

FILED 19 DEC '11 13:19 USDC-ORP

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Attorneys for Plaintiff Stenbock & Everson,  
an Oregon corporation

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION**

STENBOCK & EVERSON, an Oregon  
corporation, Plaintiff,  
  
v.  
  
JEPPESEN SANDERSON, Inc., Defendant

Civil Action No. **CV '11 - 1524 - PK**  
  
PLAINTIFF'S ORIGINAL COMPLAINT  
FOR PATENT INFRINGEMENT  
  
DEMAND FOR JURY TRIAL

PLAINTIFF'S ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

#4472

**I. NATURE OF THE ACTION**

1. Plaintiff Stenbock & Everson, Inc. ("Stenbock"), brings this action against Jeppesen Sanderson, Inc. ("Jeppesen") for patent infringement under 35 U.S.C. § 101 et seq.

**II. JURISDICTION AND VENUE**

2. This is an action for patent infringement arising under the Patent Act of the United States, 35 U.S.C. § 101 et seq., including 35 U.S.C. § § 271 and 281. This Court has subject matter jurisdiction over this action under 28 U.S.C. § § 1331, 1337, and 1338(a).

3. This court has personal jurisdiction over Jeppesen under the State of Oregon's long arm statute, ORCP 4 L, because Jeppesen maintains a regular place of business in this judicial district at 27350 SW 95th Ave, Suite 3018, Wilsonville, OR 97070, has committed acts of patent infringement in this judicial district, and continues to commit acts of patent infringement in this judicial district.

4. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1400(b) and 1391(b) and 1391(c), as Jeppesen maintains a regular place of business in this judicial district at 27350 SW 95th Ave, Suite 3018, Wilsonville, OR 97070, has committed acts of patent infringement in this judicial district, and continues to commit acts of patent infringement in this judicial district.

**III. THE PARTIES**

5. Stenbock is a corporation organized and existing under the laws of the State of Oregon and has its principal place of business at 22781 Airport Road NE D-1, Aurora, OR, 97002. Stenbock & Everson designs, develops, markets and supports internet based flight planning products that enhance and improve the ability of pilots to create flight plans.

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6. On information and belief, Jeppesen is a for profit corporation organized under the laws of the State of Delaware.

7. On information and belief, Jeppesen's headquarters is at 55 Inverness Drive East, Englewood, Colorado, 80112. According to Jeppesen's website, [www.jeppesen.com](http://www.jeppesen.com), Jeppesen is "[h]eadquartered in Englewood, Colorado, [has] offices at nearly 50 locations around the world, and [is] backed by the expertise and resources of [its] parent, the Boeing Company." (<http://ww1.jeppesen.com/company/about/who-we-are.jsp> as of December 4, 2011).

8. On information and belief, Jeppesen, or a Jeppesen subsidiary, is licensed with the Oregon Secretary of State, registry number 611109-88, as a foreign business corporation named Jeppesen Sanderson, Inc., a Delaware corporation with a principal place of business at 100 North Riverside Plaza, Chicago, IL, 60606, with Corporation Service Company of 285 Liberty St NE, Salem, OR, 97301 serving as its registered agent.

#### **IV. FACTUAL BACKGROUND**

9. Stenbock is the manufacturer and publisher of an internet based flight planning product for pilots to create flight plans.

10. Stenbock's proprietary internet based flight management plan, developed at substantial cost, is protected by U.S. Patent No. 7,640,098 (the "'098" Patent) attached as Exhibit 1.

11. Jeppesen develops, markets, and supports flight planning products for pilots, including client software and interactive, online flight planning products.

12. Jeppesen's online flight planning product incorporates, delivers to end users, and utilizes Oregon maps, Oregon charts, navigation waypoints in Oregon, and airports in Oregon.

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13. Jeppesen's flight planning products include an interactive online flight planner. One such product has been licensed for use by pilots by the AOPA (see at [www.aopa.org](http://www.aopa.org)) and is made available to over 400,000 pilots who are a member of the AOPA.

14. On information and belief, one such interactive online flight planner product includes "AOPA Internet flight Planner v. 1.5.5," available at least at <http://www.aopa.org/aifp/>.

15. On information and belief, another such interactive online flight planner product includes "AOPA Internet Flight Planner v.2.0-rc5" available at least at <http://www.aopa.org/test/aifp/>.

16. Jeppesen's on-line flight planning software is configured to receive program and electronic chart data updates from an online server and is compatible with desktop computers, notebook computers, tablet computers, and mobile devices.

17. Users, including Oregon pilots, interact with Jeppesen's on-line flight planning products by selecting desired waypoints and charting flight plans.

18. On information and belief, users, including Oregon pilots, pay a fee to access and use Jeppesen's interactive online flight planning products.

19. On August 10, 2010, Stenbock sent a demand letter, attached as Exhibit 2, to Jeppesen notifying it that it was infringing the '098 Patent.

20. On September 1<sup>st</sup>, 2010 Jeppesen wrote a response acknowledging the '098 patent and denying infringement thereof.

21. Thereafter, the AOPA, as a licensee of the issued the following statement, attached as Exhibit 3.

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**V. FIRST CAUSE OF ACTION FOR PATENT INFRINGEMENT**

22. Stenbock repeats and realleges, as if set forth in full, paragraphs 1 through 21 of this Complaint.

23. On December 29, 2009, the United States Patent and Trademark Office granted the '098 Patent, entitled "Process for Generating Travel Plans on the Internet" to Stenbock. Since it issued, Stenbock has been, and continues to be, the owner of all right, title and interest in and to the '098 Patent.

24. Stenbock has fully complied with 35 USC 287 and all applicable statutes.

25. Jeppesen is infringing at least one of the claims of the '098 Patent, in this judicial district and elsewhere, in connection with its activities pertaining to its mobile device and web based versions of its product located at least one website [www.aopa.org](http://www.aopa.org).

26. Unless enjoined by the Court, Jeppesen will continue to infringe the '098 Patent

27. As a direct and proximate result of Jeppesen's conduct, Stenbock has suffered and will continue to suffer irreparable injury, for which it has no adequate remedy at law.

28. Stenbock has also been damaged, and, until an injunction issues, will continue to be damaged in its business and reputation in an amount yet to be determined.

29. Moreover, the wilful and deliberate nature of Jeppesen's infringement renders this an exceptional case, and, thus, Stenbock is further entitled to treble damages, as well as its actual attorneys' fees and litigation costs.

**VI. SECOND CAUSE OF ACTION FOR ACTIVELY INDUCING INFRINGEMENT**

30. Stenbock repeats and realleges, as if set forth in full, paragraphs 1 through 29 of this Complaint.

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31. There exists a mobile device and web based versions of a flight planning product located at least one website www.aopa.org, and this product directly infringes the '098 patent.

32. On information and belief, Jeppesen provides support to and or developed the software or portions of the software, or otherwise engaged in the operation and/or maintenance and/or operation of the flight planning product identified in paragraph 31.

33. Pursuant to 35 USC Sec. 271(b), on information and belief, Jeppesen has been and continues to be actively aiding and abetting another's direct infringement, namely by providing online flight planner products as specifically alleged in paragraphs 14 – 16, or other similar versions of the online flight planning products.

34. Jeppesen has been and continues to be knowingly aiding and abetting another's direct infringement, namely by providing online flight planner products as specifically alleged in paragraphs 14 – 16, or other similar versions of the online flight planning products.

35. Jeppesen purposefully caused, urged, or encouraged another to infringe the '098 patent with knowledge of the likely infringing result.

36. On information and belief, Jeppesen has contracted and/or is contracted with AOPA to repair and/or maintain online flight planner products that infringe the '098 patent.

37. On information and belief, Jeppesen has published or is publishing instructions or directions for the use of online flight planner products that infringe the '098 patent.

#### **VII. THIRD CAUSE OF ACTION FOR CONTRIBUTORY INFRINGEMENT**

38. Stenbock repeats and realleges, as if set forth in full, paragraphs 1 through 37 of this Complaint.

39. There exists a mobile device and web based versions of a flight planning product located at least one website www.aopa.org, and this product directly infringes the '098 patent.

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40. On information and belief, Jeppesen provides support to and or developed the software or portions of the software, or otherwise engaged in the operation and/or maintenance and/or operation of the flight planning product identified in paragraph 39.

41. Pursuant to 35 USC Sec. 271(c), on information and belief, Jeppesen has been and continues to be selling, or offering for sale, or importing into the United States, or exporting from the United States, or any combination of the aforementioned, a component of a patented combination or process, and/or a component of a patented machine, manufacture, combination, or composition, or material or apparatus for use in practicing the '098 patent, and said activity is a material part of the invention of the '098 patent.

42. Further, Jeppesen knowingly and especially made or especially adapted for use the activities alleged in paragraph 37 to infringe the '098 patent, and such activities were not and are not a staple article or commodity of commerce suitable for substantial non-infringing use.

#### **VIII. JURY TRIAL DEMAND**

43. Stenbock demands a jury trial on all issues.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff Stenbock seeks for this Court to enter judgment against Jeppesen as follows:

- a) Declaring that Jeppesen has infringed at least one claim of the '098 Patent by the internet based flight planning product(s) provided by Jeppesen;
- b) Awarding Stenbock damages of no less than a reasonable royalty arising from Jeppesen's infringement of the '098 Patent;
- c) Declaring that the Jeppesen willfully infringed the '098 Patent;

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- d) Awarding Stenbock prejudgment and post-judgment interest;
- e) Declaring this case to be exceptional and awarding attorney fees and costs to Stenbock pursuant to 35 U.S.C. § 285 or as otherwise permitted by law;
- f) For an order preliminarily and permanently enjoining Jeppesen, its officers, directors, shareholders, agents, servants, employees and attorneys, and all entities and individuals acting in concert with them or on their behalf, from infringing the '098 Patent; and
- g) Awarding such other costs and further relief as the Court may deem just and proper under the circumstances.

Dated: December 19<sup>th</sup>, 2011

Respectfully submitted,



Joseph Mohr  
Mohr Intellectual Property Law Solutions, P.C.



Peter A. Haas  
Peter A Haas Esquire LLC

Attorneys for the Plaintiff

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**CERTIFICATE OF SERVICE**

I certify that on December 19, 2011, a copy of the foregoing PLAINTIFF'S ORIGINAL COMPLAINT was served on Defendant by mailing a copy by registered mail to Defendant's registered agent, identified on the Oregon Secretary of State Business Entity Data webpage, addressed as follows:

Corporation Service Company  
285 Liberty St NE  
Salem, OR 97301

        /P Haas /          
Peter Haas