

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

VISTEON GLOBAL TECHNOLOGIES, INC.	)	
and VISTEON TECHNOLOGIES, LLC,	)	
	)	Case No.: 2:10-cv-10578-PDB-MAR
Plaintiffs,	)	
	)	DEMAND FOR JURY TRIAL
v.	)	
	)	
GARMIN INTERNATIONAL, INC.,	)	
	)	
Defendant.	)	
	)	

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**THIRD AMENDED COMPLAINT**

Plaintiffs Visteon Global Technologies, Inc. and Visteon Technologies, LLC, by and through counsel, for their Complaint against Defendant Garmin International, Inc. (hereinafter referred to as “Garmin” or “Defendant”), allege on knowledge as to their actions, and upon information and belief as to the actions of others, as follows:

**THE PARTIES**

1. Plaintiff Visteon Global Technologies, Inc. (hereinafter referred to as “VGTI”) is a Michigan corporation with its principal place of business in Van Buren Township, Michigan. Plaintiff Visteon Technologies, LLC (hereinafter referred to as “VT, LLC”) is a Delaware company with its principal place of business in Van Buren Township, Michigan. VGTI and VT, LLC are the owners by assignment of patents covering innovative technologies related to navigation. The patented technologies concern fundamental and advanced aspects of modern navigation systems, particularly those utilizing the Global Positioning System (“GPS”). These technologies represent significant advances in the field of navigation that allow for, among other

things, the calculation of an optimal path to a particular destination, the previewing of the optimal path before departing, the display of icons representing the current direction of travel and upcoming turns, searching for points of interest, and the maintenance of a history of destinations selected by a user.

2. Plaintiffs VGTI and VT, LLC, and other Visteon entities (collectively, the “Debtors”), are debtors in Chapter 11 cases (the “Bankruptcy Cases”) pending in the United States Bankruptcy Court for the District of Delaware (the “Bankruptcy Court”), which are jointly administered under Case No. 09-11786 (CSS). The Bankruptcy Court has approved the Debtors’ retention of Alston & Bird LLP to represent the Debtors in connection with the enforcement of Plaintiffs’ GPS Patent Portfolio. See Exhibit A attached hereto, Order Authorizing The Employment And Retention Of Alston & Bird LLP As Special Litigation Counsel To The Debtors. The automatic stay issued as a result of the commencement of the Debtors’ Bankruptcy Cases, pursuant to 11 U.S.C. § 362, is inapplicable to the instant action because it is an action by, and not against, the Debtors.

3. Defendant Garmin International, Inc. is a wholly-owned subsidiary of Garmin Ltd. Garmin International, Inc. is a Kansas Corporation and is headquartered at 1200 East 151<sup>st</sup> Street, Olathe, Kansas, 66062. Garmin produces, manufactures, and distributes navigation systems.

### **JURISDICTION AND VENUE**

4. This action arises under the Patent Act, Title 35 of the United States Code, and is an action for patent infringement under § 271.

5. This Court has jurisdiction over the subject matter of this action pursuant to 28

U.S.C. §§ 1331 and 1338(a).

6. This Court has personal jurisdiction over the Defendants under the provisions of Michigan Compiled Laws § 600.711 and consistent with the underlying due process principles of the U.S. Constitution. Upon information and belief, Garmin is doing business in this State and District, has significant contacts in this State and District, has offered for sale and sold infringing products in this State and District, has purposely shipped or caused to be shipped infringing products into this State and District through established distribution channels, and/or has committed acts in this State and District that are the subject of the counts set forth herein.

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

**CLAIM I – INFRINGEMENT OF U.S. PAT. NO. 5,544,060**

8. The allegations contained in Paragraphs 1 through 7 above are incorporated herein by reference.

9. On August 6, 1996, the United States Patent Office duly and lawfully issued United States Patent No. 5,544,060 entitled “Vehicle Mounted Navigation System with Preview Function” (hereinafter referred to as “the ’060 Patent”). VGTI is the lawful owner of all right, title, and interest in and to the ’060 Patent, including the right to sue for and recover for infringement thereof. The term of the ’060 Patent has not expired. A true and correct copy of the ’060 Patent is attached hereto as Exhibit B.

10. Garmin has made, used, offered to sell, sold, and/or imported into the United States navigation systems including at least the nüvi Series: 200, 200W, 205, 205W, 250, 250W, 255, 255W, 260, 260W, 265T, 265WT, 270, 275T, 500, 550, 750, 755T, 760, 765T, 770, 775T, 780, 785T, 850, 880, 1200, 1210, 1240, 1245, 1250, 1255, 1260, 1260T, 1300, 1310, 1340,

1340T, 1350, 1350T, 1370, 1370T, 1390, 1390T, 1410, 1440, 1450, 1490, 1490T, 1690 and 5000; the Street Pilot Series: 7200; the zūmo Series: 450, 500, 550 and 660; GVN 53; Quest; and Quest 2, and continues to do so, all without authority from the patent holder. On information and belief, these devices are designed to perform a method that includes steps of calculating, on an electronically-stored map, an optimal path between a starting point and a destination, calculating on said map a present position of a vehicle, transmitting a plurality of instructions for following said optimal path from said present position to said destination, said transmitting being responsive to a request by an operator for performing said transmitting prior to traveling on said optimal path, displaying said plurality of instructions sequentially, and calculating and selecting an alternate optimal path responsive to a request from said operator of said vehicle. Indeed, the user manuals associated with these devices provide instructions that allow the user to cause the devices to perform such a method.

11. Upon information and belief, the devices discussed in Paragraph 10 also are navigation systems for a vehicle comprising: a microcomputer adapted for calculating, on a map available to said microcomputer, an optimal path between a starting point and a destination; sensors for determining, in cooperation with said microcomputer, a present position of said vehicle; said microcomputer being further adapted for computing a plurality of instructions for following said optimal path from said present position to said destination; means for displaying said plurality of instructions sequentially; means for enabling an operator of said vehicle to preview said optimal path; and input means for permitting said operator of said vehicle to request an alternate optimal path on demand.

12. Garmin has directly infringed, contributorily infringed, and/or induced the infringement of the claims, including but not limited to Claims 3, 4, and 6, of the '060 Patent and

continues to do so.

13. Garmin was put on notice of the '060 Patent and its infringing activities in a letter dated May 6, 2009. Garmin has not substantively responded to the May 6, 2009 letter, has not indicated that it has any defenses for its infringing activities and has, since May 6, 2009, continued its activities despite an objectively high likelihood that its actions constitute infringement of the '060 Patent. Therefore, on information and belief, Garmin's infringing activities have been and are willful and deliberate.

14. VGTI has been and will continue to be damaged and irreparably injured unless this Court enjoins Garmin's infringing activities.

**CLAIM II – INFRINGEMENT OF U.S. PAT. NO. 5,654,892**

15. The allegations contained in Paragraphs 1 through 14 above are incorporated herein by reference.

16. On August 5, 1997, the United States Patent Office duly and lawfully issued United States Patent No. 5,654,892 entitled "Navigation System Displaying Forthcoming Turns" (hereinafter referred to as "the '892 Patent").

17. VGTI is the lawful owner of all right, title, and interest in and to the '892 Patent, including the right to sue for and recover for infringement thereof. The term of the '892 Patent has not expired. A true and correct copy of the '892 Patent is attached hereto as Exhibit C.

18. Garmin has made, used, offered to sell, sold, and/or imported into the United States navigation systems including at least the nüvi Series: 200, 200W, 205, 205W, 250, 250W, 255, 255W, 260, 260W, 265T, 265WT, 270, 275T, 500, 550, 750, 755T, 760, 765T, 770, 775T, 780, 785T, 850, 880, 1200, 1210, 1240, 1245, 1250, 1255, 1260, 1260T, 1300, 1310, 1340, 1340T, 1350, 1350T, 1370, 1370 T, 1390, 1390T, 1410, 1440, 1450, 1490, 1490T, 1690 and

5000; the Street Pilot Series: 7200; the zūmo Series: 450, 500, 550 and 660; and GVN 53, and continues to do so, all without authority from the patent holder. These devices are designed to perform a method that includes steps of continuously computing a plurality of successive directions of advance until a vehicle reaches a destination point, said computing being initiated at one of a predetermined time or a predetermined distance before said vehicle reaches an upcoming turning point from a current direction of advance, creating an arrow icon that represents said current direction of advance and at least a first and a second direction of advance of said vehicle to be followed beginning at said upcoming turning point, and displaying said arrow icon before said vehicle reaches said upcoming turning point. Indeed, the user manuals associated with these devices provide instructions that allow the user to cause the devices to perform such a method.

19. Upon information and belief, the devices discussed in Paragraph 18 also are navigation systems for a vehicle comprising: means for continuously computing a plurality of directions of advance until said vehicle reaches a destination point, said plurality of directions of advance immediately following an upcoming turning point from a current direction of advance; means for creating an icon representing said current direction of advance and said plurality of directions of advance; and means for displaying said icon before said vehicle reaches said upcoming turning point.

20. Garmin has directly infringed, contributorily infringed, and/or induced the infringement of the claims, including but not limited to Claims 1, 8 and 10, of the '892 Patent and continues to do so.

21. Garmin was put on notice of the '892 Patent and its infringing activities in a letter dated May 6, 2009. Garmin has not substantively responded to the May 6, 2009 letter, has not

indicated that it has any defenses for its infringing activities and has, since May 6, 2009, continued its activities despite an objectively high likelihood that its actions constitute infringement of the '892 Patent. Therefore, on information and belief, Garmin's infringing activities have been and are willful and deliberate.

22. VGTI has been and will continue to be damaged and irreparably injured unless this Court enjoins Garmin's infringing activities.

**CLAIM III – INFRINGEMENT OF U.S. PAT. NO. 5,832,408**

23. The allegations contained in Paragraphs 1 through 22 above are incorporated herein by reference.

24. On November 3, 1998, the United States Patent Office duly and lawfully issued United States Patent No. 5,832,408 entitled "Method and Apparatus for Selecting a Destination in a Vehicle Navigation System" (hereinafter referred to as "the '408 Patent").

25. VGTI is the lawful owner of all right, title, and interest in and to the '408 Patent, including the right to sue for and recover for infringement thereof. The term of the '408 Patent has not expired. A true and correct copy of the '408 Patent is attached hereto as Exhibit D.

26. Garmin has made, used, offered to sell, sold, and/or imported into the United States navigation systems including at least the nüvi Series: 200, 200W, 205, 205W, 255W, 260, 260W, 265T, 265WT, 270, 275T, 500, 550, 750, 755T, 760, 765T, 770, 775T, 780, 785T, 850, 880, 1200, 1210, 1240, 1245, 1250, 1255, 1260, 1260T, 1300, 1310, 1340, 1340T, 1350, 1350T, 1370, 1370 T, 1390, 1390T, 1410, 1440, 1450, 1490, 1490T, 1690 and 5000; the Street Pilot Series: 7200; the zūmo Series: 450, 500, 550 and 660; Quest; and Quest 2, and continues to do so, all without authority from the patent holder. On information and belief, these devices are designed to perform a method for selecting a destination in a vehicle navigation system wherein

the system comprises a display, a selection control and an alphanumeric input means, and wherein the system employs a plurality of categories of destinations, each category corresponding to a list of destinations, the method comprising the steps of: where a first selection signal corresponding to a first category is generated by the selection control, displaying a first list of destinations corresponding to the first category; and selecting a first destination from the first list in response to a second selection signal generated by the selection control; and where an alphanumeric input signal is received via the alphanumeric input means, displaying a second list of destinations corresponding to the alphanumeric input signal, the second list of destinations being generated by searching across the plurality of categories of destinations; and selecting a second destination from the second list in response to a third selection signal generated by the selection control. Indeed, the user manuals associated with these devices provide instructions that allow the user to cause the devices to perform such a method.

27. Upon information and belief, the devices discussed in Paragraph 26 also are vehicle navigation systems comprising: a display; a selection control; and an alphanumeric input means; wherein the system employs a plurality of categories of destinations, each category corresponding to a list of destinations, the system being operable to: display a first list of destinations corresponding to a first category where a first selection signal corresponding to the first category is generated by the selection control; select a first destination from the list in response to a second selection signal generated by the selection control; display a second list of destinations corresponding to an alphanumeric input signal generated in response to the actuation of the alphanumeric input means, the second list of destinations being generated by searching across the plurality of categories of destinations; and select a second destination from the second list in response to a third selection signal generated by the selection control.



28. Garmin has directly infringed, contributorily infringed, and/or induced the infringement of Claims 1-6, of the '408 Patent and continues to do so.

29. Garmin was put on notice of the '408 Patent and its infringing activities in a letter dated May 6, 2009. Garmin has not substantively responded to the May 6, 2009 letter, has not indicated that it has any defenses for its infringing activities and has, since May 6, 2009, continued its activities despite an objectively high likelihood that its actions constitute infringement of the '408 Patent. Therefore, on information and belief, Garmin's infringing activities, therefore, have been and are willful and deliberate.

30. VGTI has been and will continue to be damaged and irreparably injured unless this Court enjoins Garmin's infringing activities.

**CLAIM IV – INFRINGEMENT OF U.S. PAT. NO. 5,987,375**

31. The allegations contained in Paragraphs 1 through 30 above are incorporated herein by reference.

32. On November 16, 1999, the United States Patent Office duly and lawfully issued United States Patent No. 5,987,375 entitled "Method and Apparatus for Selecting a Destination in a Vehicle Navigation System" (hereinafter referred to as "the '375 Patent").

33. VT, LLC is the lawful owner of all right, title, and interest in and to the '375 Patent, including the right to sue for and recover for infringement thereof. The term of the '375 Patent has not expired. A true and correct copy of the '375 Patent is attached hereto as Exhibit E.

34. Garmin has made, used, offered to sell, sold, and/or imported into the United States its nüvi Series 205 navigation system, and continues to do so, all without authority from the patent holder. On information and belief, this device is designed to perform a method that

includes steps of selecting a first destination in response to selection of the first destination by a user of a vehicle navigation system, without user intervention, determining whether the first destination belongs to a specific category, and without user intervention, including the first destination in a destination history only where the first destination belongs to the specific category.

35. Upon information and belief, the device discussed in Paragraph 34 also is a vehicle navigation system comprising: a user interface; and a processor coupled to the user interface, the processor being operable to: select a first destination in response to selection of the first destination by a user of the vehicle navigation system; without user intervention, determine whether the first destination belongs to the specific category; and without user intervention, include the first destination in the destination history only where the first destination belongs to the specific category.

36. Garmin has made, used, offered to sell, sold, and/or imported into the United States, and continues to do so, all without authority from the patent holder, navigation systems including at least the following devices: the nüvi Series: 200, 200W, 205W, 250, 250W, 255, 255W, 260, 260W, 265T, 265WT, 270, 275T, 500, 550, 750, 755T, 760, 765T, 770, 775T, 780, 785T, 850, 880, 1200, 1210, 1240, 1245, 1250, 1255, 1260, 1260T, 1300, 1310, 1340, 1340T, 1350, 1350T, 1370, 1370T, 1390, 1390T, 1410, 1440, 1450, 1490, 1490T, 1690 and 5000; the Street Pilot Series: 7200; the zūmo Series: 450, 500, 550 and 660; GVN 53; Quest; and Quest 2. After a reasonable opportunity for further investigation or discovery, there likely will be evidentiary support that such devices have the same components and are designed to perform the same method as the nüvi Series 205 device, as set forth in Paragraphs 35 and 34, respectively.

37. Garmin has directly infringed, contributorily infringed, and/or induced the

infringement of the claims, including but not limited to Claims 1, 8 and 9, of the '375 Patent and continues to do so.

38. Garmin was put on notice of the '375 Patent and its infringing activities in a letter dated May 6, 2009. Garmin has not substantively responded to the May 6, 2009 letter, has not indicated that it has any defenses for its infringing activities and has, since May 6, 2009, continued its activities despite an objectively high likelihood that its actions constitute infringement of the '375 Patent. Therefore, on information and belief, Garmin's infringing activities have been and are willful and deliberate.

39. VT, LLC has been and will continue to be damaged and irreparably injured unless this Court enjoins Garmin's infringing activities.

**CLAIM V – INFRINGEMENT OF U.S. PAT. NO. 6,097,316**

40. The allegations contained in Paragraphs 1 through 39 above are incorporated herein by reference.

41. On August 1, 2000, the United States Patent Office duly and lawfully issued United States Patent No. 6,097,316 entitled "Communication Protocol for a Vehicle Navigation System" (hereinafter referred to as "the '316 Patent").

42. VT, LLC is the lawful owner of all right, title, and interest in and to the '316 Patent, including the right to sue for and recover for infringement thereof. The term of the '316 Patent has not expired. A true and correct copy of the '316 Patent is attached hereto as Exhibit F.

43. Garmin has made, used, offered to sell, sold, and/or imported into the United States navigation systems including at least the Cirrus Perspective, and continues to do so, all without authority from the patent holder. On information and belief, this device includes at least

one receiver for receiving external data originating outside a vehicle, at least one input for receiving vehicle data, a database medium having map data stored therein, a central processing unit (CPU) coupled to the at least one receiver, the at least one input, and the database medium, the CPU being for performing navigation functions using the external data, the vehicle data, and the map data and a communication link coupled to the CPU for transmitting interface data to the vehicle controller. Upon information and belief, the device utilizes high speed and low speed busses. Additionally, upon information and belief, the device includes window displays that display differently when, for example, particular information is missing (e.g., if data is missing, the window may be entirely blank or may be missing only a particular value). At least these features demonstrate to one of skill in the art that this device more likely than not includes a CPU that selects one of a plurality of transmission protocols to transmit the interface data based, at least in part, on a data type associated with the interface data. After a reasonable opportunity for further investigation or discovery, there likely will be additional evidentiary support that the CPU of this device selects one of a plurality of transmission protocols to transmit the interface data based, at least in part, on a data type associated with the interface data.

44. Garmin has directly infringed, contributorily infringed, and/or induced the infringement of at least Claim 1 and Claim 10 of the '316 Patent and continues to do so.

45. Garmin was put on notice of the '316 Patent and its infringing activities in a letter dated May 6, 2009. Garmin has not substantively responded to the May 6, 2009 letter, has not indicated that it has any defenses for its infringing activities and has, since May 6, 2009, continued its activities despite an objectively high likelihood that its actions constitute infringement of the '316 Patent. Therefore, on information and belief, Garmin's infringing activities have been and are willful and deliberate.

46. VT, LLC has been and will continue to be damaged and irreparably injured unless this Court enjoins Garmin's infringing activities.

**RELIEF SOUGHT**

VGTI and VT, LLC respectfully seek that the Court grant the following relief:

- A. Enter judgment for VGTI and against Garmin for infringement of the '060 Patent;
- B. Enter judgment for VGTI and against Garmin for infringement of the '892 Patent;
- C. Enter judgment for VGTI and against Garmin for infringement of the '408 Patent;
- D. Enter judgment for VT, LLC and against Garmin for infringement of the '375 Patent;
- E. Enter judgment for VT, LLC and against Garmin for infringement of the '316 Patent;
- F. Enter judgment that the infringement of Garmin was and is willful;
- G. Permanently enjoin Garmin, its officers, directors, principals, agents, sales representatives, servants, employees, successors, assigns, affiliates, subsidiaries and all those acting in concert or participation with them, from directly or indirectly infringing, inducing infringement or contributing to the infringement of any claim of the '060 Patent, the '892 Patent, the '408 Patent, the '375 Patent or the '316 Patent;
- H. Enter judgment in favor of VGTI and VT, LLC against Garmin for an amount that will adequately compensate it for Garmin's infringement, but under no circumstances an amount less than a reasonable royalty for Garmin's use of VGTI's and VT, LLC's patented inventions;
- I. Enter judgment in favor of VGTI and VT, LLC and against Garmin for pre-judgment interest on all damages awarded;
- J. Enter judgment in favor of VGTI and VT, LLC and against Garmin for three

times the amount of damages pursuant to 35 U.S.C. § 284 because of their willful infringement;

K. Enter judgment in favor of VGTI and VT, LLC and against Garmin for VGTI's and VT, LLC's attorneys' fees and costs pursuant to 35 U.S.C. § 285;

L. Enter judgment in favor of VGTI and VT, LLC and against Garmin for VGTI's and VT, LLC's costs of suit; and

M. Enter such other and further relief as the Court may deem just and proper.

**DEMAND FOR JURY TRIAL**

VGTI and VT, LLC request a trial by jury.

This 4<sup>th</sup> day of January, 2011.

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\*Pending admission under  
E.D. Mich. LR 83.20

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**Attorneys for Plaintiffs Visteon Global  
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**CERTIFICATE OF SERVICE**

I hereby certify that on January 4, 2011, I electronically filed the foregoing paper(s) with the Clerk of the Court using the ECF system which will send notification of such filing to all ECF participants; and I hereby certify that I have mailed the foregoing paper(s) by United States Postal Service to the following non-ECF participants: None.

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