

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION**

PANOMAP TECHNOLOGIES, LLC

Plaintiff,

v.

GOOGLE INC., and APPLE INC.

Defendants.

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CIVIL ACTION NO. \_\_\_\_\_

**JURY TRIAL DEMANDED**

**PLAINTIFF’S ORIGINAL COMPLAINT**

Plaintiff PanoMap Technologies, LLC (“PanoMap”) files this Original Complaint against the above-named Defendants for infringement of U.S. Patent No. 6,563,529 (“the ‘529 Patent”).

**I. THE PARTIES**

1. Plaintiff PanoMap is a Florida limited liability company with its principle place of business at 2423 South Orange Ave., #195, Orlando, Florida 32806.

2. On information and belief, Google Inc. (“Google”) is a Delaware corporation with its principal place of business in Mountain View, California. Google may be served with process through its registered agent in Delaware, Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801.

3. On information and belief, Apple Inc. (“Apple”) is a California corporation with its principal place of business in Cupertino, California. Apple may be served with process through its registered agent in Florida, C T Corporation System, 1200 South Pine Island Road, 200 E. Gaines St., Plantation, Florida 33324.

## **II. JURISDICTION AND VENUE**

4. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction of this action under 28 U.S.C. § 1331 and § 1338(a).

5. This Court has general and specific personal jurisdiction over each Defendant, and venue is proper, pursuant to 28 U.S.C. §§ 1391 and 1400(b). On information and belief, Defendants have substantial contacts with this forum, including: (1) regularly conducting and soliciting business from residents of the State of Florida and this District; (2) engaging in other persistent courses of conduct in the State of Florida and this District; (3) deriving substantial revenue from goods and/or services provided to individuals residing in the State of Florida and this District; and/or (4) committing infringement, in whole or in part, as alleged herein, including making, using, selling and/or offering to sell products, systems and/or services that infringe one or more claims of the '529 Patent in the State of Florida and this District.

6. Joinder of the Defendants in a single action is proper in this case under 35 U.S.C. § 299 because Plaintiff's patent infringement claims and right to relief are asserted against Google and Apple jointly, severally, and in the alternative with respect to or arising out of Google's and Apple's making, using, importing into the United States, offering for sale, or selling of the same accused products or processes (i.e. iPhone, iPad, and iPod Touch products containing Google maps with Street View, as more fully discussed below). Questions of fact common to both Google and Apple will arise out of this action.

### **III. PATENT INFRINGEMENT**

7. This cause of action arises under the patent laws of the United States, and in particular, 35 U.S.C. §§ 271, *et seq.*

8. On May 13, 2003, the ‘529 Patent was duly and legally issued for an “Interactive System for Displaying Detailed View and Direction in Panoramic Images.” A true and correct copy of the ‘529 Patent is attached hereto as Exhibit A.

9. The ‘529 Patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

10. Plaintiff owns all substantial rights in and to the ‘529 Patent, including the exclusive right to make, have made, use, import, offer or sell products or services covered by the ‘529 Patent, to grant sublicenses, to sue for and collect past, present and future damages, and to seek and obtain injunctive or any other relief for infringement of the ‘529 Patent.

11. Google and Apple import, make, use, sell and/or offer for sale, in the United States, products, systems, and/or methods for displaying a detailed view of an area within a territory, including synchronized map displays indicating direction, origin, and angular direction, that infringe the ‘529 Patent (“Infringing Instrumentalities”).

12. Apple’s Infringing Instrumentalities include, but are not limited to, iPhone, iPad and iPod Touch devices that have in the past been, and are currently, sold with the “Maps” application, which, upon information and belief, is provided in whole or in part by Google, and/or in collaboration with Google.

13. Google's Infringing Instrumentalities include, but are not limited to, Google Street View, including Street View functionality available on Apple's Infringing Instrumentalities, as well as through the World Wide Web.

14. Pursuant to 35 U.S.C. § 271, each Defendant has and continues to directly infringe multiple claims of the '529 Patent in this judicial district and elsewhere in Florida and the United States, including at least independent claims 10, 17 and 23, and certain dependent claims therefrom, by making, using, offering for sale, selling and/or importing its respective Infringing Instrumentalities.

15. Each Defendant has knowledge of the infringement of their respective Infringing Instrumentalities at least as early as the dates set forth in paragraphs 17 and 18 herein, but in no event later than the date of service of this Complaint.

16. Upon information and belief, and supported by both <http://www.google.com/mobile/iphone/> and <http://www.apple.com/iphone/built-in-apps/maps-compass.html>, Google is alternatively liable for contributory infringement under 35 U.S.C. § 271. Google provides Apple with its Google Maps application, which includes features and functionality that infringes the '529 Patent, is not a staple article of commerce, and which functionality has no substantially non-infringing use. At least as of December 8, 2008 (as set forth in paragraph 18, below), Google had knowledge that the Street View functionality of its Google Maps application for iPhone, iPad, and iPod Touch devices is a material part of one or more inventions described in the '529 Patent, and that Google Maps for iPhone, iPad, and iPod Touch devices is especially made and/or especially adapted for use in an infringement of the '529 Patent.

17. Upon information and belief, at least as early as July 8, 2007, Apple accessed “www.duckware.com/pmvr/index.html,” a Website operated by the named inventor of the ‘529 Patent, and viewed one or more Web pages that specifically showed embodiments of the inventions claimed by the ‘529 Patent and the fact that such embodiments are covered by the claims of the ‘529 Patent. Thus, at least as of July 8, 2007, Apple’s infringement of the ‘529 Patent has been willful.

18. Google has known of the existence of the ‘529 Patent since at least as early as December 8, 2008, at which time, and as assignee of the application that issued as U.S. Patent No. 7,990,394 entitled “Viewing and Navigating Within Panoramic Images, and Applications Thereof,” Google filed an Information Disclosure Statement with the United States Patent and Trademark Office listing the ‘529 Patent as relevant prior art. Then, on January 7, 2009, as assignee of the application that issued as U.S. Patent No. 7,843,451 entitled “Efficient Rendering of Panoramic Images, and Applications Thereof,” Google filed another Information Disclosure Statement listing the ‘529 Patent as relevant prior art. Thus, at least as of December 8, 2008, Google’s infringement of the ‘529 Patent has been willful.

19. Plaintiff has been damaged as a result of each Defendant’s infringing conduct. Each Defendant is, thus, liable to Plaintiff in an amount that adequately compensates it for its infringements, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

#### **IV. JURY DEMAND**

Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

#### IV. PRAYER FOR RELIEF

Plaintiff requests that the Court find in its favor and against Defendants, and that the Court grant Plaintiff the following relief:

- a. Judgment that one or more claims of United States Patent No. 6,563,529 have been infringed, either literally and/or under the doctrine of equivalents, by each Defendant, and/or by the direct infringement of Apple to whose infringement Google has contributed;
- b. Judgment that each Defendant account for and pay to Plaintiff all damages to and costs incurred by Plaintiff because of Defendant's infringing activities and other conduct complained of herein;
- c. That Plaintiff be granted pre-judgment and post-judgment interest on the damages caused by each Defendant's infringing activities and other conduct complained of herein;
- d. That this Court declare this an exceptional case and award Plaintiff its reasonable attorney's fees and costs in accordance with 35 U.S.C. § 285; and
- e. That Plaintiff be granted such other and further relief as the Court may deem just and proper under the circumstances, including any increase in damages pursuant to 35 U.S.C. § 284 to which the Court assesses as appropriate to compensate for the conduct of Defendants.

Dated: February 24, 2012

Respectfully submitted,

/s/Brian R. Gilchrist

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