IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS

GEOGRAPHIC LOCATION §
INNOVATIONS LLC, §
§
    Plaintiff, § Case No:
§
vs. § PATENT CASE
§
ZAXBY'S FRANCHISING, LLC, §
§
    Defendant. §
_____ §

COMPLAINT

Plaintiff Geographic Location Innovations LLC ("Plaintiff" or "GLI") files this Complaint against Zaxby's Franchising, LLC ("Defendant" or "Zaxby's") for infringement of United States Patent No. 7,917,285 (hereinafter "the '285 Patent").

PARTIES AND JURISDICTION

1.   This is an action for patent infringement under Title 35 of the United States Code. Plaintiff is seeking injunctive relief as well as damages.

2.   Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 (Federal Question) and 1338(a) (Patents) because this is a civil action for patent infringement arising under the United States patent statutes.

3.   Plaintiff is a Texas limited liability company with a virtual office located at 1801 NE 123rd Street, Suite 314, North Miami, FL 33161.

4.   On information and belief, Defendant is a Georgia corporation with a place of business located at 1040 Founder's Blvd., Ste. 100, Athens, GA, 30606. On information and belief, Defendant may be served with process through its registered agent, David K. Linder, 2500

Daniell's Bridge Road, Building 200, Suite 3A, Athens, GA, 30606.

5.   On information and belief, this Court has personal jurisdiction over Defendant because Defendant has committed, and continues to commit, acts of infringement in this District, has conducted business in this District, and/or has engaged in continuous and systematic activities in this District.

6.   On information and belief, Defendant's instrumentalities that are alleged herein to infringe were and continue to be used, imported, offered for sale, and/or sold in this District.

VENUE

7.   On information and belief, venue is proper in this District under 28 U.S.C. § 1400(b) because acts of infringement are occurring in this District and Defendant has a regular and established place of business in this District at, for example, 526 Centennial Blvd., Richardson, TX 75081.

COUNT I
(INFRINGEMENT OF UNITED STATES PATENT NO. 7,917,285)

8.   Plaintiff incorporates paragraphs 1 through 7 herein by reference.

9.   This cause of action arises under the patent laws of the United States and, in particular, under 35 U.S.C. §§ 271, *et seq*.

10.   Plaintiff is the owner by assignment of the '285 Patent with sole rights to enforce the '044 Patent and sue infringers.

11.   A copy of the '285 Patent, titled "Device, System and Method for Remotely Entering, Storing and Sharing Addresses for a Positional Information Device," is attached hereto as Exhibit A.

12.   The '285 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.
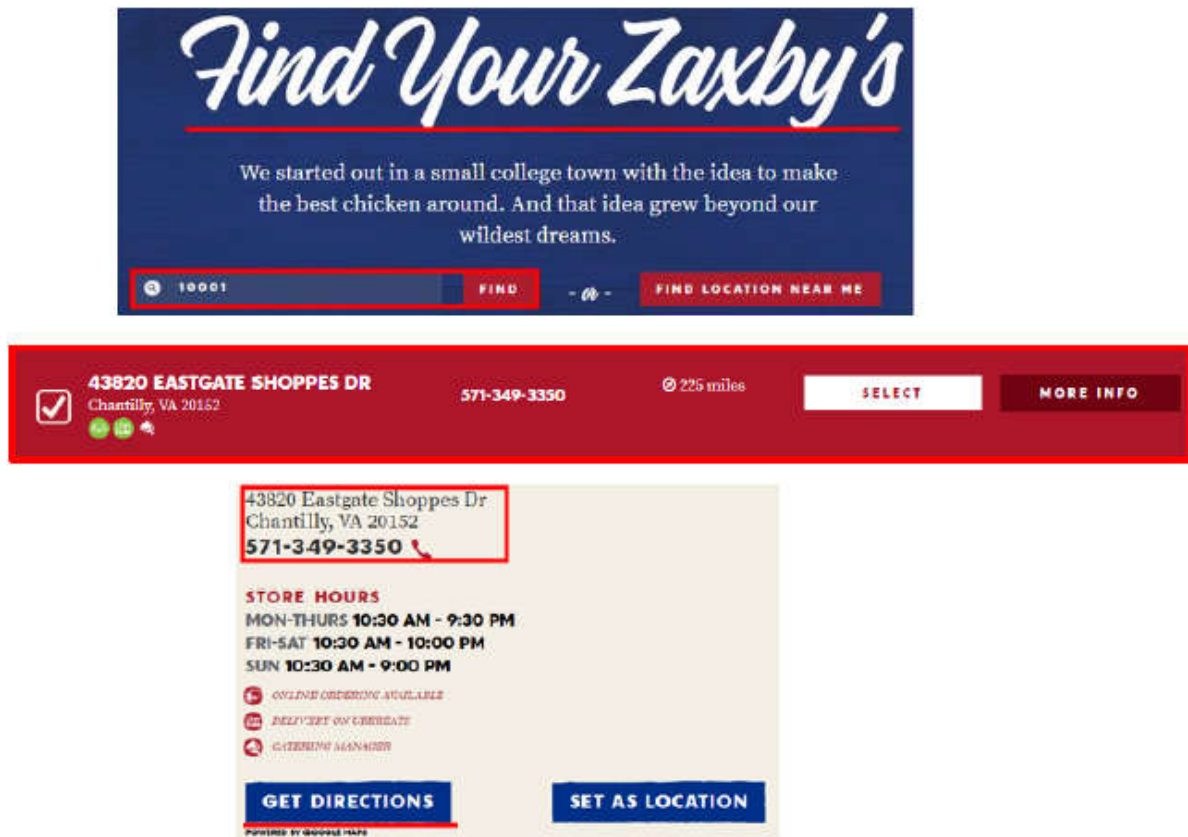
13.   Upon information and belief, Defendant has infringed and continues to infringe one or more claims, including at least Claim 13, of the '285 Patent by making, using (at least by having its employees, or someone under Defendant's control, test the System), importing, selling, and/or offering for sale a mobile website with associated hardware and software embodied, for example, in its store locator system and mobile application (the "System") covered by at least Claim 13 of the '285 Patent. The System is used, for example, in connection with Defendant's website and its mobile app. Defendant has infringed and continues to infringe the '285 patent either directly or through acts of contributory infringement or inducement in violation of 35 U.S.C. § 271.

14.   The System includes the mobile website and associated hardware. These tools provide a route planner mobile application. This application provides for remote entry of location information, such as destination into a positional information device such as, for example, a tablet or smart phone in which users can plan their rides. The website automatically loads available routes onto the positional information device based on the user's location. Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.
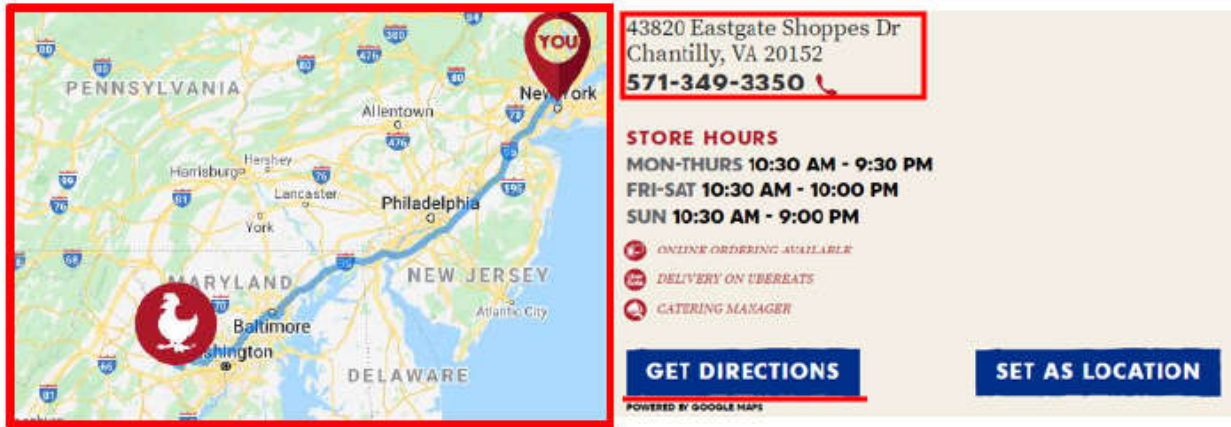
15.   The System includes one or more servers that receive a request for an address such as destination (i.e., an address of a location not stored within the positional device, such as a smartphone). The server determines the address of the destination (i.e., address of the at least one location) and transmits the determined address to the positional information device. The user can see (on the positional information device) a visual indication of the destination in a map. Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.

Source: https://www.zaxbys.com/locations/
Source: https://www.zaxbys.com/locations/va/chantilly/43820-eastgate-shoppes-dr/

16.   The server(s) determine the address(es) and transmits the determined address to the positional information device (e.g., smartphone). For example, the server(s) transmits to the positional information device a visual indication of the location on a map. Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.

Source: https://www.zaxbys.com/locations/
Source: https://www.zaxbys.com/locations/va/chantilly/43820-eastgate-shoppes-dr/

17.   The Product includes a locational information module for determining the location information of the positional information device. For example, the system installed on the smartphone (i.e., positional information device) is able to utilize the GPS location (i.e., location information module) to determine the location of the smartphone (i.e., positional information device). Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.
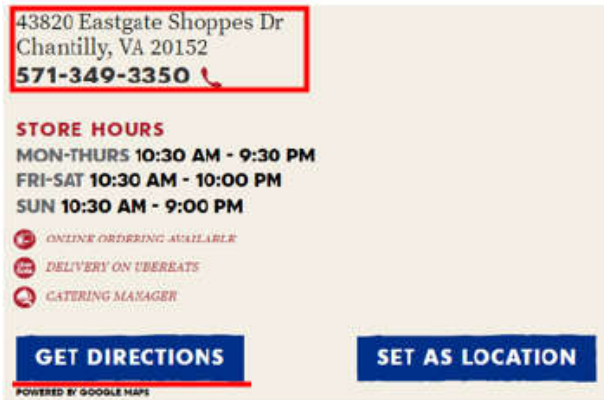
Source: https://www.zaxbys.com/locations/
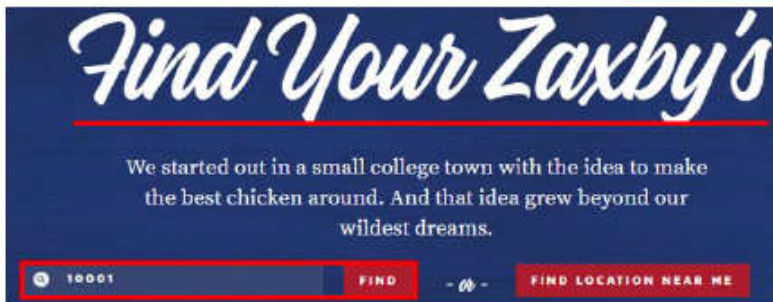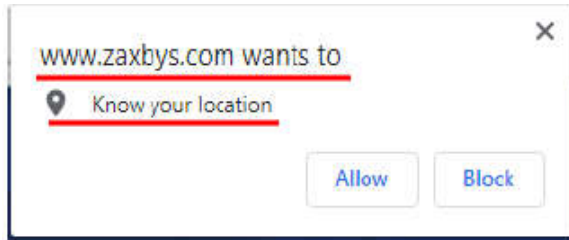
18.   The user's device (i.e. position information device) on which the application is installed, uses the cellular network communication transceiver (i.e., communication module) through which the smartphone (i.e., the positional information device) receives the address of the destination (i.e., location address). Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.

Source: https://www.zaxbys.com/locations/va/chantilly/43820-eastgate-shoppes-dr/
Source: https://www.zaxbys.com/locations/

19.   The System includes a processing module (e.g., mapping software and the mobile website), which receives the determined address(es) from the communication module. The processing module determines route guidance based on the location of the positional information device and the determined address(es). Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.
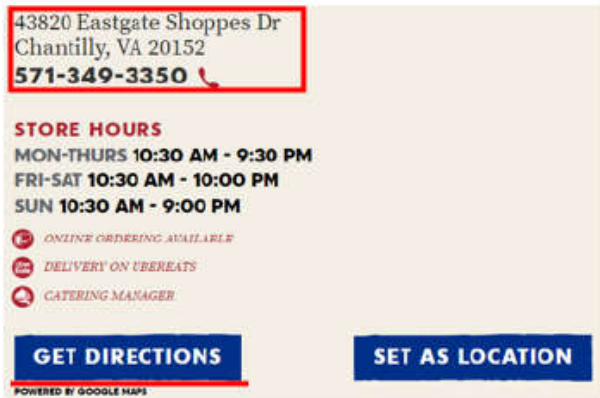
Source: https://www.zaxbys.com/locations/va/chantilly/43820-eastgate-shoppes-dr/
Source: https://www.zaxbys.com/locations/

20.   The System includes a display module (e.g., screen on the positional information device) for displaying the route guidance. Certain aspects of this element are illustrated in the screenshot(s) provided in connection with other allegations herein.

21.   The System includes a communications network (e.g., cellular network and/or Internet) for coupling the positional information device to the server(s). Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.
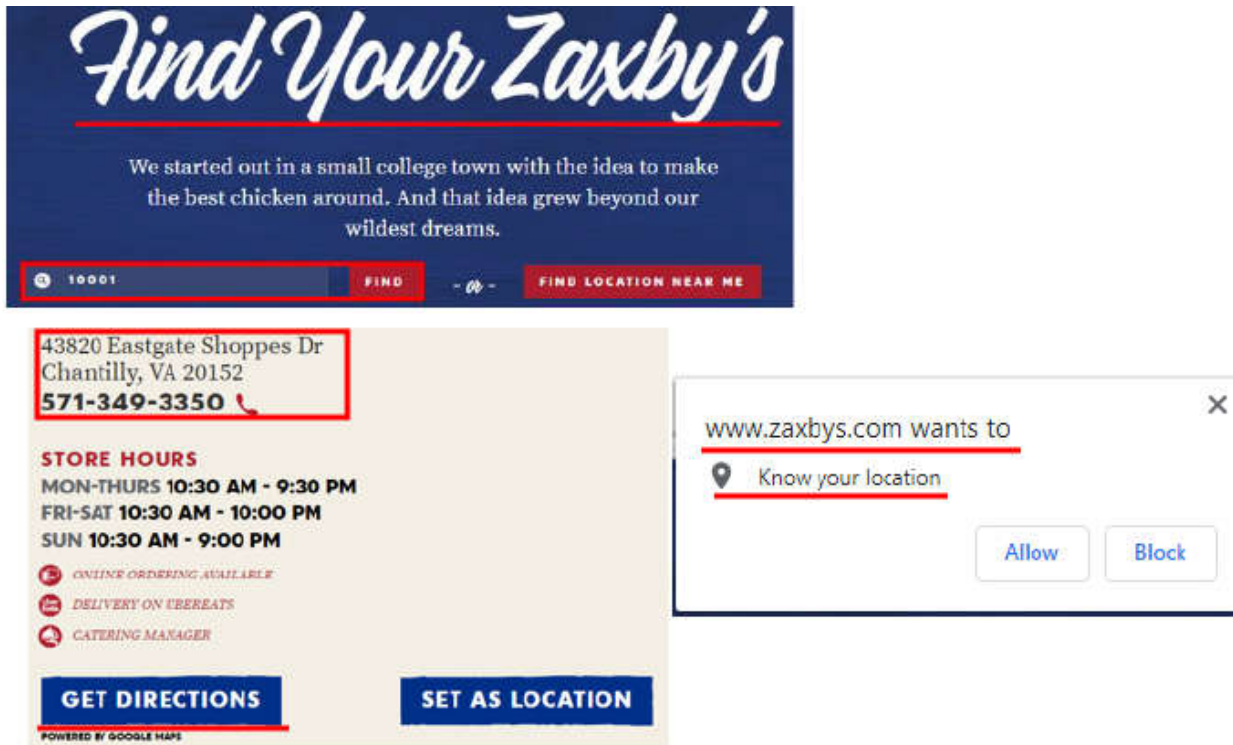
Source: https://www.zaxbys.com/locations/
Source: https://www.zaxbys.com/locations/va/chantilly/43820-eastgate-shoppes-dr/

22.   The server(s) receives a time and date (e.g., the time and date of the request for a location) associated with the requested location and transmits the associated time and date with the determined address (i.e., destination) by the help of maps (i.e., communication module) to the positional information device (i.e., smartphone) and the positional information device displays the determined address at the associated time and date. Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.

Source: https://www.zaxbys.com/locations/
Source: https://www.zaxbys.com/locations/ (inspect page)

23.   Defendant's actions complained of herein will continue unless Defendant is enjoined by this court.

24.   Defendant's actions complained of herein are causing irreparable harm and monetary damage to Plaintiff and will continue to do so unless and until Defendant is enjoined and restrained by this Court.

25.   Plaintiff is in compliance with 35 U.S.C. § 287.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff asks the Court to:

(a)   Enter judgment for Plaintiff on this Complaint on all causes of action asserted herein;

(b)   Enter an Order enjoining Defendant, its agents, officers, servants, employees, attorneys, and all persons in active concert or participation with Defendant who receive notice of the order from further infringement of United States Patent No. 7,917,285 (or, in the alternative, awarding Plaintiff a running royalty from the time of judgment going forward);

(c)   Award Plaintiff damages resulting from Defendant's infringement in accordance

with 35 U.S.C. § 284;

(d)   Award Plaintiff pre-judgment and post-judgment interest and costs; and

(e)   Award Plaintiff such further relief to which the Court finds Plaintiff entitled under

law or equity.

Dated: October 14, 2020   Respectfully submitted,

                                           /s/ Jay Johnson
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