

Corporation Service Company d/b/a CSC – Lawyers Incorporating Service Company, 701 Brazos Street, Suite 1050, Austin, Texas 78701-3232, and is doing business in this judicial district.

3. On information and belief, ASUS is a corporation organized and existing under the laws of California, has a principal place of business at 800 Corporate Way, Fremont, California 94539, has designated its registered agent for purposes of service of process in Texas as Celeste D. Rincon, 1921 Cedar Bend Drive, Suite B100, Austin, Texas 78758-5326, and is doing business in this judicial district.

4. On information and belief, Best Buy is a limited partnership organized and existing under the laws of Virginia, has a principal place of business at 7601 Penn Avenue S., Minneapolis, Minnesota 55423-3645, has designated its registered agent for purposes of service of process in Texas as CT Corporation System, 350 N. Saint Paul Street, Dallas, Texas 75201-4240, and is doing business in this judicial district.

5. On information and belief, Kenwood is a corporation organized and existing under the laws of California, has a principal place of business at 2201 E. Dominguez Street, Long Beach, California 90810-1009, has designated its registered agent for purposes of service of process as CT Corporation System, 818 W. 7th Street, Los Angeles, California 90017-3407, and is doing business in this judicial district.

6. On information and belief, Nextar is a corporation organized and existing under the laws of California, has a principal place of business at 1661 Fairplex Drive, La Verne, California 91750-5871, has designated its registered agent for purposes of service of process as Carol Peng, 1661 Fairplex Drive, La Verne, California 91750-5871, and is doing business in this judicial district.

7. On information and belief, Suzuki is a corporation organized and existing under the laws of California, has a principal place of business at 3251 E. Imperial Highway, Brea, California

92821-6722, has designated its registered agent for purposes of service of process in Texas as CT Corporation System, 350 N. Saint Paul Street, Dallas, Texas 75201-4240, and is doing business in this judicial district.

8. On information and belief, Empire Suzuki is a limited partnership organized and existing under the laws of Texas, has a principal place of business at 6401 W. Park Boulevard, Plano, Texas 75093, has designated its registered agent for purposes of service of process in Texas as Tom Georgalis, 3527 Marquette Street, Dallas, Texas 75225-5016, and is doing business in this judicial district.

9. On information and belief, Garmin is a corporation organized and existing under the laws of Kansas, has a principal place of business at 1200 E. 151st Street, Olathe, Kansas 66062-3426, has designated its registered agent for purposes of service of process as Andrew R. Etkind, 1200 E. 151st Street, Olathe, Kansas 66062-3426, and is doing business in this judicial district.

JURISDICTION AND VENUE

10. This is an action for patent infringement arising under the provisions of the Patent Laws of the United States of America, Title 35, United States Code.

11. Subject-matter jurisdiction over Traffic's claims is conferred upon this Court by 28 U.S.C. §§ 1331 and 1338(a).

12. On information and belief, each defendant has solicited business in the State of Texas, transacted business within the State of Texas and attempted to derive financial benefit from residents of the State of Texas.

13. On information and belief, each defendant has placed its allegedly infringing products and services into the stream of commerce throughout the United States with the expectation that they will be used by consumers in this judicial district.

14. Each defendant is subject to personal jurisdiction in Texas and this judicial district, and is doing business in this judicial district.

15. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b) and (c) and 1400(b).

INFRINGEMENT OF THE '606 PATENT

16. Traffic realleges and incorporates by reference the allegations in paragraphs 1-15.

17. On August 31, 2004, U.S. Patent No. 6,785,606 (“the ‘606 patent”), entitled “System For Providing Traffic Information,” a copy of which is attached hereto as Exhibit A, was duly and legally issued. Traffic is the owner by assignment of all right, title and interest in and to the ‘606 patent, including the right to sue for and recover all past, present and future damages for infringement of the ‘606 patent.

18. Sony, ASUS, Best Buy, Kenwood, Nextar, Suzuki, Empire Suzuki, and Garmin, alone and in conjunction with others, have in the past and continue to infringe, contribute to infringement, and/or induce infringement of the ‘606 patent by making, using, selling, offering to sell and/or importing, and/or causing others to use, traffic information systems and products and services that alone or in combination with other devices are covered by at least one claim of the ‘606 patent, and are liable for infringement of the ‘606 patent pursuant to 35 U.S.C. § 271.

19. One or more of these defendants have committed acts of patent infringement in this district by offering to sell and selling products and services in this district which in use and in combination with other devices infringe one or more claims of the ‘606 patent.

20. Each defendant’s acts of infringement have caused damage to Traffic, and Traffic is entitled to recover from each defendant the damages sustained by Traffic as a result of each defendant’s wrongful acts in an amount subject to proof at trial.

21. As a consequence of the infringement complained of herein, Traffic has been irreparably damaged to an extent not yet determined and will continue to be irreparably damaged by such acts in the future unless each defendant is enjoined by this Court from committing further acts of infringement.

PRAYER FOR RELIEF

WHEREFORE, Traffic prays for entry of judgment that:

- A.** Sony, ASUS, Best Buy, Kenwood, Nextar, Suzuki, Empire Suzuki, and Garmin have each infringed the '606 patent;
- B.** Each defendant account for and pay to Traffic all damages caused by its individual and/or joint infringement of the '606 patent as complained of herein in accordance with 35 U.S.C. § 284;
- C.** Traffic be granted permanent injunctive relief pursuant to 35 U.S.C. § 283 enjoining each defendant, its officers, agents, servants, employees and those persons in active concert or participation with them from further acts of patent infringement;
- D.** Traffic be granted pre-judgment and post-judgment interest on the damages caused to it by reason of each defendant's patent infringement complained of herein;
- E.** Traffic be granted its reasonable attorneys' fees;
- F.** Costs be awarded to Traffic; and,
- G.** Traffic be granted such other and further relief as the Court may deem just and proper under the circumstances.

DEMAND FOR JURY TRIAL

Traffic demands trial by jury on all claims and issues so triable.

Respectfully submitted,

Dated: July 1, 2009

By: /C. Dale Quisenberry

C. Dale Quisenberry
State Bar No. 24005040
dquisenberry@pqelaw.com

John T. Polasek
State Bar. No. 16088590
tpolasek@pqelaw.com

Jeffrey S. David
State Bar No. 24053171
jdavid@pqelaw.com

POLASEK, QUISENBERRY & ERRINGTON, L.L.P.
6750 West Loop South, Suite 920
Bellaire, Texas 77401
Telephone: (832) 778-6000
Facsimile: (832) 778-6010

S. Calvin Capshaw
State Bar No. 03783900
ccapshaw@capshawlaw.com

Elizabeth L. DeRieux
State Bar No. 05770585
ederieux@capshawlaw.com

CAPSHAW DERIEUX, L.L.P.
1127 Judson Road, Suite 220
P.O. Box 3999
Longview, Texas 75601-5157
Telephone: (903) 236-9800
Facsimile: (903) 236-8787

ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served this 1st day of July, 2009, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by, electronic mail, facsimile transmission and/or first class mail on this same date.

/s/ C. Dale Quisenberry