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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

ENCYCLOPAEDIA BRITANNICA,  
INC.

Plaintiff

v.

MAGELLAN NAVIGATION, INC.,  
TOMTOM, INC.,  
AND  
AMERICAN TV & APPLIANCE  
OF MADISON, INC.

Defendants

07 C 0285 S

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

JURY TRIAL DEMANDED

SA07CA07290G

A07CA 787LY

**COMPLAINT FOR PATENT INFRINGEMENT AND JURY DEMAND**

Plaintiff Encyclopaedia Britannica, Inc. ("Britannica") alleges the following:

**I. PARTIES**

1. Britannica is a Delaware corporation with its principal place of business at 331 North LaSalle Street, Chicago, Illinois 60610.

2. Defendant Magellan Navigation, Inc. ("Magellan") is a Delaware corporation with its principal place of business at 471 El Camino Real, Santa Clara, California 95050. Because Magellan is a foreign corporation, Magellan may be served with process by personally serving an officer, director, or managing agent of Magellan. W.S.A. 801.11.

3. Defendant TomTom, Inc. ("TomTom") is a Massachusetts corporation with its principal place of business at 150 Baker Avenue Ext., Concord, Massachusetts 01742. Because TomTom is a foreign corporation, TomTom may be served with process by personally serving an

officer, director, or managing agent of TomTom. W.S.A. 801.11.

4. Defendant American TV & Appliance of Madison, Inc. ("American TV") is a Wisconsin corporation with its principal place of business at 2404 W. Beltline Hwy, Madison, Wisconsin 53713. Because American TV is a domestic corporation, American TV may be served with process by personally serving an officer, director, or managing agent of American TV. W.S.A. 801.11.

## II. JURISDICTION AND VENUE

5. The jurisdiction of this Court is proper under 28 U.S.C. §§ 1331, 1338. This action is a suit for patent infringement under the patent laws of the United States, 35 U.S.C. § 1 et. seq.

6. Defendant Magellan has sold infringing products in the Western District of Wisconsin or has sold such products under circumstances in which it was reasonably foreseeable that such products would be shipped into the Western District. Defendant Magellan has committed the tort of patent infringement in the Western District. Defendant Magellan has sold and shipped into the Western District products that infringe Britannica's United States Patent Nos. 7,051,018 and 7,082,437 or has sold such products under circumstances in which it was reasonably foreseeable that the products would be shipped into the Western District. Accordingly, Defendant Magellan resides in the Western District as the term "reside" is defined in 28 U.S.C. § 1391(c) and, therefore, venue in the Western District is proper under 28 U.S.C. §§ 1391(b), 1400(b).

7. Defendant Magellan is subject to personal jurisdiction in Wisconsin and this district.

8. Defendant TomTom has sold infringing products in the Western District of Wisconsin or has sold such products under circumstances in which it was reasonably foreseeable that such products would be shipped into the Western District. Defendant TomTom has committed the tort of patent infringement in the Western District. Defendant TomTom has sold and shipped into the Western District products that infringe Britannica's United States Patent Nos. 7,051,018 and 7,082,437 or has sold such products under circumstances in which it was reasonably foreseeable that the products would be shipped into the Western District. Accordingly, Defendant TomTom resides in the Western District as the term "reside" is defined in 28 U.S.C. § 1391(c) and, therefore, venue in the Western District is proper under 28 U.S.C. §§ 1391(b), 1400(b).

9. Defendant TomTom is subject to personal jurisdiction in Wisconsin and this district.

10. Defendant American TV has sold infringing products in the Western District of Wisconsin. Because Defendant American TV has sold in the Western District products that infringe Britannica's United States Patent Nos. 7,051,018 and 7,082,437, Defendant American TV has committed the tort of patent infringement in the Western District. Accordingly, Defendant American TV resides in the Western District as the term "reside" is defined in 28 U.S.C. § 1391(c) and, therefore, venue in the Western District is proper under 28 U.S.C. §§ 1391(b), 1400(b).

11. Defendant American TV is subject to personal jurisdiction in Wisconsin and this district.

### **III. INFRINGEMENT OF UNITED STATES PATENT NO. 7,051,018**

12. United States Patent No. 7,051,018 (referred to herein as “the ‘018 Patent”) was duly and legally issued on May 23, 2006 by the United States Patent and Trademark Office.

13. Britannica is the owner of the ‘018 Patent by assignment.

14. The ‘018 Patent describes a novel computerized map system and a method of electronically using a map.

15. Defendant Magellan, without permission of Britannica, has been and still is infringing one or more claims of the ‘018 Patent as infringement is defined by 35 U.S.C. § 271. Britannica requests an award of its actual damages caused by such infringement pursuant to 35 U.S.C. § 284.

16. To the extent that Defendant Magellan has continued or does continue its infringing activities after receiving notice of the ‘018 Patent, such infringement is willful, entitling Britannica to the recovery of treble damages pursuant to 35 U.S.C. § 284. In addition, this is an “exceptional case” justifying an award of attorneys’ fees and costs to Britannica pursuant to 35 U.S.C. § 285.

17. Britannica believes that Defendant Magellan will continue to infringe the ‘018 Patent unless enjoined by this Court. Britannica requests, in addition to an award of its actual damages that have accrued to the date of Judgment, a permanent injunction against infringement from the date of Judgment until expiration of the ‘018 Patent.

18. Defendant TomTom, without permission of Britannica, has been and still is infringing one or more claims of the ‘018 Patent as infringement is defined by 35 U.S.C. § 271.

Britannica requests an award of its actual damages caused by such infringement pursuant to 35 U.S.C. § 284.

19. To the extent that Defendant TomTom has continued or does continue its infringing activities after receiving notice of the '018 Patent, such infringement is willful, entitling Britannica to the recovery of treble damages pursuant to 35 U.S.C. § 284. In addition, this is an "exceptional case" justifying an award of attorneys' fees and costs to Britannica pursuant to 35 U.S.C. § 285.

20. Britannica believes that Defendant TomTom will continue to infringe the '018 Patent unless enjoined by this Court. Britannica requests, in addition to an award of its actual damages that have accrued to the date of Judgment, a permanent injunction against infringement from the date of Judgment until expiration of the '018 Patent.

21. Defendant American TV, without permission of Britannica, has been and still is infringing one or more claims of the '018 Patent as infringement is defined by 35 U.S.C. § 271. Britannica requests an award of its actual damages caused by such infringement pursuant to 35 U.S.C. § 284. American TV's acts of infringement warrant higher reasonable royalty damages because American TV's sales prices for infringing products reflect the value of the invention to the consumer.

22. To the extent that Defendant American TV has continued or does continue its infringing activities after receiving notice of the '018 Patent, such infringement is willful, entitling Britannica to the recovery of treble damages pursuant to 35 U.S.C. § 284. In addition, this is an "exceptional case" justifying an award of attorneys' fees and costs to Britannica pursuant to 35 U.S.C. § 285.

23. Britannica believes that Defendant American TV will continue to infringe the '018 Patent unless enjoined by this Court. Britannica requests, in addition to an award of its actual damages that have accrued to the date of Judgment, a permanent injunction against infringement from the date of Judgment until expiration of the '018 Patent.

#### **IV. INFRINGEMENT OF UNITED STATES PATENT NO. 7,082,437**

24. United States Patent No. 7,082,437 (referred to herein as "the '437 Patent") was duly and legally issued on July 25, 2006 by the United States Patent and Trademark Office.

25. Britannica is the owner of the '437 Patent by assignment.

26. The '437 Patent describes a novel computer search system for retrieving various types of information.

27. Defendant Magellan, without permission of Britannica, has been and still is infringing one or more claims of the '437 Patent as infringement is defined by 35 U.S.C. § 271. Britannica requests an award of its actual damages caused by such infringement pursuant to 35 U.S.C. § 284.

28. To the extent that Defendant Magellan has continued or does continue its infringing activities after receiving notice of the '437 Patent, such infringement is willful, entitling Britannica to the recovery of treble damages pursuant to 35 U.S.C. § 284. In addition, this is an "exceptional case" justifying an award of attorneys' fees and costs to Britannica pursuant to 35 U.S.C. § 285.

29. Britannica believes that Defendant Magellan will continue to infringe the '437 Patent unless enjoined by this Court. Britannica requests, in addition to an award of its actual

damages that have accrued to the date of Judgment, a permanent injunction against infringement from the date of Judgment until expiration of the '437 Patent.

30. Defendant TomTom, without permission of Britannica, has been and still is infringing one or more claims of the '437 Patent as infringement is defined by 35 U.S.C. § 271. Britannica requests an award of its actual damages caused by such infringement pursuant to 35 U.S.C. § 284.

31. To the extent that Defendant TomTom has continued or does continue its infringing activities after receiving notice of the '437 Patent, such infringement is willful, entitling Britannica to the recovery of treble damages pursuant to 35 U.S.C. § 284. In addition, this is an "exceptional case" justifying an award of attorneys' fees and costs to Britannica pursuant to 35 U.S.C. § 285.

32. Britannica believes that Defendant TomTom will continue to infringe the '437 Patent unless enjoined by this Court. Britannica requests, in addition to an award of its actual damages that have accrued to the date of Judgment, a permanent injunction against infringement from the date of Judgment until expiration of the '437 Patent.

33. Defendant American TV, without permission of Britannica, has been and still is infringing one or more claims of the '437 Patent as infringement is defined by 35 U.S.C. § 271. Britannica requests an award of its actual damages caused by such infringement pursuant to 35 U.S.C. § 284. American TV's acts of infringement warrant higher reasonable royalty damages because American TV's sales prices for infringing products reflect the value of the invention to the consumer.

34. To the extent that Defendant American TV has continued or does continue its infringing activities after receiving notice of the '437 Patent, such infringement is willful, entitling Britannica to the recovery of treble damages pursuant to 35 U.S.C. § 284. In addition, this is an "exceptional case" justifying an award of attorneys' fees and costs to Britannica pursuant to 35 U.S.C. § 285.

35. Britannica believes that Defendant American TV will continue to infringe the '437 Patent unless enjoined by this Court. Britannica requests, in addition to an award of its actual damages that have accrued to the date of Judgment, a permanent injunction against infringement from the date of Judgment until expiration of the '437 Patent.

#### **V. PRAYER FOR RELIEF**

36. Britannica, therefore, prays that the Court enter Judgment in its favor against all the Defendants granting the following relief:

- (a) a permanent injunction prohibiting further infringement by all Defendants and all of their officers, agents, affiliates, servants, and employees, and all other persons in active concert or participation with them;
- (b) an award of Britannica's actual damages, including costs, prejudgment interest, and post-judgment interest;
- (c) a trebling of damages for willful infringement;
- (d) a finding that this is an exceptional case and an award of Britannica's attorneys' fees and costs;



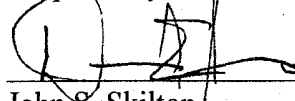
- (e) a declaration that the '018 Patent is valid, enforceable, and infringed by Defendants;
- (f) a declaration that the '437 Patent is valid, enforceable, and infringed by Defendants; and
- (g) such other and further relief as the Court deems just.

**DEMAND FOR JURY TRIAL**

Pursuant to Fed. R. Civ. P. 38, Britannica demands trial by jury of all issues so triable.

DATED: May 21, 2007

Respectfully submitted,



John S. Skilton

WSBN: 1012794

David E. Jones

WSBN: 1026694

Sarah C. Walkenhorst

WSBN: 1041853

HELLER EHRMAN L.L.P.

One East Main Street, Suite 201

Madison, WI 53703

(608) 663-7460 Telephone

(608) 663-7499 Facsimile

Scott F. Partridge

TSBN: 00786940

BAKER BOTTS L.L.P.

One Shell Plaza, 910 Louisiana

Houston, Texas 77002

(713) 229-1569 Telephone

(713) 229-7769 Facsimile

David G. Wille

TSBN: 00785250

Barton E. Showalter

TSBN: 00788408

Brian W. Oaks

TSBN: 24007767

BAKER BOTTS L.L.P.

2001 Ross Avenue, Suite 600

Dallas, Texas 75201

(214) 953-6595 Telephone

(214) 661-4595 Facsimile

ATTORNEYS FOR PLAINTIFF,  
ENCYCLOPAEDIA BRITANNICA, INC.