

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

GEOTAG, INC.

PLAINTIFF,

v.

CIVIL ACTION NO. _____

GEORGIO ARMANI S.P.A.;
ADIDAS A.G.;
ASICS CORP.;
BULLSEYE SOLUTIONS, INC. D/B/A
BULLSEYE SOLUTIONS;
CARTIER S.A.;
CHANEL S.A.;
CHRISTIAN DIOR S.A.;
CONN'S INC.;
CONN'S APPLIANCES, INC.;
ELECTRIC VINE, INC. D/B/A BULLSEYE
SOLUTIONS GROUP, INC. D/B/A
BULLSEYE SOLUTIONS GROUP D/B/A
BULLSEYE SOLUTIONS;
GRACO N.V.;
GUCCI GROUP NV;
IQ SERVICES GROUP, INC. D/B/A IQ
SERVICES GROUP D/B/A
XTREMELOCATOR.COM D/B/A
IQSERVICES D/B/A IQSERVICES.COM;
IQ SERVICES, INC. D/B/A
XTREMELOCATOR.COM D/B/A
IQSERVICES D/B/A IQSERVICES.COM;
KNOW-WHERE SYSTEMS, INC.;
KUBOTA CORPORATION OF JAPAN;
LELY HOLDING S.À R.L.;
LELY INDUSTRIES N.V.;
MARKET BASKET, INC. D/B/A MARKET
BASKET FOOD STORES;
MEDELA AG MEDICAL TECHNOLOGY;
MEDELA AG;
ROLEX SA;
VAN CLEEF & ARPELS, S.A.; AND
XIONETIC TECHNOLOGIES, INC. D/B/A
FINDLOCATION.COM.

DEFENDANTS.

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff GEOTAG, INC. files this Complaint against GEORGIO ARMANI S.P.A.; ADIDAS A.G.; ASICS CORP.; CARTIER S.A.; CHANEL S.A.; CHRISTIAN DIOR S.A.; CONN'S INC.; CONN'S APPLIANCES, INC.; ELECTRIC VINE, INC. D/B/A BULLSEYE SOLUTIONS GROUP D/B/A BULLSEYE SOLUTIONS; BULLSEYE SOLUTIONS, INC. D/B/A BULLSEYE SOLUTIONS; GRACO N.V.; GUCCI GROUP NV; IQ SERVICES GROUP, INC. D/B/A XTREMELOCATOR.COM D/B/A IQSERVICES D/B/A IQSERVICES.COM; IQ SERVICES, INC. D/B/A XTREMELOCATOR.COM D/B/A IQSERVICES D/B/A IQSERVICES.COM; KNOW-WHERE SYSTEMS, INC.; KUBOTA CORPORATION OF JAPAN; LELY HOLDING S.À R.L.; LELY INDUSTRIES N.V.; MARKET BASKET, INC. D/B/A MARKET BASKET FOOD STORES; MEDELA AG MEDICAL TECHNOLOGY; MEDELA AG; ROLEX SA; VAN CLEEF & ARPELS, S.A.; AND XIONETIC TECHNOLOGIES, INC. D/B/A FINDLOCATION.COM (collectively “Defendants”), as follows:

PARTIES

1. Plaintiff GEOTAG, INC. (“GEOTAG” or “Plaintiff”) is a Delaware Corporation with a place of business in Plano, Texas.
2. On information and belief, Defendant GEORGIO ARMANI S.P.A. (“ARMANI”) has a place of business in Milan, Italy.
3. On information and belief, Defendant ADIDAS A.G. (“ADIDAS”) has a place of business in Herzogenaurach, Germany.
4. On information and belief, Defendant ASICS CORP. (“ASICS”) has a place of business in Kobe, Japan.

5. On information and belief, Defendants ELECTRIC VINE, INC. D/B/A BULLSEYE SOLUTIONS GROUP D/B/A BULLSEYE SOLUTIONS (“ELECTRIC VINE”) has a place of business in Somerset, New Jersey.

6. On information and belief, Defendants BULLSEYE SOLUTIONS, INC. D/B/A BULLSEYE SOLUTIONS (“BULLSEYE SOLUTIONS”) has a place of business in Somerset, New Jersey. Hereinafter ELECTRIC VINE and BULLSEYE are collectively referred to as “BULLSEYE.”

7. On information and belief, Defendant CARTIER S.A. (“CARTIER”) has a place of business in Paris, France.

8. On information and belief, Defendant CHANEL S.A. (“CHANEL”) has a place of business in Cedex, France.

9. On information and belief, Defendant CHRISTIAN DIOR S.A. (“DIOR”) has a place of business in Paris, France.

10. On information and belief, Defendant CONN'S APPLIANCES, INC. has a place of business in Beaumont, Texas.

11. On information and belief, Defendant CONN'S INC. has a place of business in Beaumont, Texas. Hereinafter CONN'S APPLICANCES, INC. and CONN'S INC. are collectively referred to as “CONNS.”

12. On information and belief, Defendant GRACO N.V. (“GRACO”) has a place of business in Belgium.

13. On information and belief, Defendant GUCCI GROUP NV (“GUCCI”) has a place of business in Amsterdam, Netherlands.

14. On information and belief, Defendant IQ SERVICES GROUP, INC. D/B/A XTREMELOCATOR.COM D/B/A IQSERVICES D/B/A IQSERVICES.COM (“IQSGI”) has a place of business in Finton, Michigan.

15. On information and belief, Defendant IQ SERVICES, INC. D/B/A XTREMELOCATOR.COM D/B/A IQSERVICES D/B/A IQSERVICES.COM (“IQSI”) has a place of business in Finton, Michigan. Hereinafter, IQSGI and IQSI are collectively referred to as “IQSERVICES.”

16. On information and belief, Defendant KNOW-WHERE SYSTEMS, INC.; (“KNOW WHERE SYSTEMS”) has a place of business in Agoura, California.

17. On information and belief, Defendant KUBOTA CORPORATION OF JAPAN (“KUBOTA”) has a place of business in Osaka, Japan.

18. On information and belief, Defendant LELY HOLDING S.À R.L. has a place of business in Weverskade, Netherlands.

19. On information and belief, Defendant LELY INDUSTRIES N.V. has a place of business in Weverskade, Netherlands. Hereinafter, LELY HOLDING S.À R.L. and LELY INDUSTRIES N.V. are collectively referred to as “LELY.”

20. On information and belief, Defendant MARKET BASKET, INC. D/B/A MARKET BASKET FOOD STORES (“MARKET BASKET”) has a place of business in Nederland, Texas.

21. On information and belief, Defendant MEDELA AG MEDICAL TECHNOLOGY has a place of business in Baar, Switzerland.

22. On information and belief, Defendant MEDELA AG has a place of business in Baar, Switzerland. Hereinafter, MEDELA AG MEDICAL TECHNOLOGY and MEDELA AG are collectively referred to as “MEDELA.”

23. On information and belief, Defendant ROLEX SA (“ROLEX”) has a place of business in Geneva, Switzerland.

24. On information and belief, Defendant VAN CLEEF & ARPELS, S.A. (“VAN CLEEF”) has a place of business in Paris, France.

25. On information and belief, Defendant XIONETIC TECHNOLOGIES, INC. D/B/A FINDLOCATION.COM (“XIONETIC”) has a place of business in Bozeman, Montana.

JURISDICTION AND VENUE

26. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a). On information and belief, the Defendants are subject to this Court’s specific and general personal jurisdiction, pursuant to due process and/or the Texas Long Arm Statute, due at least to their substantial business in this forum, including related to the infringements alleged herein. Further, on information and belief, Defendants have interactive websites comprising infringing methods and apparatuses which are at least used in and/or accessible in this forum. Further, on information and belief, Defendants are subject to the Court’s general jurisdiction, including from regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to persons or entities in Texas.

27. Venue is proper in this district under 28 U.S.C. §§ 1391(b), 1391(c) and 1400(b). Without limitation, on information and belief, Defendants are subject to personal jurisdiction in

this district. On information and belief, the Defendants are subject to this Court's specific and general personal jurisdiction in this district, pursuant to due process and/or the Texas Long Arm Statute, due at least to their substantial business in this district, including related to the infringements alleged herein. Further, on information and belief, Defendants have interactive websites comprising infringing methods and apparatuses which are at least used in and/or accessible in this district. Further, on information and belief, Defendants are subject to the Court's general jurisdiction in this district, including from regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to persons or entities in this district.

28. Further, venue of this action is appropriate and convenient because this Court previously heard a parallel action for infringement of the same '474 patent in *Geomas (International), Ltd., et al. vs. Idearc Media Services-West, Inc., et al.*, Civil Action No. 2:06-CV-00475-CE ("the Geomas Lawsuit"). In the Geomas Lawsuit this Court considered and construed the terms and claims of the '474 patent, as set forth in the Court's Memorandum Opinion and Order issued on November 20, 2008.

COUNT I

INFRINGEMENT OF U.S. PATENT NO. 5,930,474

29. United States Patent No. 5,930,474 (the "'474 patent"), entitled "Internet Organizer for Accessing Geographically and Topically Based Information," duly and legally issued on July 29, 1999.

30. GEOTAG is the assignee of the '474 Patent and it has standing to bring this lawsuit for infringement of the '474 Patent.

31. The claims of the '474 Patent cover, *inter alia*, systems and methods which comprise associating on-line information with geographic areas, such systems and methods comprising computers, an organizer, and a search engine configured to provide a geographical search area wherein at least one entry associated with a broader geographical area is dynamically replicated into at least one narrower geographical area, the search engine further configured to search topics within the selected geographical search area.

32. On information and belief, all Defendants named herein have infringed the '474 patent pursuant to 35 U.S.C. § 271 through actions comprising the making, using, selling, importing and/or offering for sale in the United States systems and methods which comprise associating on-line information with geographic areas and which are covered by one or more claims of the '474 patent.

33. On information and belief, ARMANI has infringed the '474 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling, importing and/or offering for sale in the United States systems and methods which comprise associating on-line information with geographic areas and which are covered by one or more claims of the '474 patent. On information and belief, such systems and methods comprise the store locator at www.armani.com; www.armanistores.com; and www.emporioarmani.com.

34. On information and belief, ADIDAS has infringed the '474 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling, importing and/or offering for sale in the United States systems and methods which comprise associating on-line information with geographic areas and which are covered by one or more claims of the '474 patent. On information and belief, such systems and methods comprise the store finder at www.adidas.com.

35. On information and belief, ASICS has infringed the '474 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling, importing and/or offering for sale in the United States systems and methods which comprise associating on-line information with geographic areas and which are covered by one or more claims of the '474 patent. On information and belief, such systems and methods comprise the search for local retailer at www.asicsamerica.com.

36. On information and belief, BULLSEYE has infringed the '474 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States systems and methods which comprise associating on-line information with geographic areas and which are covered by one or more claims of the '474 patent. On information and belief, such systems and methods comprise the locator provider at <http://bullseye.electricvine.com>.

37. On information and belief, CARTIER has infringed the '474 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling, importing and/or offering for sale in the United States systems and methods which comprise associating on-line information with geographic areas and which are covered by one or more claims of the '474 patent. On information and belief, such systems and methods comprise the find a boutique at www.cartier.us.

38. On information and belief, CHANEL has infringed the '474 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling, importing and/or offering for sale in the United States systems and methods which comprise associating on-line information with geographic areas and which are covered by one or more claims of the '474

patent. On information and belief, such systems and methods comprise the store locator at www.chanel.com, including www.chanel.com/en_US.

39. On information and belief, CONNS has infringed the '474 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States systems and methods which comprise associating on-line information with geographic areas and which are covered by one or more claims of the '474 patent. On information and belief, such systems and methods comprise the store locator at www.conns.com.

40. On information and belief, DIOR has infringed the '474 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling, importing and/or offering for sale in the United States systems and methods which comprise associating on-line information with geographic areas and which are covered by one or more claims of the '474 patent. On information and belief, such systems and methods comprise the store locator at www.dior.com; diorhomme.com; and www.diorcoteure.com.

41. On information and belief, GRACO has infringed the '474 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling, importing and/or offering for sale in the United States systems and methods which comprise associating on-line information with geographic areas and which are covered by one or more claims of the '474 patent. On information and belief, such systems and methods comprise the where to buy at www.graco.com.

42. On information and belief, has infringed the '474 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling, importing and/or offering for sale in the United States systems and methods which comprise associating on-line information with

geographic areas and which are covered by one or more claims of the '474 patent. On information and belief, such systems and methods comprise the store finder at www.gucci.com.

43. On information and belief, IQSERVICES has infringed the '474 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States systems and methods which comprise associating on-line information with geographic areas and which are covered by one or more claims of the '474 patent. On information and belief, such systems and methods comprise the locator provider at <http://www.xtremelocator.com>; and <http://www.iqservices.com/>.

44. On information and belief, KNOW WHERE SYSTEMS has infringed the '474 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States systems and methods which comprise associating on-line information with geographic areas and which are covered by one or more claims of the '474 patent. On information and belief, such systems and methods comprise the locator provider at <http://know-where.com>.

45. On information and belief, KUBOTA has infringed the '474 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling, importing and/or offering for sale in the United States systems and methods which comprise associating on-line information with geographic areas and which are covered by one or more claims of the '474 patent. On information and belief, such systems and methods comprise the dealer locator at www.kubota.com.

46. On information and belief, LELY has infringed the '474 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling, importing and/or offering for sale in the United States systems and methods which comprise associating on-line

information with geographic areas and which are covered by one or more claims of the '474 patent. On information and belief, such systems and methods comprise the dealer locator at www.lely.com.

47. On information and belief, MARKET BASKET has infringed the '474 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States systems and methods which comprise associating on-line information with geographic areas and which are covered by one or more claims of the '474 patent. On information and belief, such systems and methods comprise the store locator at www.marketbasketfoods.com.

48. On information and belief, MEDELA has infringed the '474 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling, importing and/or offering for sale in the United States systems and methods which comprise associating on-line information with geographic areas and which are covered by one or more claims of the '474 patent. On information and belief, such systems and methods comprise the where to buy/rent at www.medela.us and www.medelabreastfeedingus.com.

49. On information and belief, ROLEX has infringed the '474 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling, importing and/or offering for sale in the United States systems and methods which comprise associating on-line information with geographic areas and which are covered by one or more claims of the '474 patent. On information and belief, such systems and methods comprise the dealer locatorfinder at www.rolex.com.

50. On information and belief, VAN CLEEF has infringed the '474 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling, importing and/or

offering for sale in the United States systems and methods which comprise associating on-line information with geographic areas and which are covered by one or more claims of the '474 patent. On information and belief, such systems and methods comprise the boutique search at www.vancleef-arpels.com.

51. On information and belief, XIONETIC has infringed the '474 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States systems and methods which comprise associating on-line information with geographic areas and which are covered by one or more claims of the '474 patent. On information and belief, such systems and methods comprise the store and product locators at www.findlocation.com.

52. To the extent that facts learned during the pendency of this case show that Defendants' infringement is, or has been willful, GEOTAG reserves the right to request such a finding at time of trial.

53. As a result of Defendants' infringing conduct, Defendants have damaged GEOTAG. Defendants are liable to GEOTAG in an amount that adequately compensates GEOTAG for their infringement, which, by law, can be no less than a reasonable royalty.

PRAYER FOR RELIEF

WHEREFORE, GEOTAG respectfully requests that this Court enter:

1. A judgment in favor of GEOTAG that Defendants have infringed the '474 patent;
2. A permanent injunction enjoining Defendants, and their officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith from infringement, inducing the infringement of, or contributing to the infringement of the '474 patent;

3. A judgment and order requiring Defendants to pay GEOTAG its damages, costs, expenses, and prejudgment and post-judgment interest for Defendants' infringement of the '474 patent as provided under 35 U.S.C. § 284;
4. An award to GEOTAG for enhanced damages as provided under 35 U.S.C. § 284;
5. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to GEOTAG its reasonable attorneys' fees; and
6. Any and all other relief to which GEOTAG may show itself to be entitled.

DEMAND FOR JURY TRIAL

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, GEOTAG requests a trial by jury of any issues so triable by right.

December 17, 2010

Respectfully submitted,

GEOTAG, INC.

By: /s/ John J. Edmonds

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