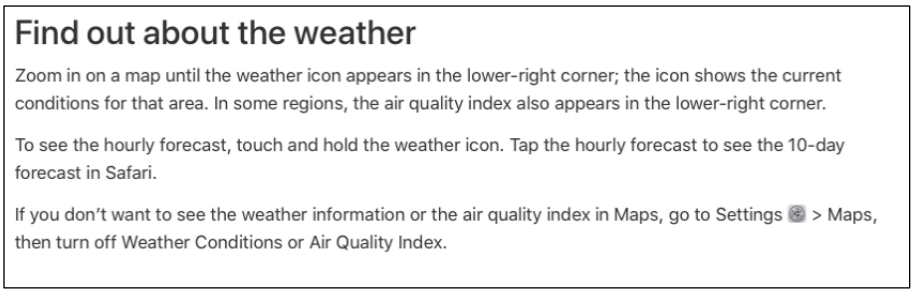


Figure 14 - Traffic information on Maps application

PRAYER FOR RELIEF

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

1. Declaring that Apple has infringed each of the Patents-in-Suit;
2. Awarding NavBlazer its damages suffered as a result of Apple's 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: June 25, 2020

Respectfully Submitted

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