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6 Attorneys for Plaintiff  
 TELENAP, INC.

7 UNITED STATES DISTRICT COURT  
 8 NORTHERN DISTRICT OF CALIFORNIA

10 TELENAP, INC.,	)	CASE NO.:
11 a Delaware corporation	)	
12 Plaintiff,	)	<b>COMPLAINT FOR</b>
13 v.	)	<b>DECLARATORY JUDGMENT</b>
14 OMNITEK PARTNERS LLC,	)	
a New Jersey company	)	<b>JURY TRIAL DEMANDED</b>
15 Defendant.	)	
16		

17 Telenav, Inc. (“Telenav”) hereby alleges for its complaint against Omnitek Corporation  
 18 (“Omnitek”), on personal knowledge as to its own activities and on information and belief as to  
 19 the activities of others, as follows:

20 **NATURE OF THIS ACTION**

21 1. This is an action for declaratory judgment of noninfringement of a United States  
 22 patent pursuant to the Declaratory Judgment Act, 28 U.S.C. §§ 2201-2202, and the United States  
 23 Patent Law, 35 U.S.C. § 100 *et seq.*, and for such other relief as the Court deems just and proper.

24 **THE PARTIES**

25 2. Telenav is a Delaware corporation, with its principal place of business at 4655  
 26 Great America Parkway, Suite 300, Santa Clara, CA 95054, in this judicial district.

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1 3. On information and belief, Omnitek is a Limited Liability Company organized  
2 under the laws of the State of New Jersey with a place of business at 85 Air Park Drive, Unit 3,  
3 Ronkonkoma, New York, 11779

4 **INTRADISTRICT ASSIGNMENT**

5 4. Pursuant to Civil Local Rule 3-2(c), this is an Intellectual Property Action to be  
6 assigned on a district-wide basis.

7 **BACKGROUND**

8 5. On information and belief, Omnitek is the current assignee of United States Patent  
9 Nos. 8,645,057 (“the ’057 patent) (Exhibit A), and 8,224,569 (“the ’569 patent”) (Exhibit B)  
10 (collectively “the patents-in-suit.”).

11 6. On May 29, 2020, Omnitek filed complaints for alleged infringement of the  
12 patents-in-suit against Ford Motor Company (“Ford), General Motors Company (“GM”), and  
13 several other car manufacturers in the Western District of Texas (Waco Division).

14 7. On information and belief, Omnitek’s patent infringement allegations against  
15 Ford and GM are directed to Telenav’s navigation technology, which is integrated into vehicles  
16 supplied by Ford and GM. In other words, Omnitek sued Telenav’s customers for alleged patent  
17 infringement based on their utilization of Telenav’s navigation technology.

18 8. On August 5, 2020, Telenav was notified by one of more of its automotive  
19 customers about the lawsuits filed by Omnitek. Telenav, though its outside counsel, then  
20 contacted Omnitek’s counsel to discuss the pending patent lawsuits. During the course of those  
21 discussions, Omnitek’s counsel made clear its view that Telenav and its customers required a  
22 license to the patents-in-suit. Although Omnitek’s counsel indicated a willingness to discuss  
23 patent licensing with Telenav directly, those discussions did not progress.

24 9. On information and belief, Omnitek retained a law firm within the Northern  
25 District of California (Law Offices of Seth Wiener of San Ramon, CA) for purposes of enforcing  
26 the patents-in-suit.

27 10. On September 15, 2020, Omnitek directed its California law firm to file patent  
28 infringement lawsuits against Apple, Inc. (Case No. 20-cv06457) and Alpine Electronics, Inc.

1 (Case No. 20-cv-06460). Those pending cases involve the same patents-in-suit as asserted  
2 against Telenav's automotive customers.

3 11. On information and belief, Omnitek and its outside counsel have engaged in other  
4 patent enforcement and licensing activities regarding the patents-in-suit within the Northern  
5 District of California.

6 **JURISDICTION AND VENUE**

7 12. This Court has personal jurisdiction. Omnitek has engaged in actionable conduct  
8 in this District, including continuous and systematic attempts to license and/or enforce the  
9 patents-in-suit to residents of California, including Telenav, Apple, Inc., Alpine Electronics, Inc.  
10 and others. Indeed, Omnitek has retained a law firm within this District and directed that firm to  
11 file at least two lawsuits within this District to enforce the patents-in-suit. This District therefore  
12 has personal jurisdiction over Omnitek. Exercising jurisdiction over Omnitek in this case is  
13 consistent with the United States Constitution and laws.

14 13. This Court has exclusive subject matter jurisdiction pursuant to 28 U.S.C. § 1331,  
15 1338(a), 2201, and 2202, and the Patent Laws of the United States, 35 U.S.C. § 1 et seq.  
16 Telenav and its products do not infringe and have not infringed, either directly or indirectly, any  
17 claim of the patents-in-suit. Neither Telenav nor its customers require a license to the patents-in-  
18 suit. In view of Omnitek's express allegations of infringement against Telenav, including  
19 allegations against its automotive customers, a substantial controversy exists between the parties  
20 which is of sufficient immediacy and reality to warrant declaratory relief.

21 14. Venue is proper in this judicial district under 28 U.S.C. § 1391.

22 **FIRST CAUSE OF ACTION**  
23 **(Non-infringement of U.S. Patent No. 8,465,057)**

24 15. Telenav repeats and realleges each and every allegation set forth in the above  
25 paragraphs and incorporates them by reference herein.

26 16. The accused Telenav products, including without limitation Telenav's navigation  
27 technology, have not infringed and do not infringe, directly or indirectly, any claim of the '057  
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1 patent, either literally or under the doctrine of equivalents. Accordingly, Telenav has a right to  
2 continue providing products and services without interference from the '057 patent.

3 17. Accordingly, an actual, valid, and justiciable controversy has arisen and exists  
4 between Telenav and Omnitek. Telenav desires a prompt and definitive judicial determination  
5 and declaration that its products do not infringe any claim of the '057 patent. Such a  
6 determination and declaration are necessary and appropriate at this time in order that the parties  
7 may ascertain their respective rights and duties.

8 **SECOND CAUSE OF ACTION**  
9 **(Non-infringement of U.S. Patent No. 8,224,569)**

10 18. Telenav repeats and realleges each and every allegation set forth in the above  
11 paragraphs and incorporates them by reference herein.

12 19. The accused Telenav products, including without limitation Telenav's navigation  
13 technology, have not infringed and do not infringe, directly or indirectly, any claim of the '569  
14 patent, either literally or under the doctrine of equivalents. Accordingly, Telenav has a right to  
15 continue providing products and services without interference from the '569 patent.

16 20. Accordingly, an actual, valid, and justiciable controversy has arisen and exists  
17 between Telenav and Omnitek. Telenav desires a prompt and definitive judicial determination  
18 and declaration that its products do not infringe any claim of the '569 patent. Such a  
19 determination and declaration are necessary and appropriate at this time in order that the parties  
20 may ascertain their respective rights and duties.

21 **PRAYER FOR RELIEF**

22 WHEREFORE, plaintiff Telenav requests entry of judgment in its favor and against  
23 defendant Omnitek as follows:

- 24 (a) Declaring that Telenav has not infringed, induced others to infringe, or  
25 contributed to the infringement of any claim of the patents-in-suit, either directly  
26 or indirectly, either literally or under the doctrine of equivalents;
- 27 (b) Enjoining Omnitek, its officers, owners, partners, employees, agents, parents,  
28 subsidiaries, attorneys, and anyone acting in concert or participation with any of

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them, from making any claims that Telenav’s products or services infringe the patents-in-suit;

- (c) Awarding Telenav its costs of suit, including reasonable attorneys’ fees; and
- (d) Granting such other and further relief as the Court may deem just and proper.

Dated: September 23, 2020

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

By: /s/ Ryan R. Smith  
Ryan R. Smith

Attorneys for Plaintiff  
TELENAV, INC.

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**DEMAND FOR JURY TRIAL**

Pursuant to Federal Rule of Civil Procedure 38 and Civil Local Rule 3-6(a), Telenav hereby demands a jury trial of all issues triable by a jury.

Dated: September 23, 2020

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

By: /s/ Ryan R. Smith  
Ryan R. Smith

Attorneys for Plaintiff  
TELENAV, INC.