

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

**GEOTAG, INC.,**

*Plaintiffs,*

**v.**

**CANON INC., and  
CANON U.S.A., INC.**

*Defendants.*

**Civil Action No. 2:12-cv-043**

**JURY TRIAL DEMANDED**

**COMPLAINT**

This is an action for patent infringement in which Plaintiff GeoTag, Inc., (“Plaintiff”) makes the following allegations against Defendants Canon Inc., and Canon U.S.A., Inc. (collectively “Canon”):

**PARTIES**

1. Plaintiff GeoTag, Inc. is a Texas corporation with a place of business in Frisco, Texas. Plaintiff GeoTag Inc. is a Texas corporation with its principal place of business at 2591 Dallas Parkway, Suite 505, Frisco, Texas.

2. On information and belief, Defendant Canon Inc., is a corporation organized under the laws of Japan with its principal place of business at 30-2, Shimomaruko 3-chrome, Ohta-ku, Tokyo 146-8501, Japan.

3. On information and belief, Defendant Canon U.S.A., Inc. is corporation organized under the laws of New York, having a principal place of business at One Canon Plaza, Lake Success, New York, 11042-1113. Canon U.S.A., Inc. may be served with process through CT Corporation Services 111 8<sup>th</sup> Avenue, New York, New York 10011. Canon U.S.A., Inc is a wholly owned subsidiary of Canon Inc.

### **JURISDICTION AND VENUE**

1. 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, 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 an interactive website(s) 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.

2. 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, 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 an interactive website(s) comprising infringing methods and apparatuses which are 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.

**COUNT I – PATENT INFRINGEMENT**

3. Plaintiff is the owner by assignment of United States Patent No. 5,930,474 (the “’474 Patent”), entitled “Internet Organizer for Accessing Geographically and Topically Based Information.” The ’474 Patent issued on July 29, 1999. A true and correct copy of the ’474 Patent is attached hereto as Exhibit A.

4. The Claims of the ’474 Patent cover, *inter alia*, systems and methods which comprise associating on-line information with geographical areas, such as 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.

5. On information and belief, Canon 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 include the store locator and career functions (e.g. Where to Buy and Job Opportunities) at [www.usa.canon.com](http://www.usa.canon.com).

6. 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.

7. As a result of Defendants’ infringing conduct, Defendants have damaged GeoTag. Defendants are liable to GeoTag in an amount that adequately compensates GeoTag for its 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.

Respectfully submitted,

Dated: January 26, 2012

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