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BY _____

CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
SANTA ANA

2012 SEP -5 PM 2:46

FILED

7
8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

10
11 ECLIPSE IP LLC

12 Plaintiffs,

13 vs.

14 NISSAN NORTH AMERICA, INC.,

15 Defendant.

Case No. CV12 - 7599 DDP (Ex)

COMPLAINT FOR PATENT
INFRINGEMENT

JURY TRIAL DEMANDED

Complaint Filed: N/A
Trial Date: N/A

16 COMPLAINT FOR PATENT INFRINGEMENT

17 Plaintiff Eclipse IP LLC ("Eclipse"), by counsel, complains of defendant Nissan
18 North America, Inc. ("Nissan"), as follows:

19 NATURE OF LAWSUIT

20 1. This is a suit for patent infringement arising under the patent laws of the
21 United States, Title 35 of the United States Code § 1 *et seq.* This Court has exclusive
22 jurisdiction over the subject matter of the Complaint under 28 U.S.C. §§ 1331 and
23 1338(a).

24 PARTIES AND PATENTS

25 2. Eclipse is a company organized and existing under the laws of Florida and
26 having a principal place of business address at 115 NW 17th Street, Delray Beach,
27 Florida 33444.

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COPY

BY FAX

1 3. Eclipse owns all right, title, and interest in and has standing to sue for
2 infringement of United States Patent No. 7,482,952 (“the ‘952 patent”), entitled
3 “Response Systems and Methods for Notification Systems for Modifying Future
4 Notifications” (Exhibit A); and United States Patent No. 7,479,900 (“the ‘900 patent”),
5 entitled “Notification Systems and Methods that Consider Traffic Flow Predicament
6 Data” (Exhibit B) (collectively, “the Eclipse Patents”).

7 4. On information and belief, Nissan is a corporation existing under the laws
8 of Delaware.

9 5. On information and belief, Nissan does regular business in this judicial
10 district and has committed acts of infringement in this judicial district.

11 **JURISDICTION AND VENUE**

12 6. This Court has personal jurisdiction over Nissan because it does regular
13 business in this District; is operating and/or supporting products or services that fall
14 within one or more claims of Eclipse’s patents in this District; and has committed the
15 tort of patent infringement in this District.

16 7. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(d) and
17 1400(b).

18 **DEFENDANT’S ACTS OF PATENT INFRINGEMENT**

19 8. Nissan has knowingly infringed one or more claims of the ‘952 patent
20 through, among other activities, the use of the NavTraffic navigation system in its
21 vehicles to: alert and/or update drivers regarding changes in various traffic data;
22 recalculate a change in route in response to such traffic data and communicate it to the
23 driver; and allowing the driver to confirm or reject such change in route to the
24 destination.

25 9. Nissan has actively induced and/or contributed to the infringement by
26 others of one or more claims of the ‘952 patent through, among other activities,
27 continuing to manufacture, distribute, and sell vehicles equipped with the NavTraffic

1 navigation system to its customers after having received notice of its infringement of
2 the '952 patent.

3 10. Nissan has knowingly infringed one or more claims of the '900 patent
4 through, among other activities, the use of the NavTraffic navigation system in its
5 vehicles to: alert and/or update drivers regarding changes in various traffic data;
6 monitoring such traffic data in relation the scheduled route to determine if it is
7 necessary to initiate a communication with the driver to relay a change in route and/or
8 estimated travel time.

9 11. Nissan has actively induced and/or contributed to the infringement by
10 others of one or more claims of the '900 patent through, among other activities,
11 continuing to manufacture, distribute, and sell vehicles equipped with the NavTraffic
12 navigation system to its customers after having received notice of its infringement of
13 the '900 patent.

14 12. Through direct, induced, and contributory infringement Nissan has injured
15 Eclipse, and Eclipse is entitled to recover damages adequate to compensate it for such
16 infringement, but in no event less than a reasonable royalty.

17 **CLAIMS FOR RELIEF**

18 **COUNT I**

19 **(Patent Infringement of U.S. Patent No. 7,482,952**

20 **Under 35 U.S.C. § 271, et seq.)**

21 13. Eclipse incorporates by reference and realleges the allegations set forth in
22 paragraphs 1 through 12 above and incorporates them by reference.

23 14. On January 27, 2009, United States Patent No. 7,482,952, entitled
24 "Response Systems and Methods for Notification Systems for Modifying Future
25 Notifications" was duly and legally issued by the United States Patent and Trademark
26 Office. Eclipse IP is the owner of the entire right, title and interest in and to the '952
27 patent. A true and correct copy of the '952 patent is attached as Exhibit A to this
28 complaint.

1 15. Eclipse is informed and believes, and thereupon alleges, that Nissan: (1)
2 has infringed and continues to infringe claims of the ‘952 patent, literally and/or under
3 the doctrine of equivalents, and/or (2) has contributed and continues to contribute to the
4 literal infringement and/or infringement under the doctrine of equivalents of claims of
5 the ‘952 patent, and/or has actively induced and continues to actively induce others to
6 infringe claims of the ‘952 patent, literally and/or under the doctrine of equivalents, in
7 this district and elsewhere in the United States.

8 **COUNT II**

9 **(Patent Infringement of U.S. Patent No. 7,479,900**

10 **Under 35 U.S.C. § 271, et seq.)**

11 16. Eclipse incorporates by reference and realleges the allegations set forth in
12 paragraphs 1 through 15 above and incorporates them by reference.

13 17. On January 20, 2009, United States Patent No. 7,479,900, entitled
14 “Notification Systems and Methods that Consider Traffic Flow Predicament Data” was
15 duly and legally issued by the United States Patent and Trademark Office. Eclipse IP is
16 the owner of the entire right, title and interest in and to the ‘900 patent. A true and
17 correct copy of the ‘900 patent is attached as Exhibit B to this complaint.

18 18. Eclipse is informed and believes, and thereupon alleges, that Nissan: (1)
19 has infringed and continues to infringe claims of the ‘900 patent, literally and/or under
20 the doctrine of equivalents, and/or (2) has contributed and continues to contribute to the
21 literal infringement and/or infringement under the doctrine of equivalents of claims of
22 the ‘900 patent, and/or has actively induced and continues to actively induce others to
23 infringe claims of the ‘900 patent, literally and/or under the doctrine of equivalents, in
24 this district and elsewhere in the United States.

25 **PRAYER FOR RELIEF**

26 WHEREFORE, Plaintiff Eclipse asks this Court to enter judgment against the
27 defendant and against each of the defendant’s respective subsidiaries, affiliates, agents,

1 servants, employees and all persons in active concert or participation with it, granting
2 the following relief:

3 (a) An award of damages adequate to compensate Eclipse for the infringement
4 that has occurred, together with prejudgment interest from the date infringement of the
5 Eclipse Patents began;

6 (b) An award to Eclipse of all remedies available under 35 U.S.C. §§ 284 and
7 285, including enhanced damages up to and including trebling of Eclipse's damages for
8 Nissan's willful infringement, and reasonable attorneys' fees and costs; and,

9 (c) Such other and further relief as this Court or a jury may deem proper and
10 just.

11 **JURY DEMAND**

12 Eclipse demands a trial by jury on all issues so triable pursuant to Federal Rule of
13 Civil Procedure 38.

14
15 Respectfully submitted this 5th day of September, 2012

16 NEWPORT TRIAL GROUP


17
18 By: 
19 Tyler J. Woods
20 Attorney for Plaintiff
21 ECLIPSE IP LLC

EXHIBIT A

(12) **United States Patent**
Horstemeyer

(10) **Patent No.:** **US 7,482,952 B2**
(45) **Date of Patent:** **Jan. 27, 2009**

(54) **RESPONSE SYSTEMS AND METHODS FOR NOTIFICATION SYSTEMS FOR MODIFYING FUTURE NOTIFICATIONS** 3,845,289 A 10/1974 French 235/151.2
3,886,515 A 5/1975 Cottin et al. 340/994
3,934,125 A 1/1976 Macano 235/150.2

(75) Inventor: **Scott A. Horstemeyer**, Atlanta, GA (US)

(73) Assignee: **LegalView Assets, Limited**, Tortola (VG)

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(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 192 days.

EP 0219859 A2 4/1987

(21) Appl. No.: **11/511,846**

(Continued)

(22) Filed: **Aug. 29, 2006**

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(65) **Prior Publication Data**
US 2006/0290533 A1 Dec. 28, 2006

Moriok, et al., "Advanced Vehicle Monitoring and communication Systems for Bus Transit—Benefits and Economic Feasibility", Final Report—U.S. Department of Transportation, Sep. 1991, Revised Mar. 1993, Dot-T-94-03.

Related U.S. Application Data

(Continued)

(62) Division of application No. 10/706,591, filed on Nov. 12, 2003, now Pat. No. 7,119,716.

(60) Provisional application No. 60/498,819, filed on Aug. 29, 2003, provisional application No. 60/486,768, filed on Jul. 11, 2003, provisional application No. 60/473,738, filed on May 28, 2003, provisional application No. 60/473,742, filed on May 28, 2003, provisional application No. 60/473,949, filed on May 28, 2003.

Primary Examiner—Tai T Nguyen
(74) *Attorney, Agent, or Firm*—Thomas, Kayden, Horstemeyer & Risley LLP

(57) **ABSTRACT**

(51) **Int. Cl.**
G08G 1/123 (2006.01)
(52) **U.S. Cl.** **340/994**; 340/928; 340/539.11; 340/539.15; 340/502; 340/504; 340/506
(58) **Field of Classification Search** 340/994, 340/928, 539.11, 539.15, 502, 504, 506
See application file for complete search history.

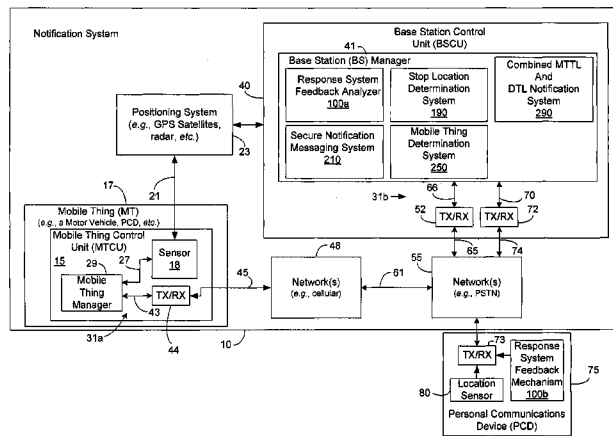
Response systems and methods are disclosed for communications in connection with a computer-based notification system and a personal communications device (e.g., telephone, pager, computer, PDA, etc.) associated with a party. One such representative response method, among others, can be summarized by the following steps: initiating a notification communication to a personal communications device associated with a party; receiving a response communication from the party's personal communications device; and modifying a manner in which future notification communications are implemented, based upon the response. A representative response system, among others, has mechanisms for implementing the foregoing steps.

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20 Claims, 50 Drawing Sheets



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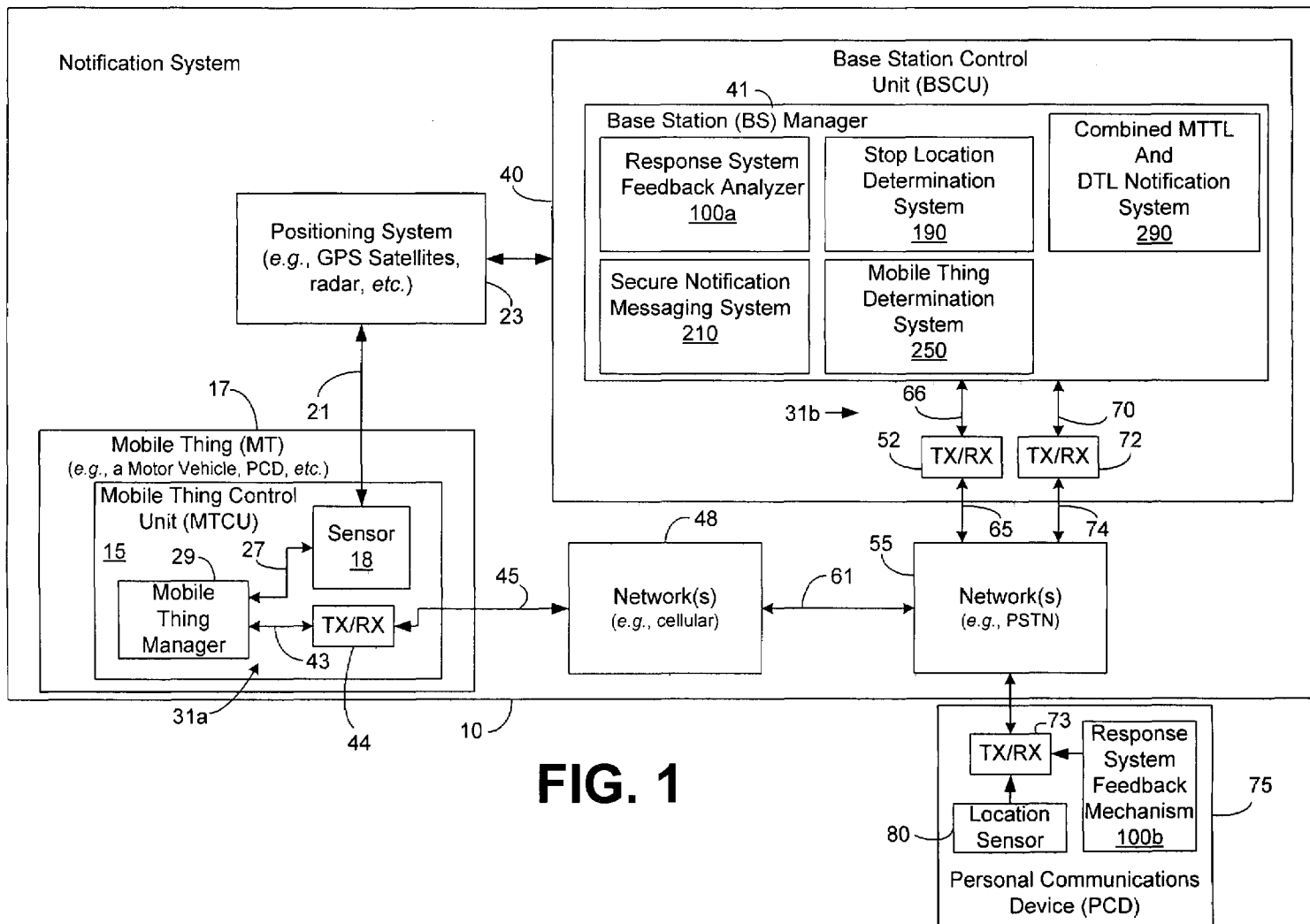


FIG. 1

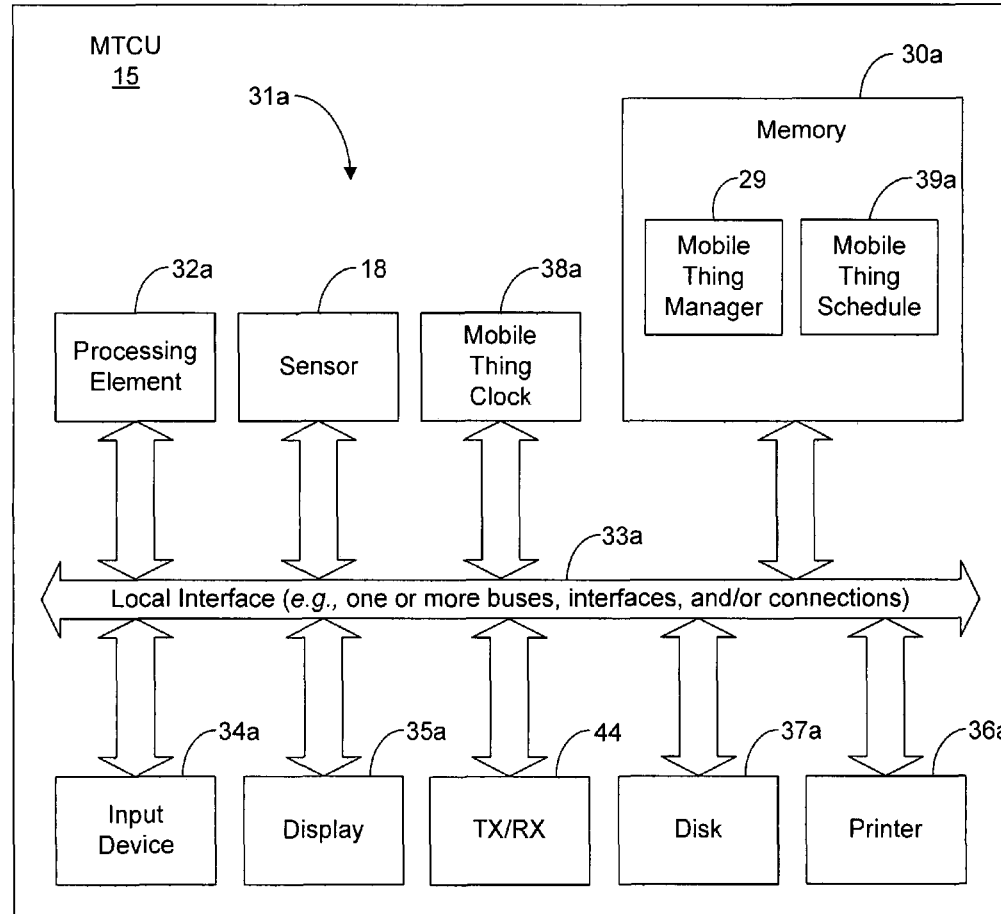


FIG. 2

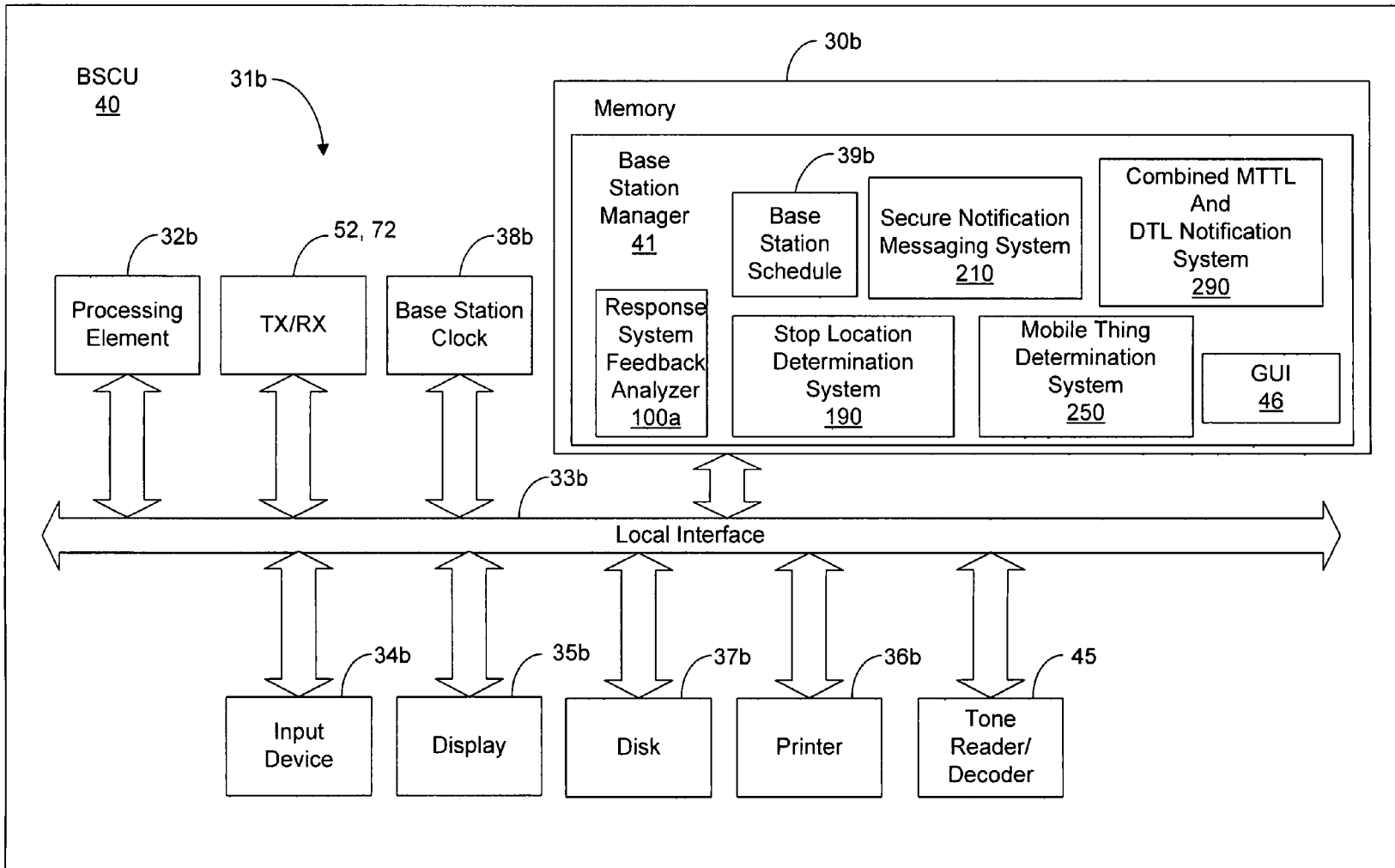


FIG. 3

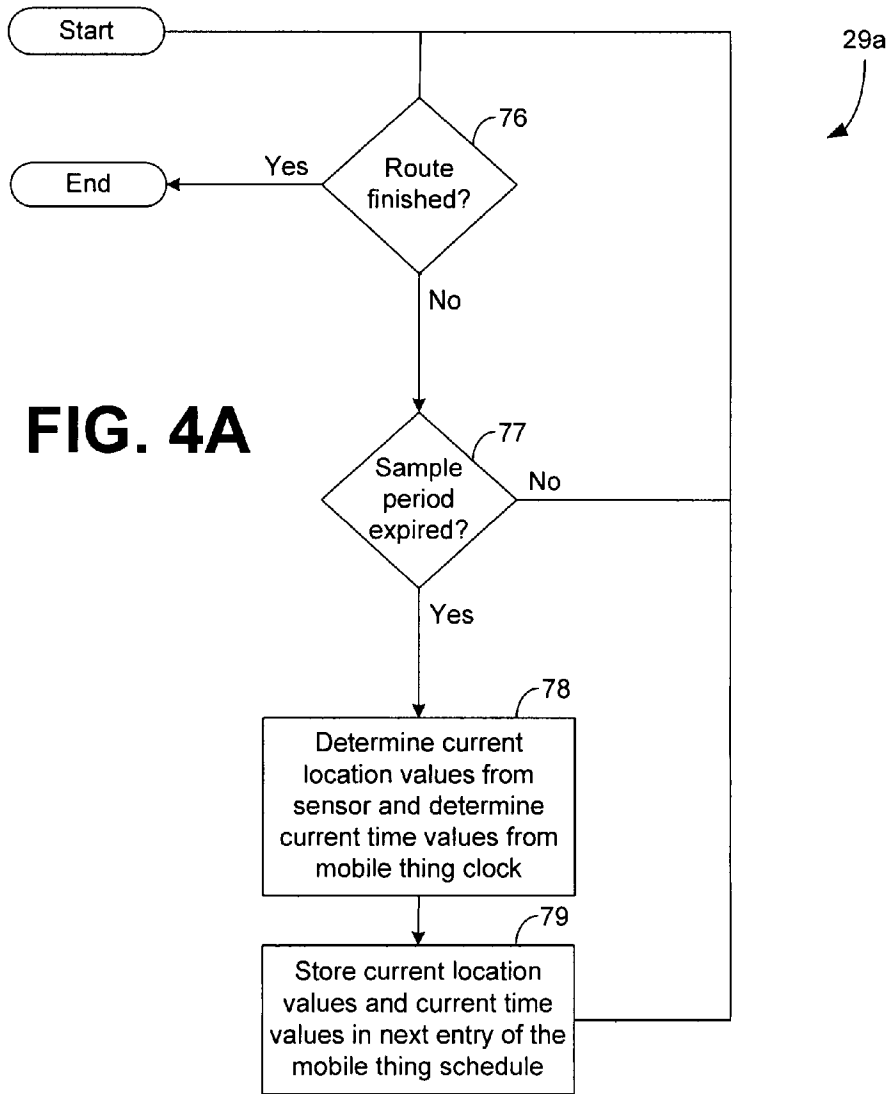


FIG. 4A

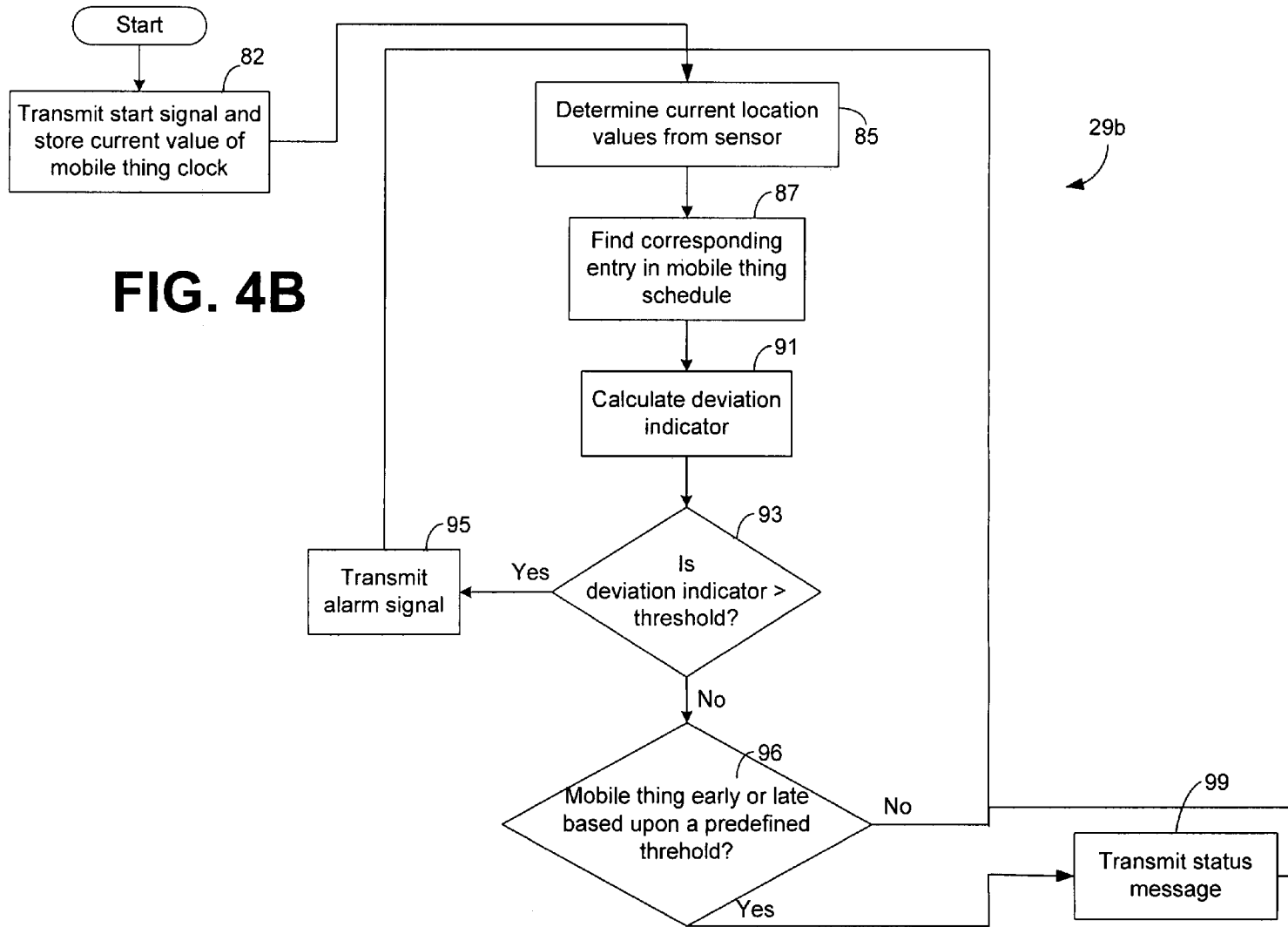


FIG. 4B

29b

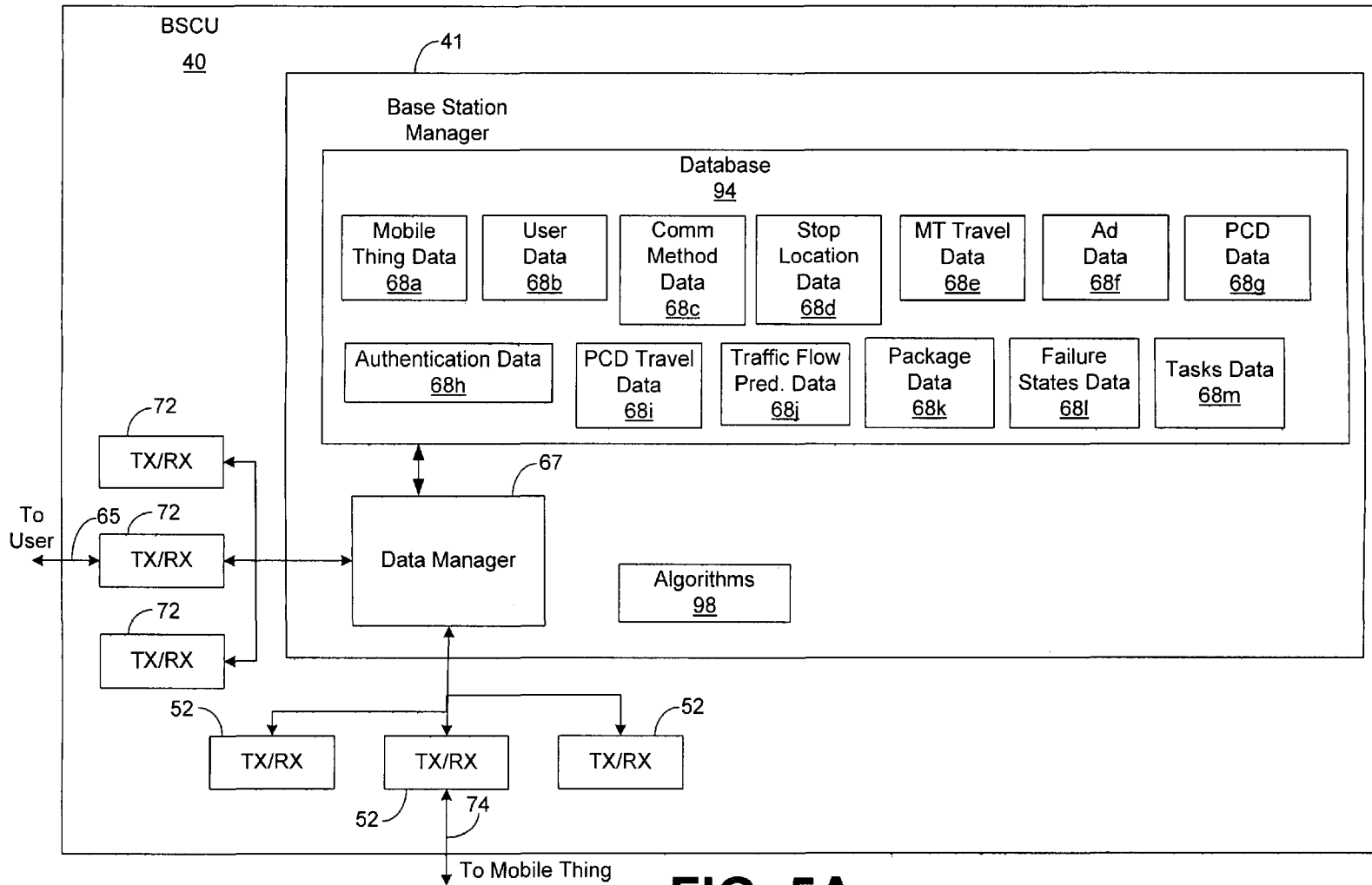
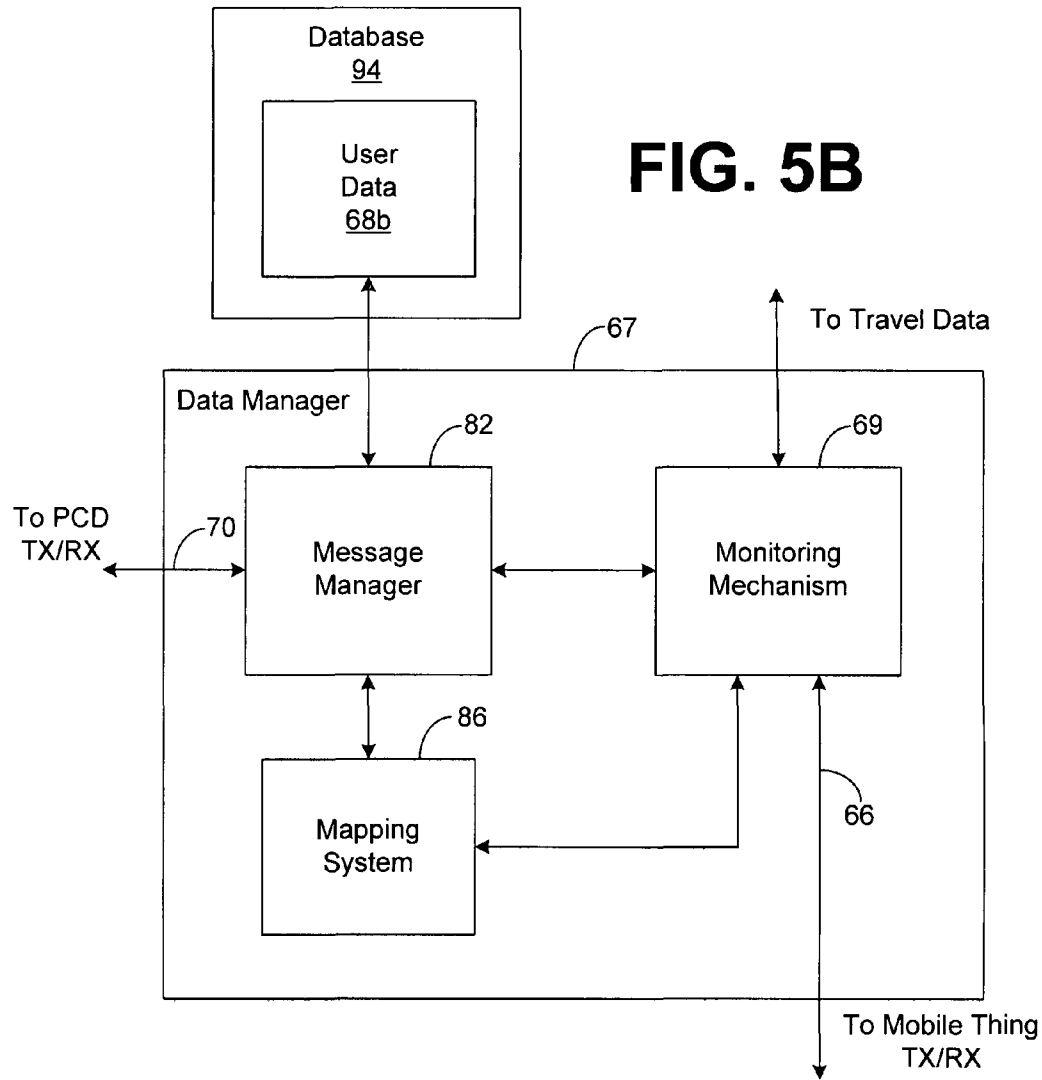


FIG. 5A



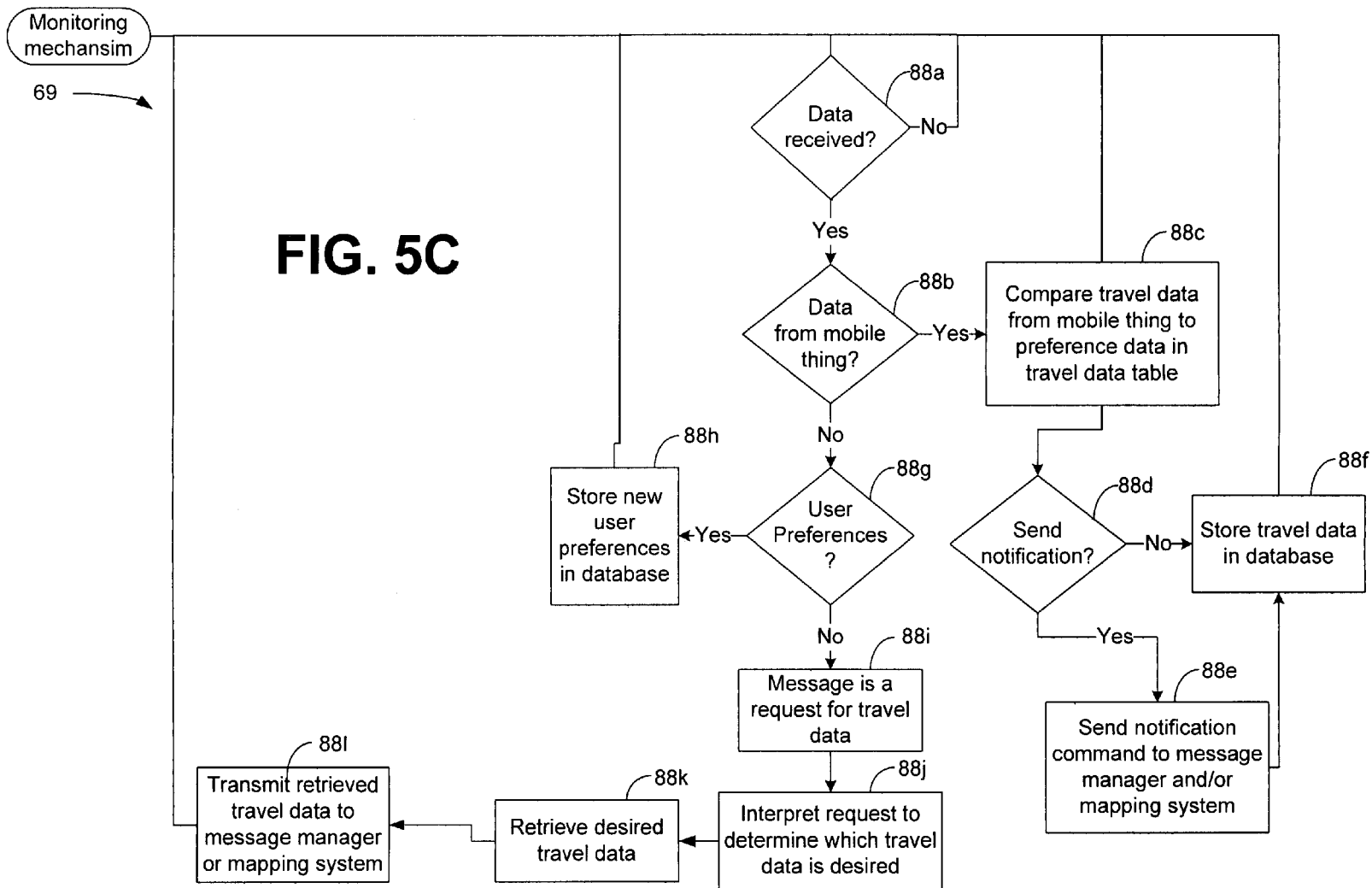
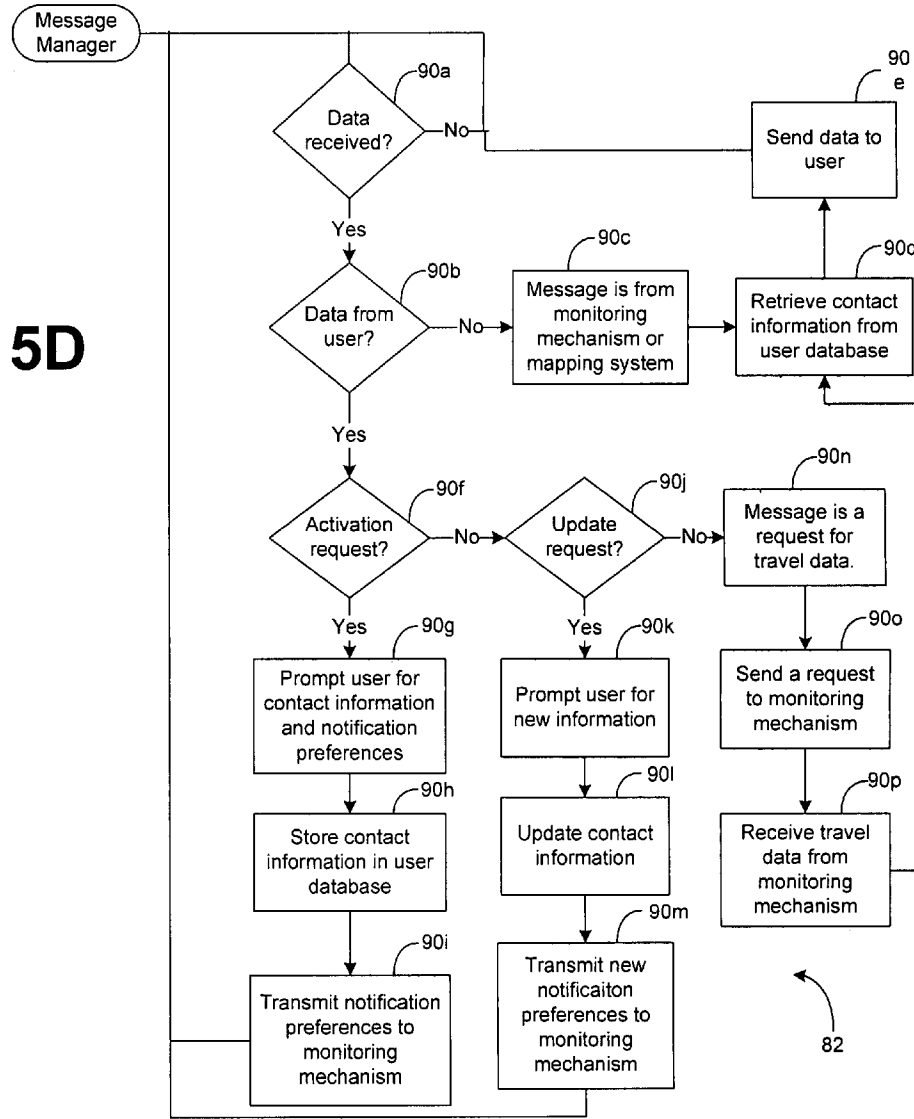


FIG. 5D



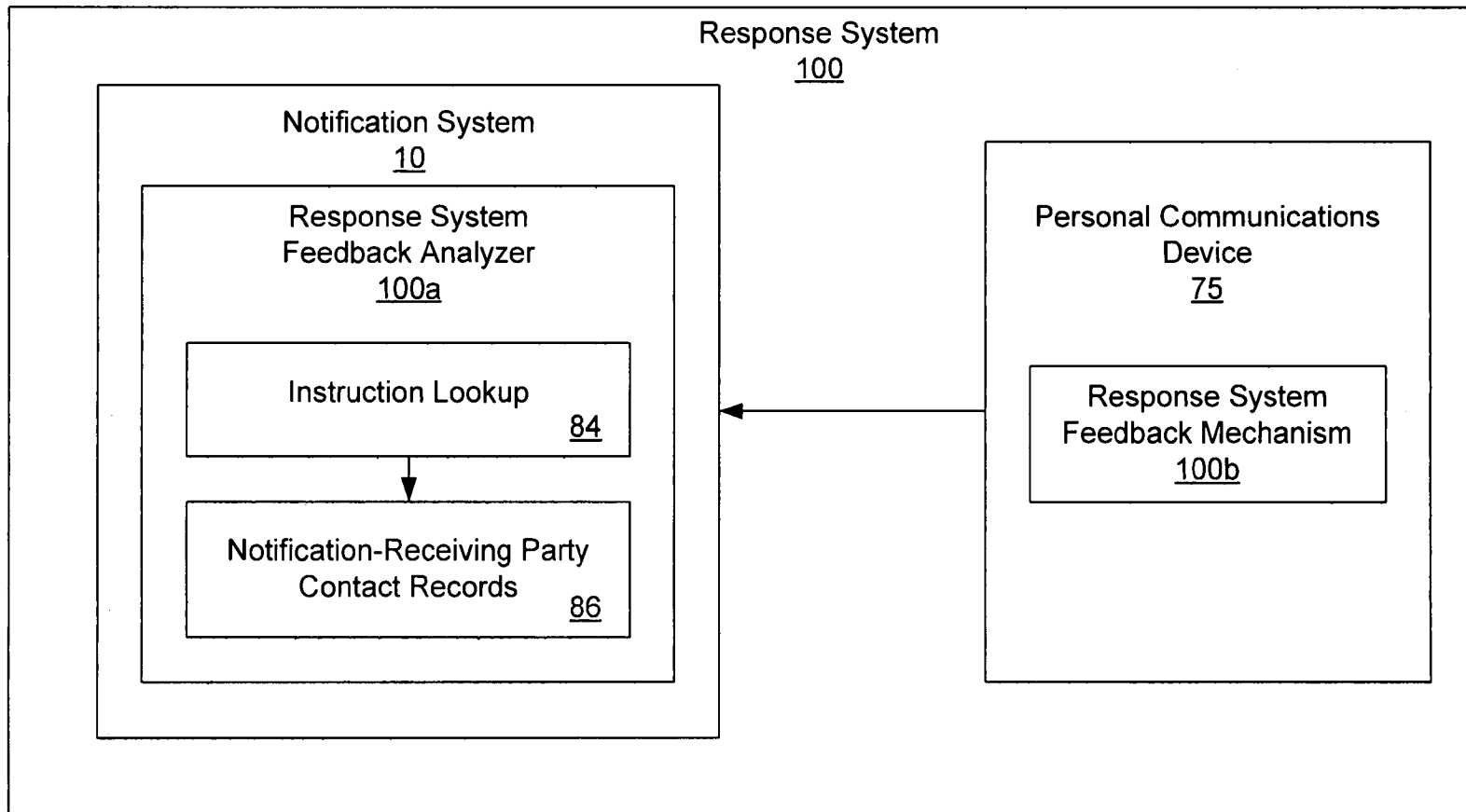


FIG. 6

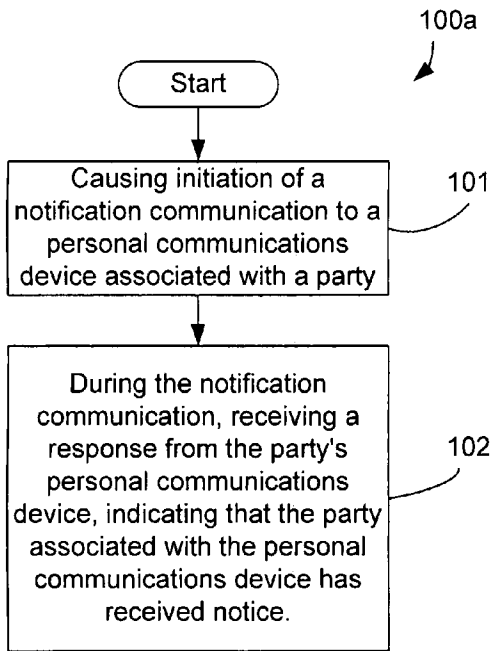


FIG. 7A

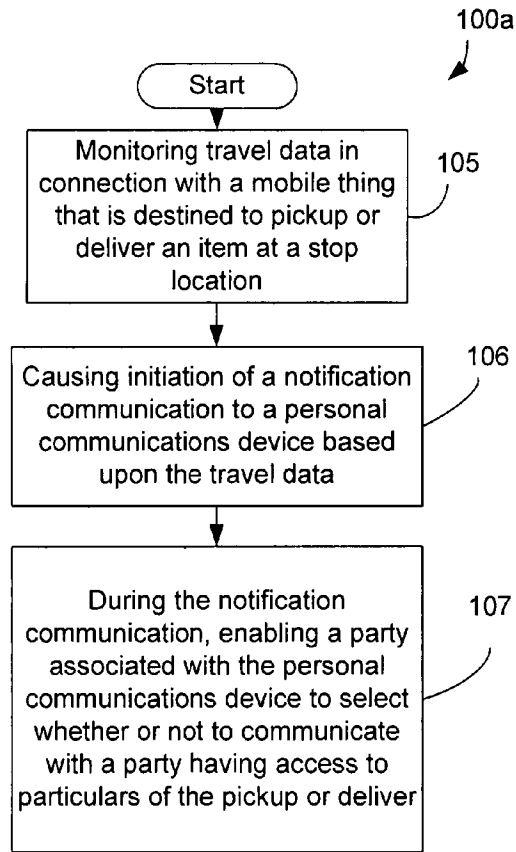


FIG. 7B

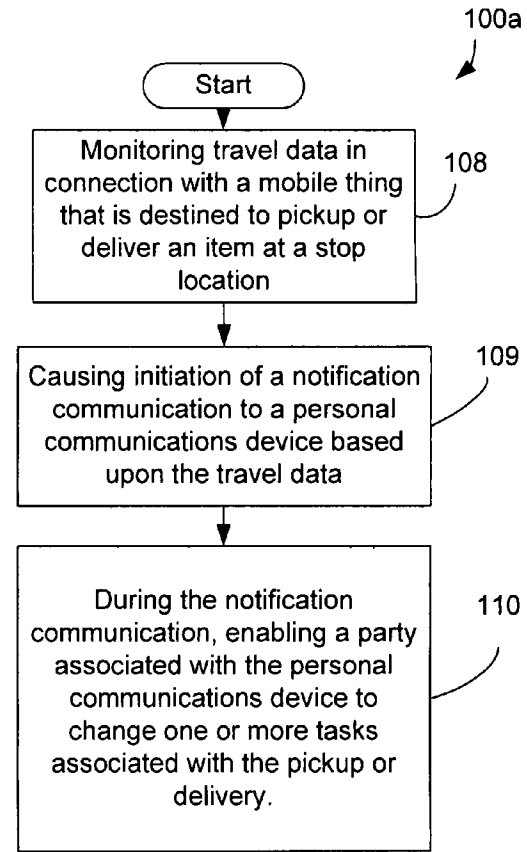


FIG. 7C

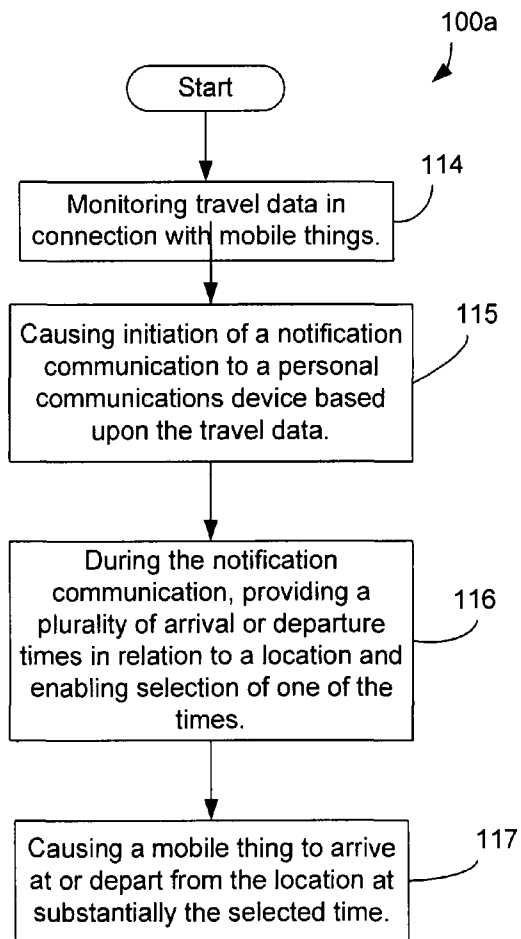


FIG. 7D

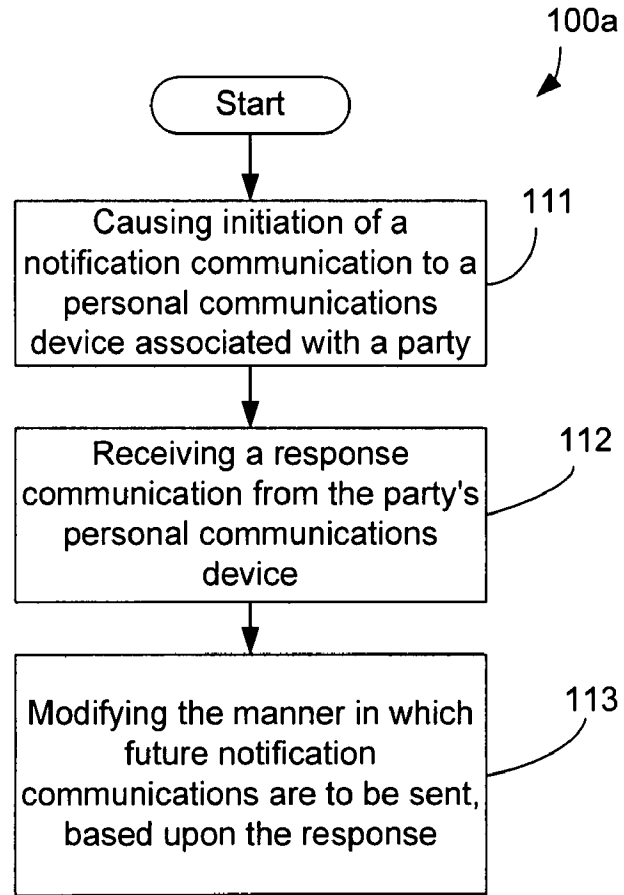


FIG. 8

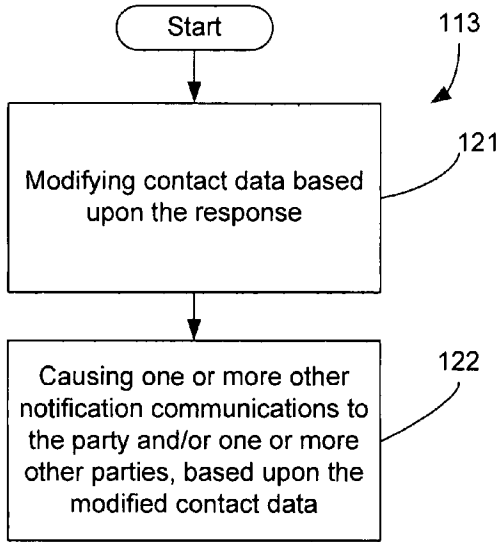


FIG. 9A

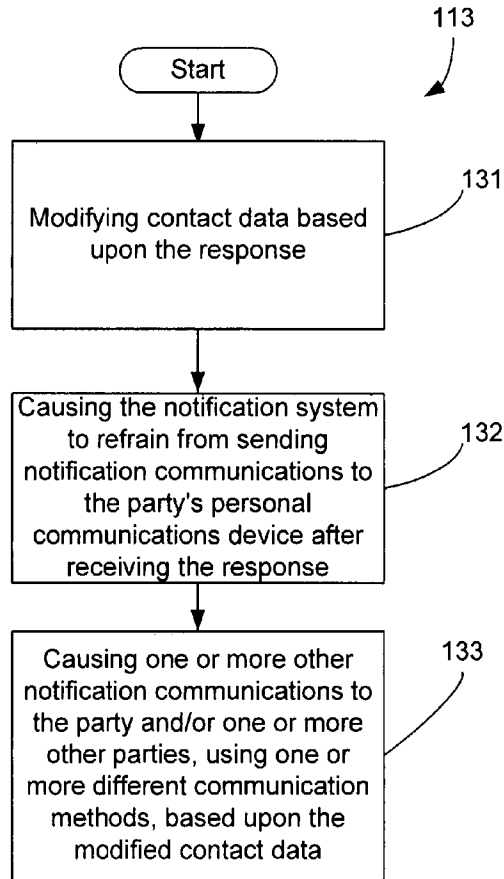


FIG. 9B

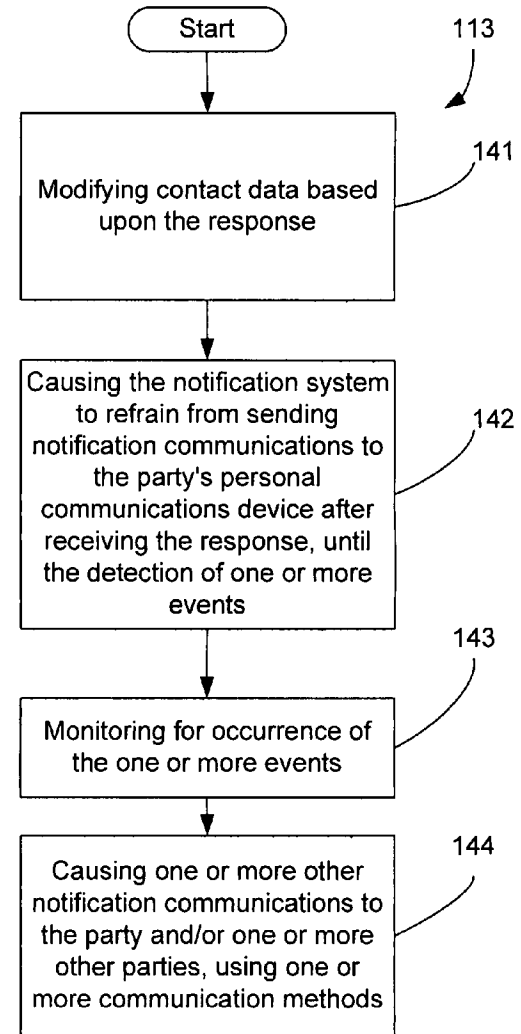


FIG. 9C

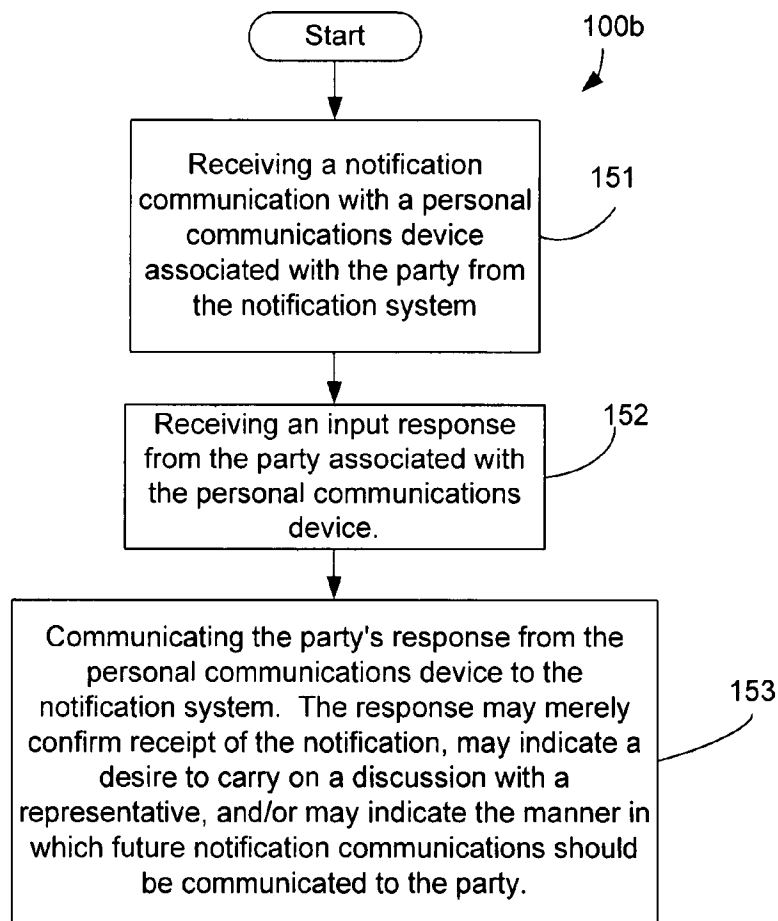


FIG. 10

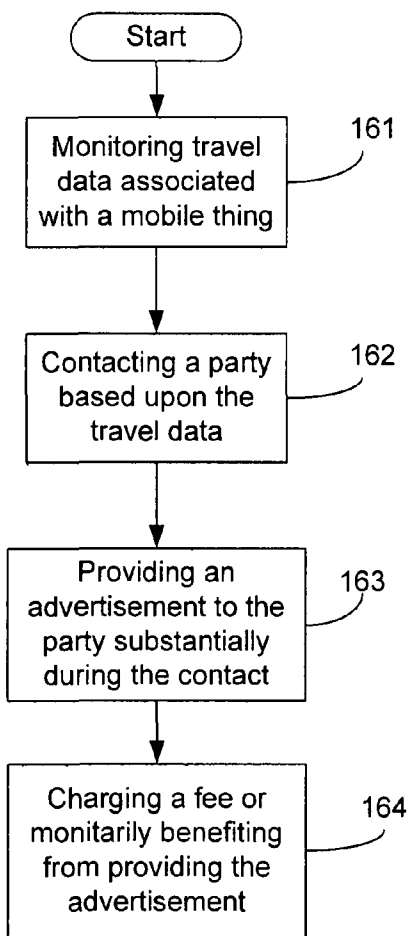


FIG. 11

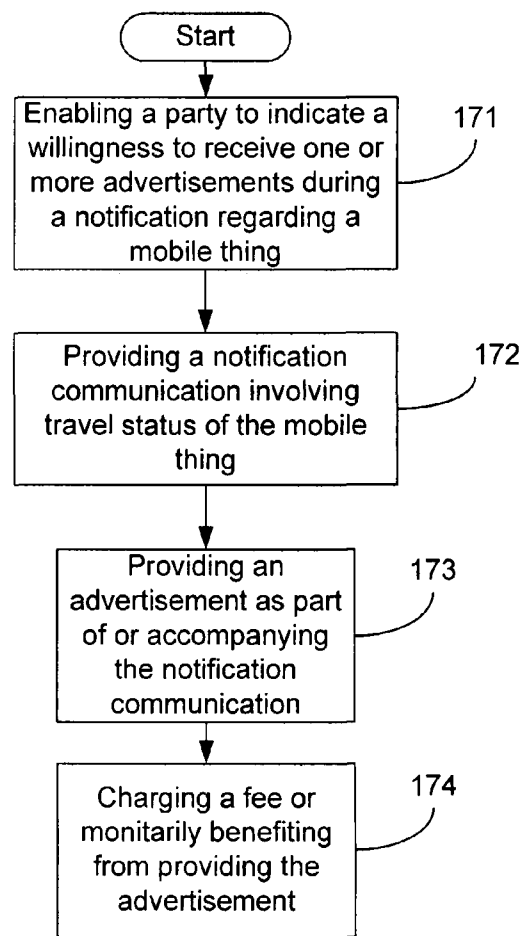


FIG. 12

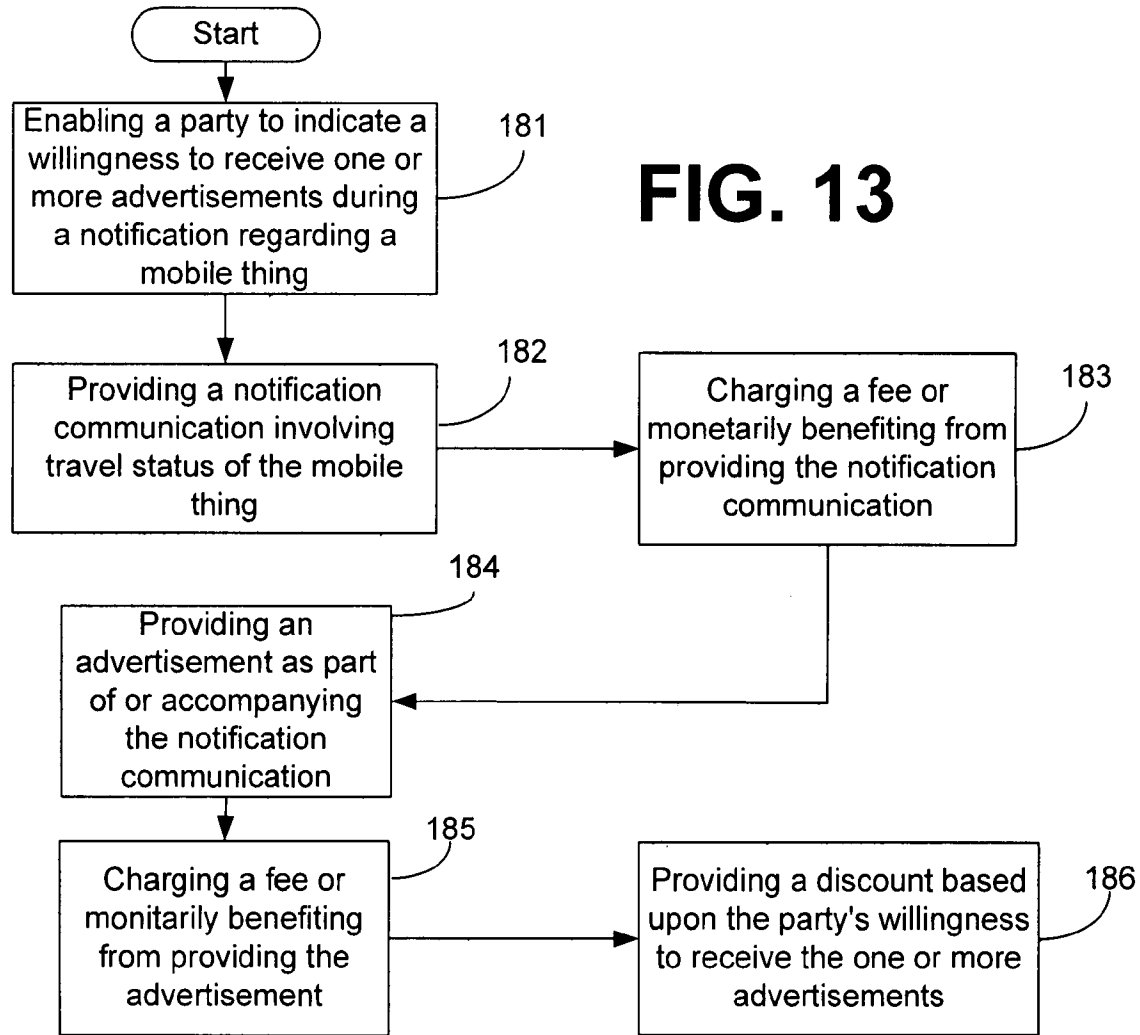


FIG. 13

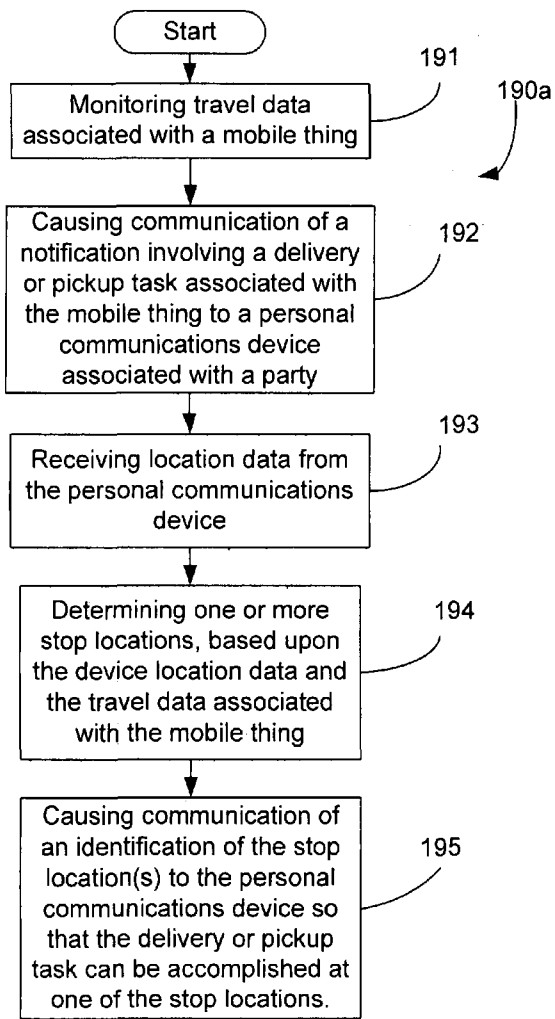


FIG. 14A

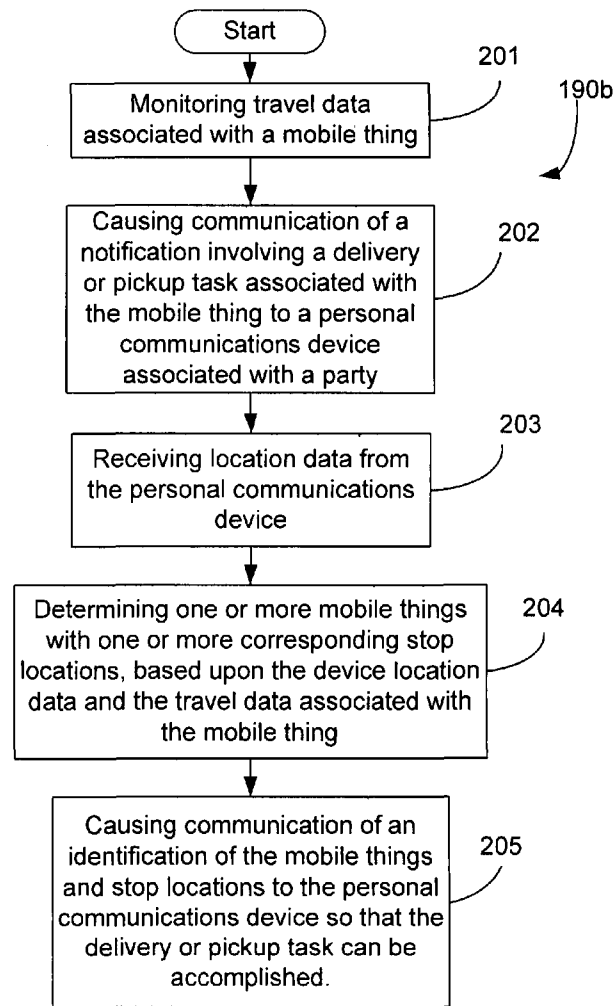


FIG. 14B

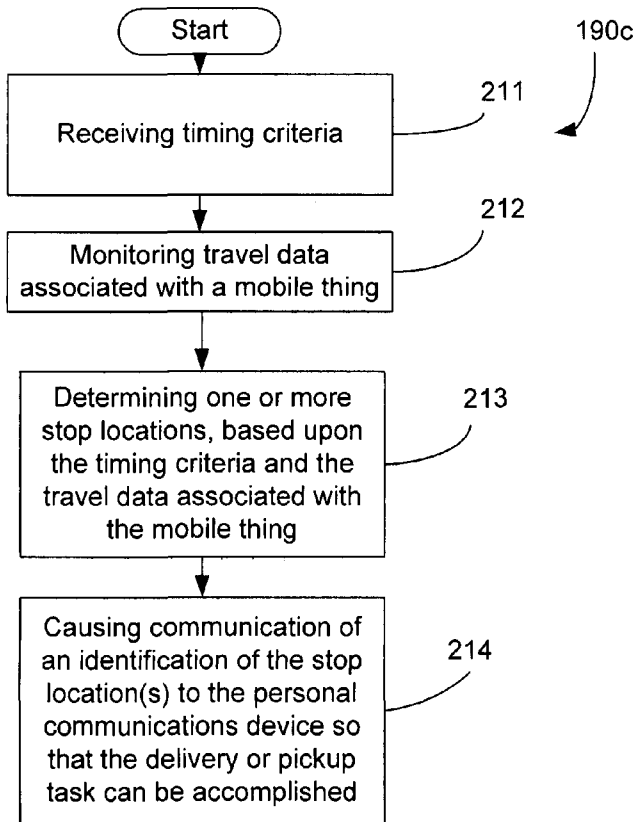


FIG. 15A

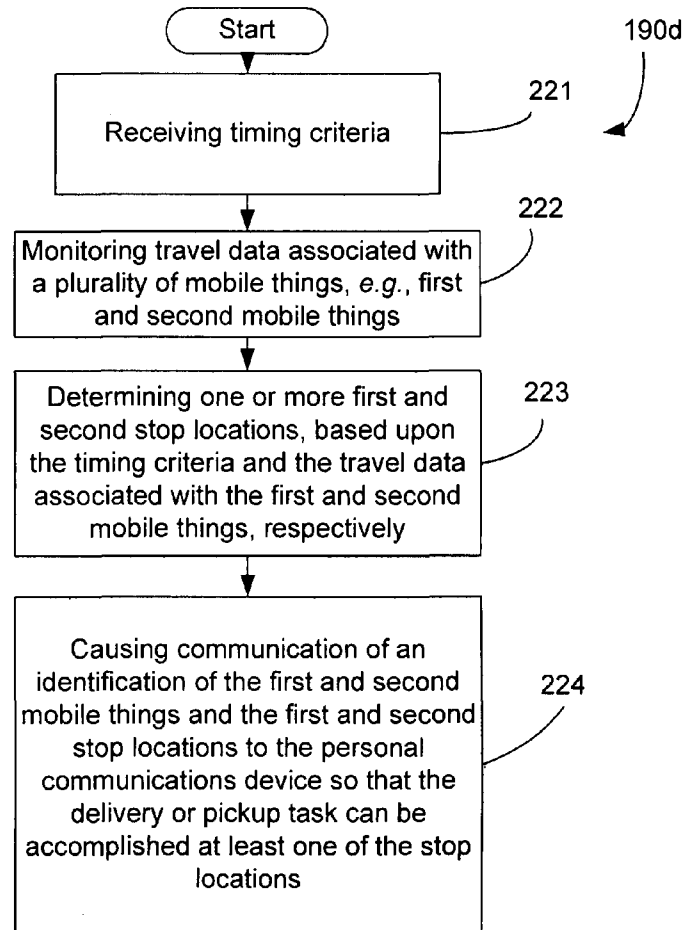


FIG. 15B

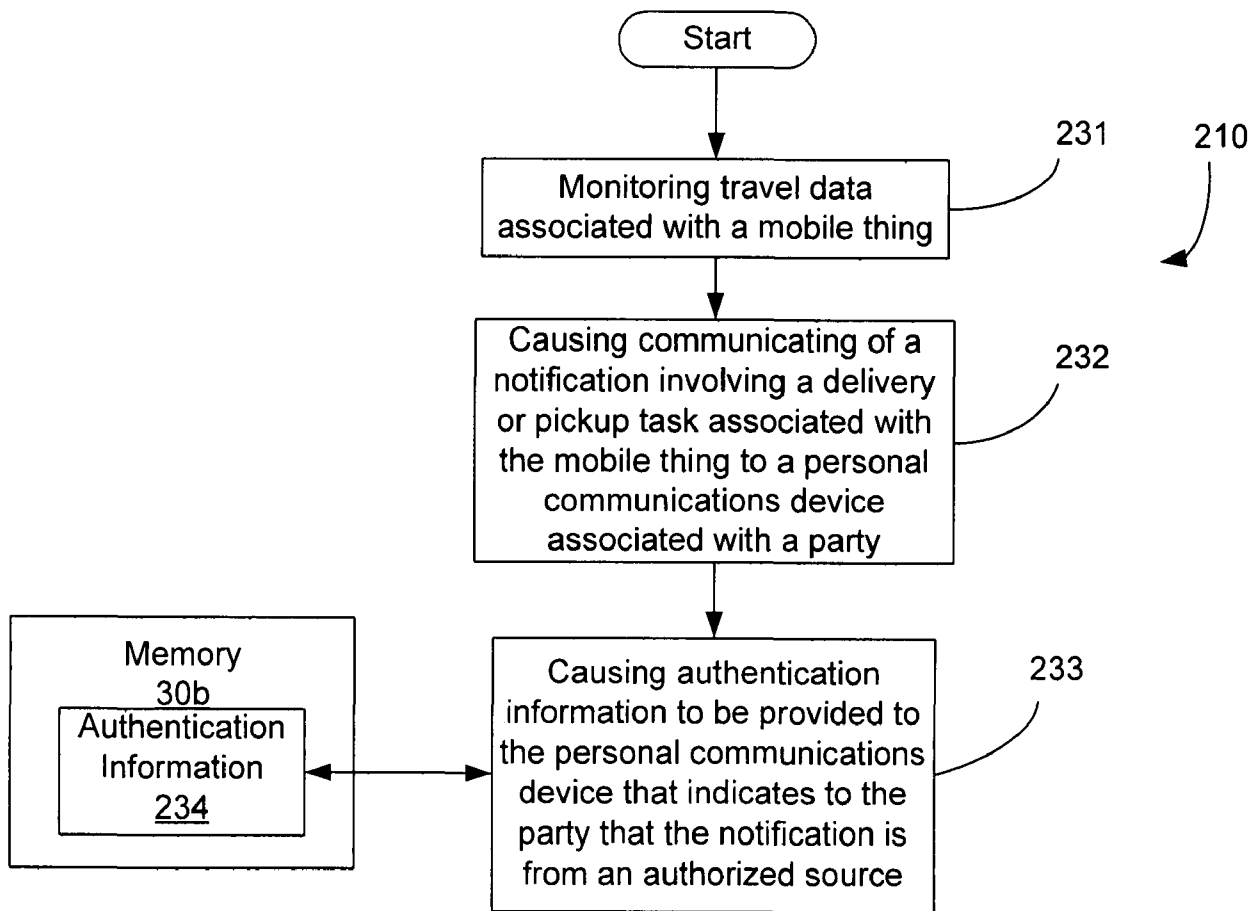


FIG. 16

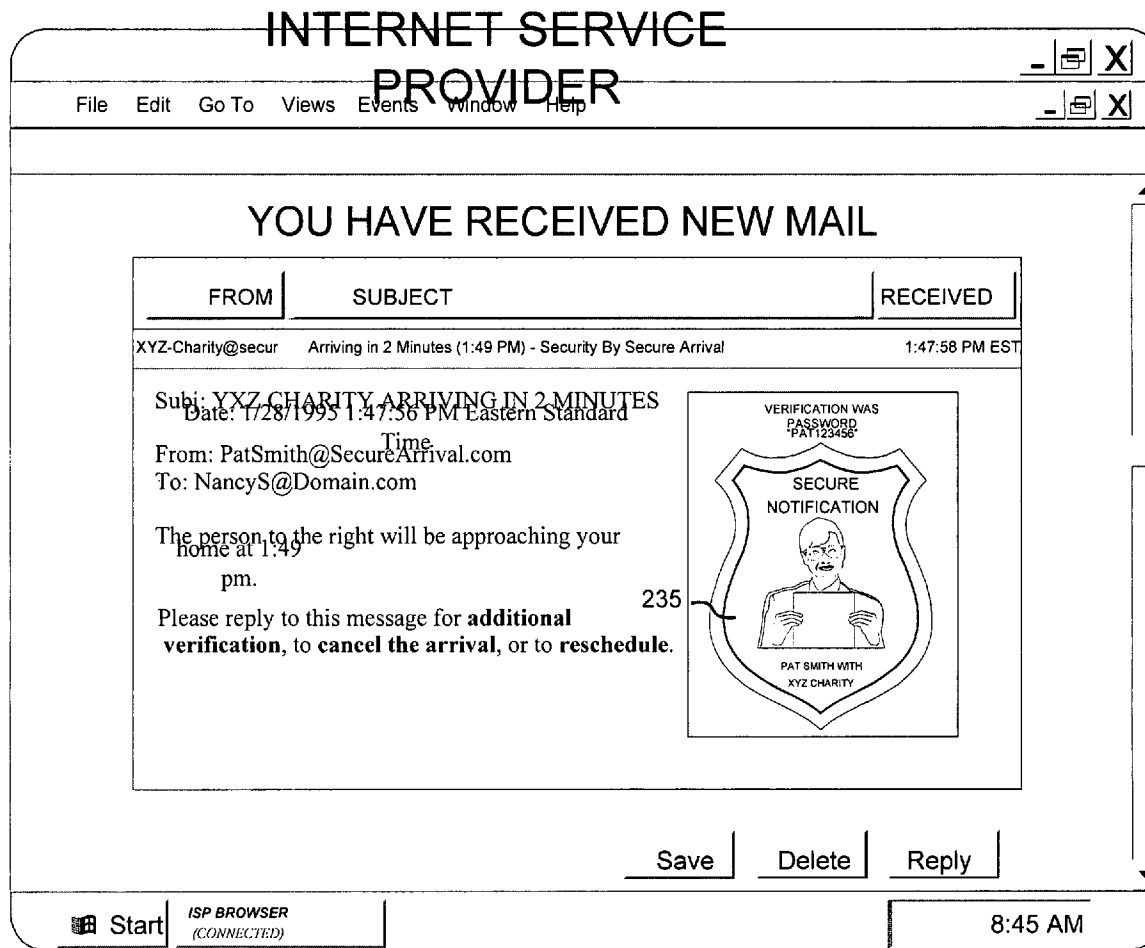


FIG 16A

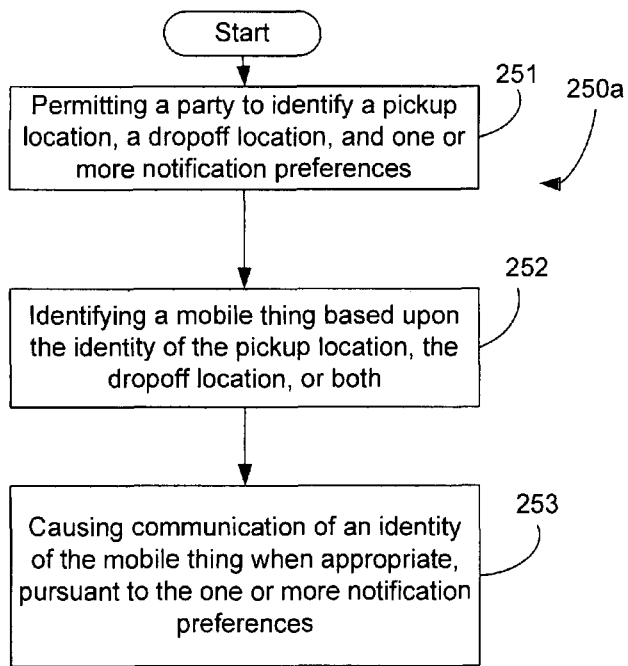


FIG. 17A

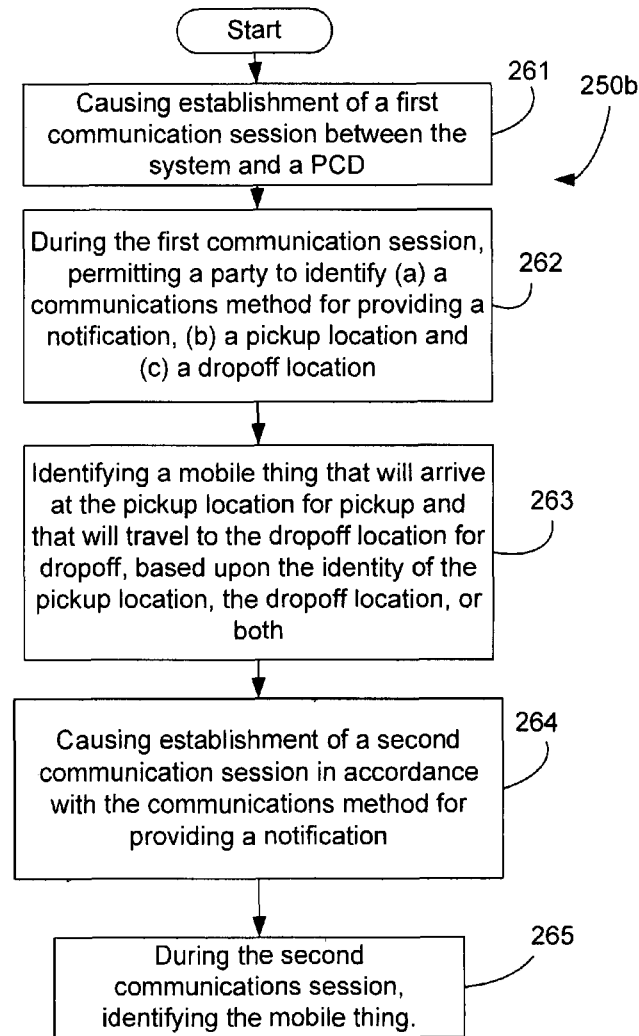


FIG. 17B

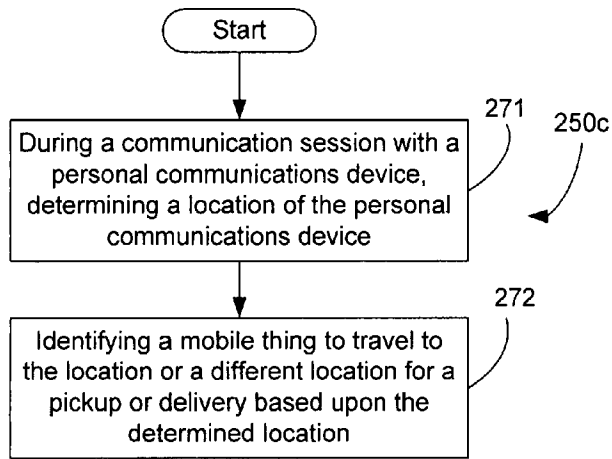


FIG. 17C

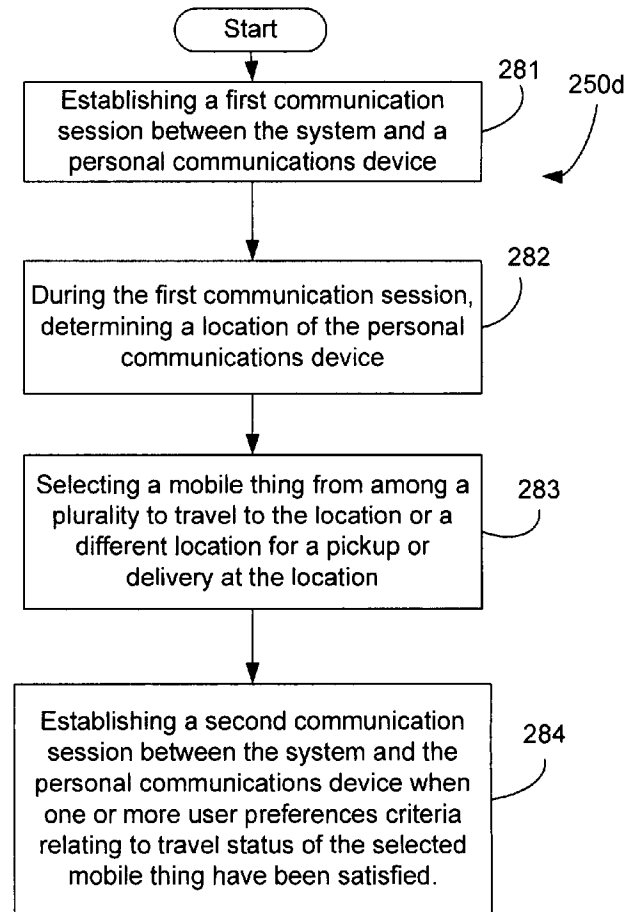


FIG. 17D

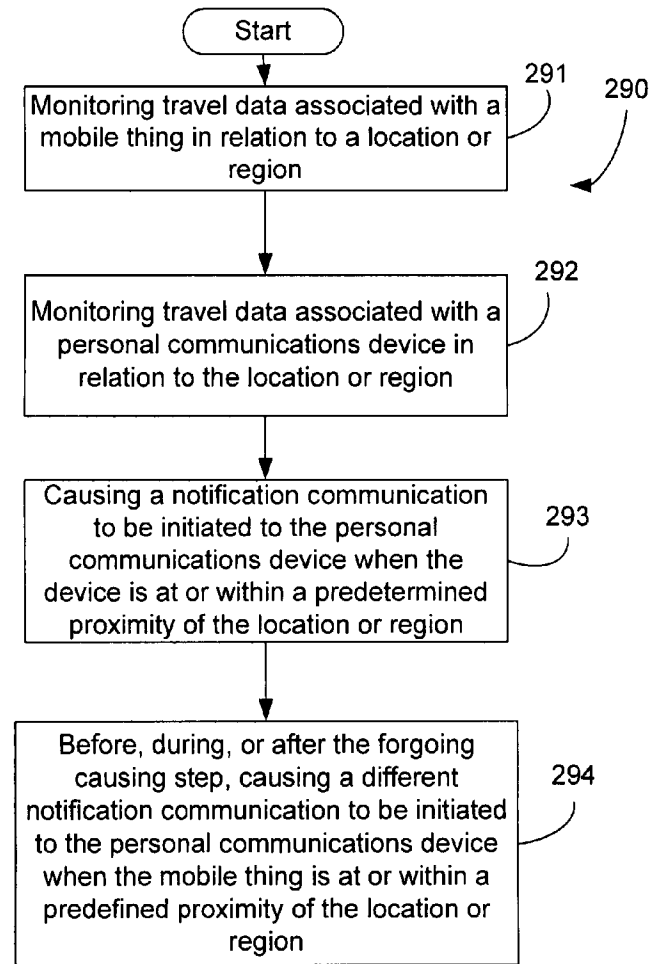


FIG. 18

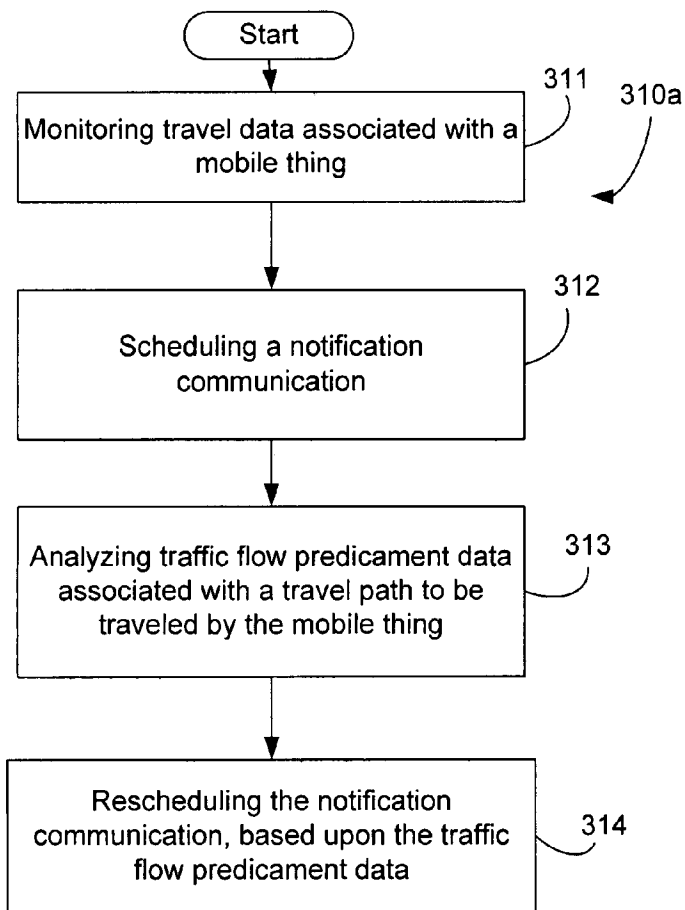


FIG. 19A

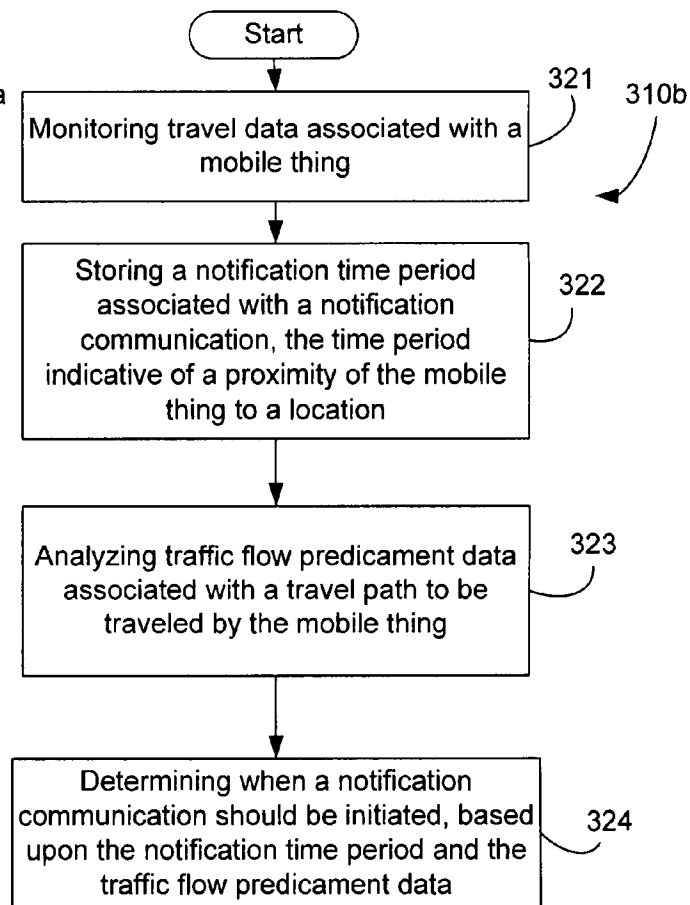


FIG. 19B

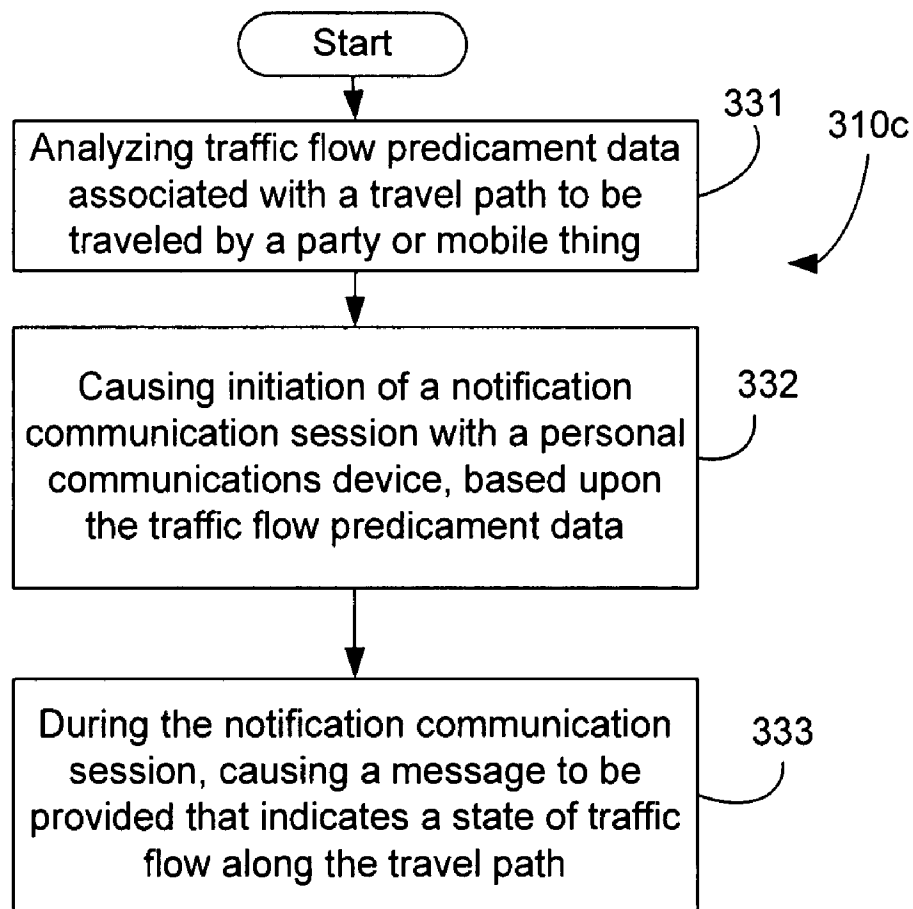


FIG. 19C

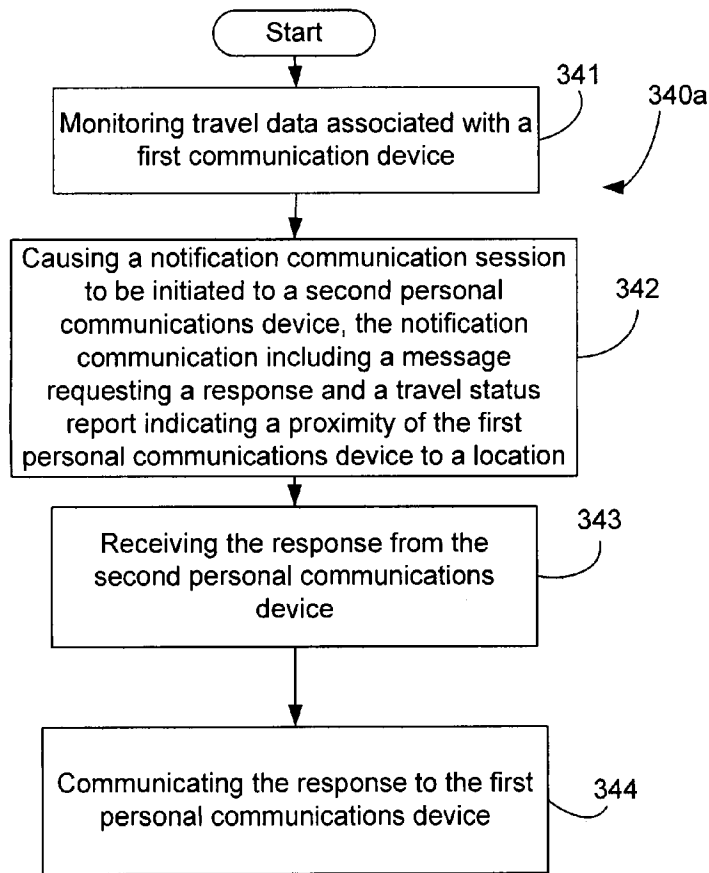


FIG. 20A

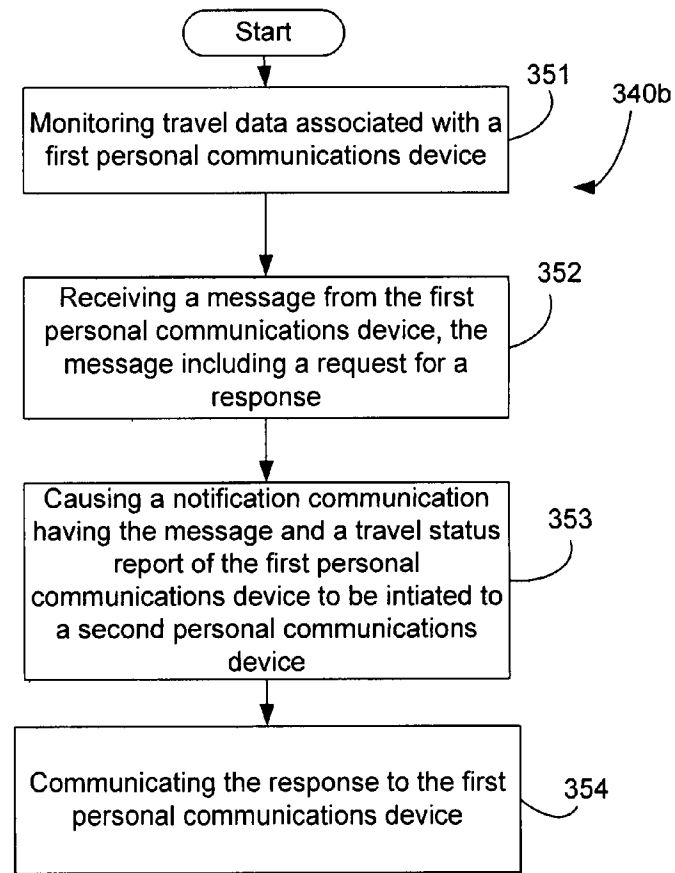


FIG. 20B

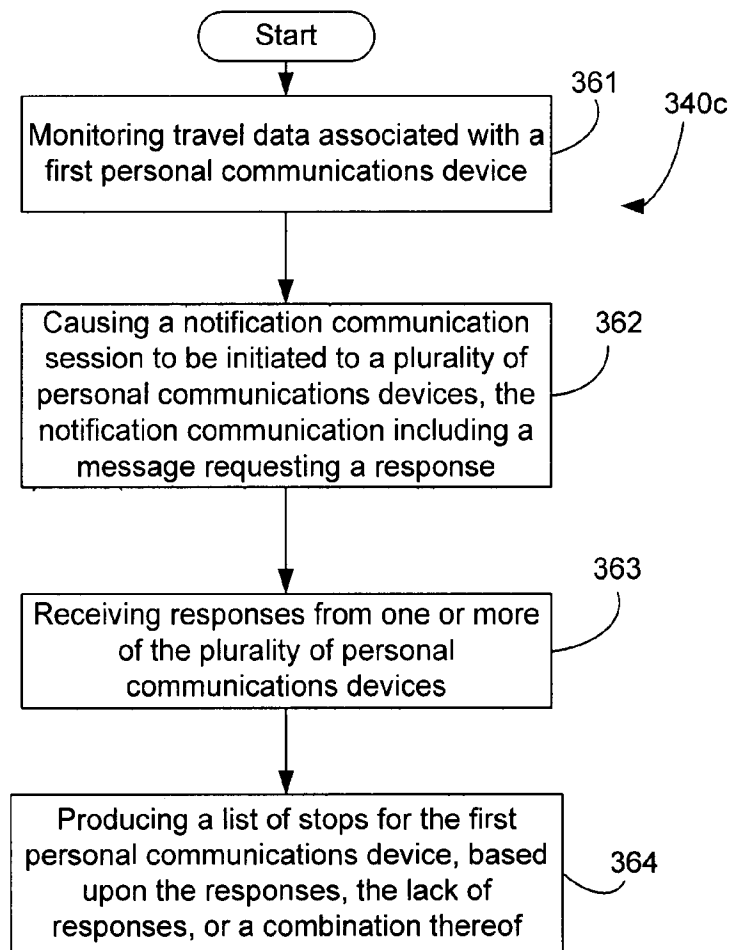
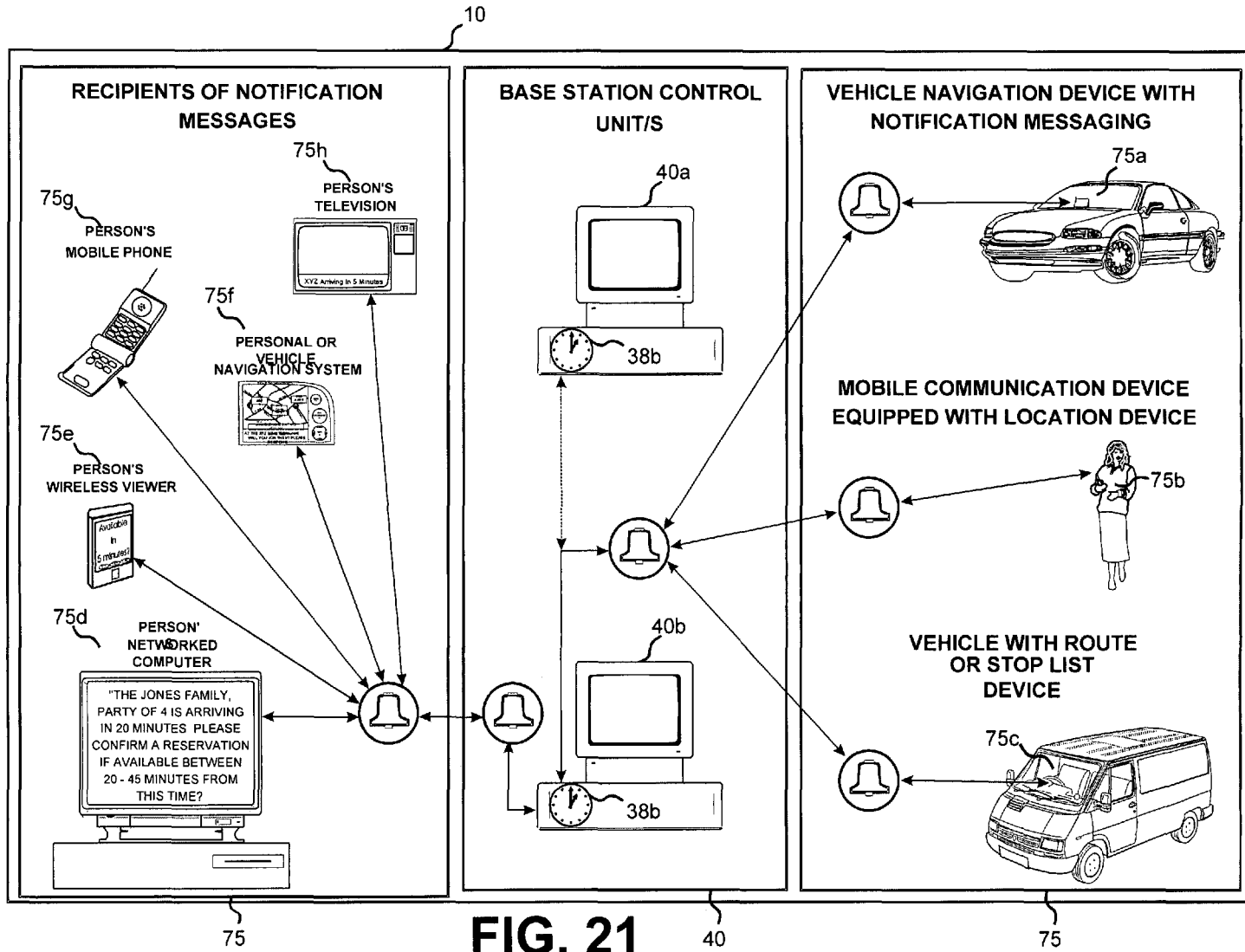


FIG. 20C



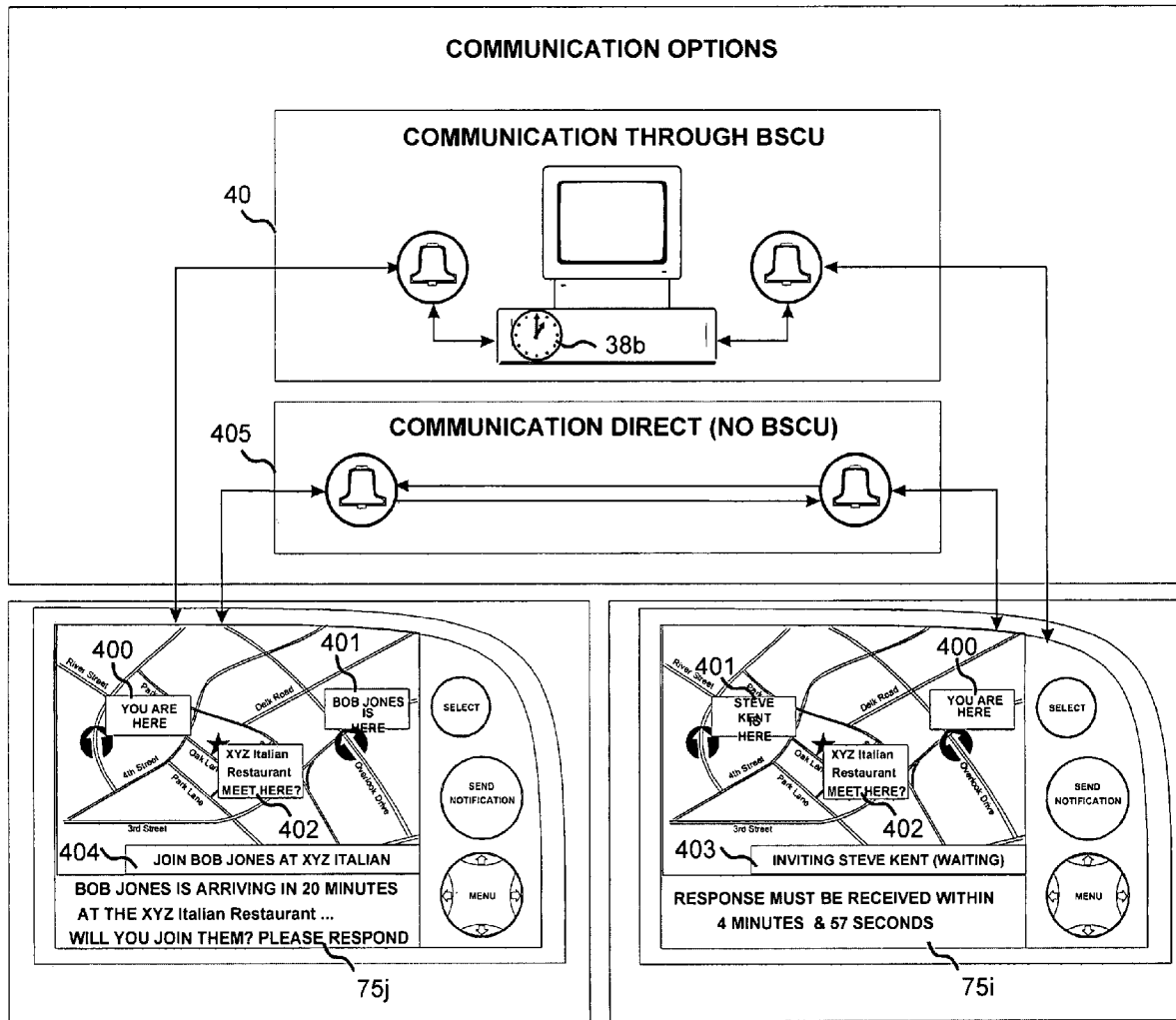


FIG. 22

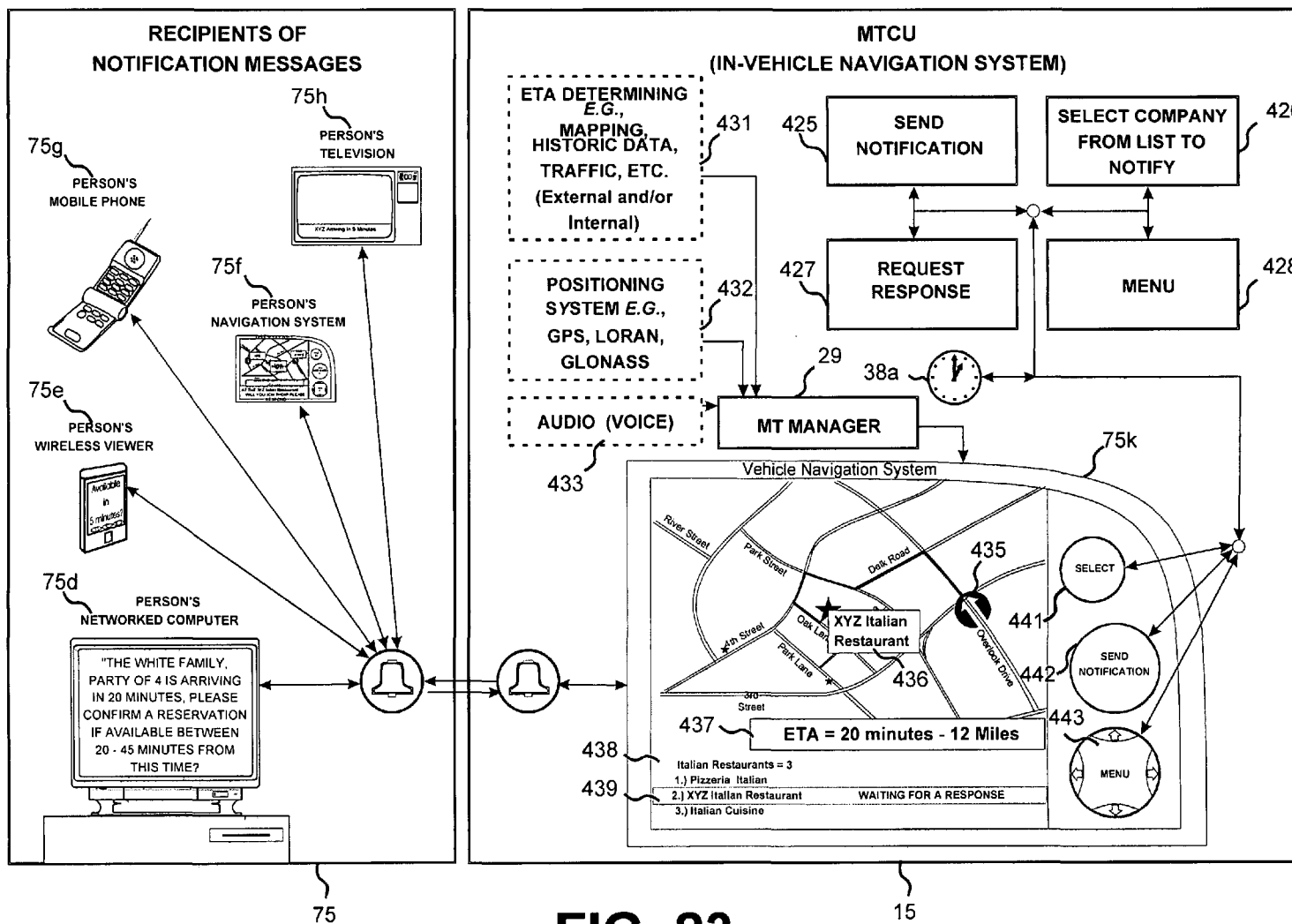


FIG. 23

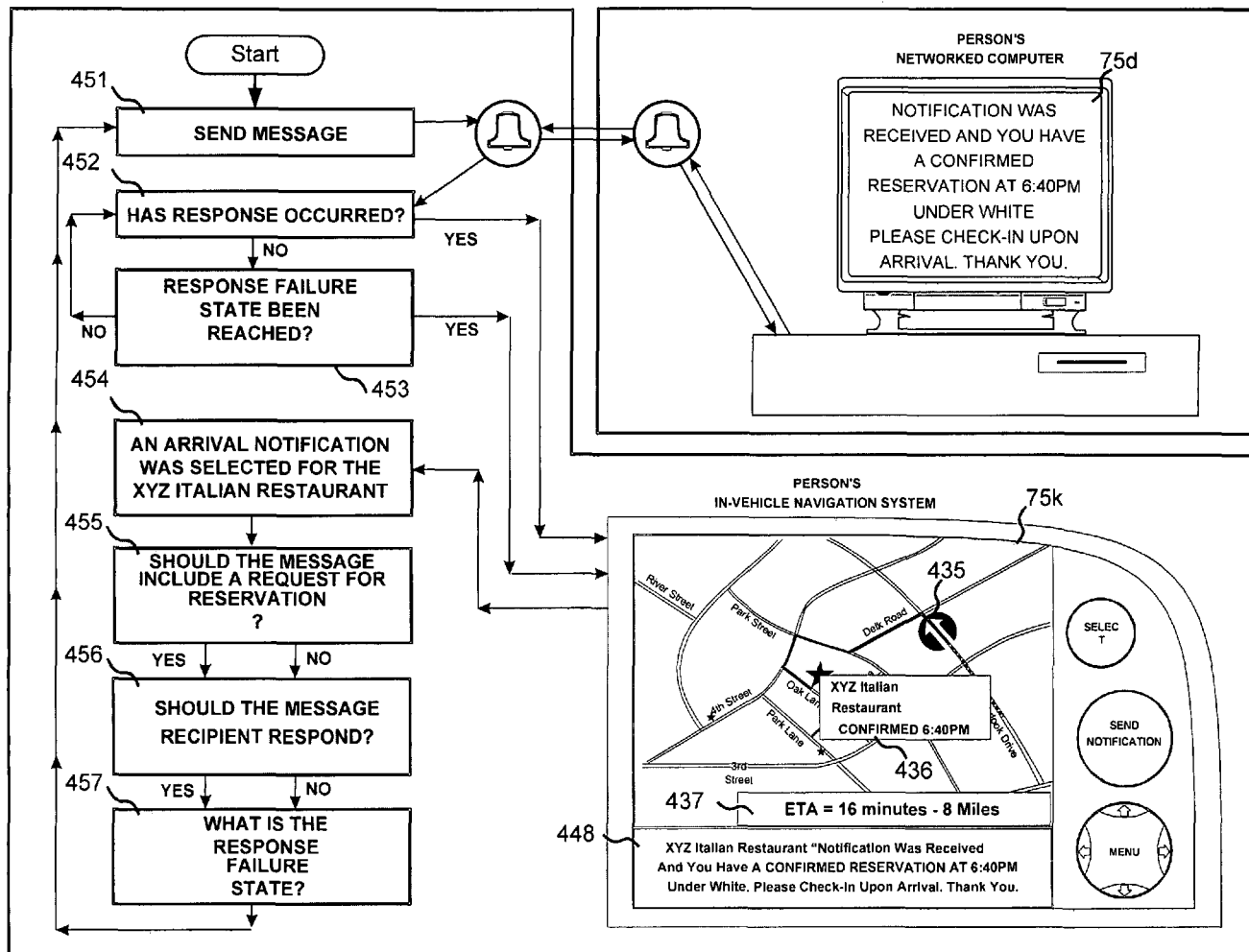


FIG. 24

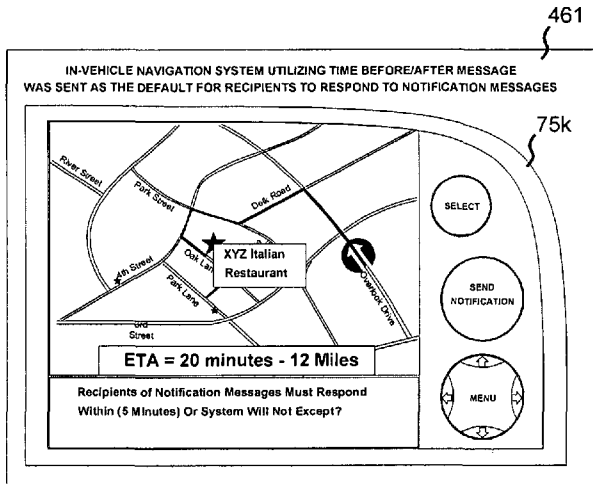


FIG. 25A

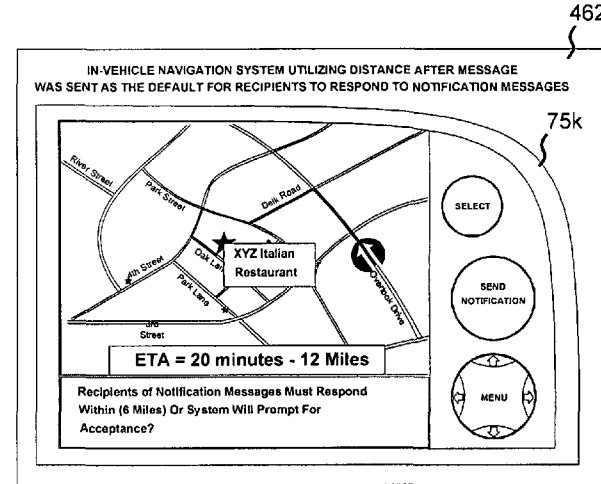


FIG. 25B

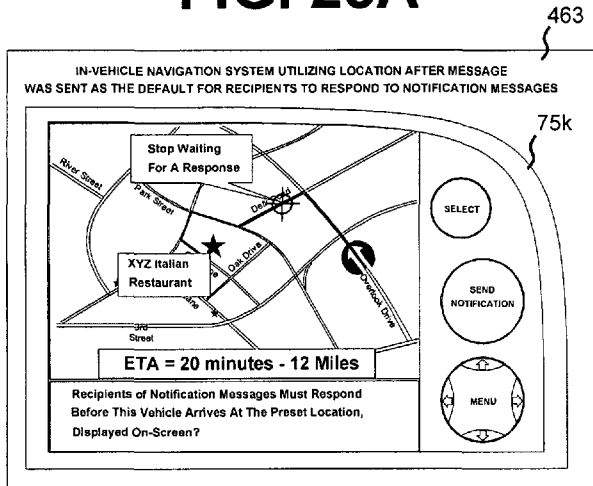


FIG. 25C

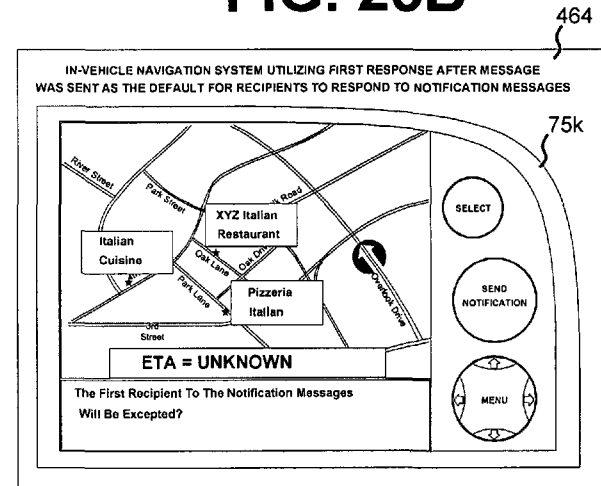


FIG. 25D

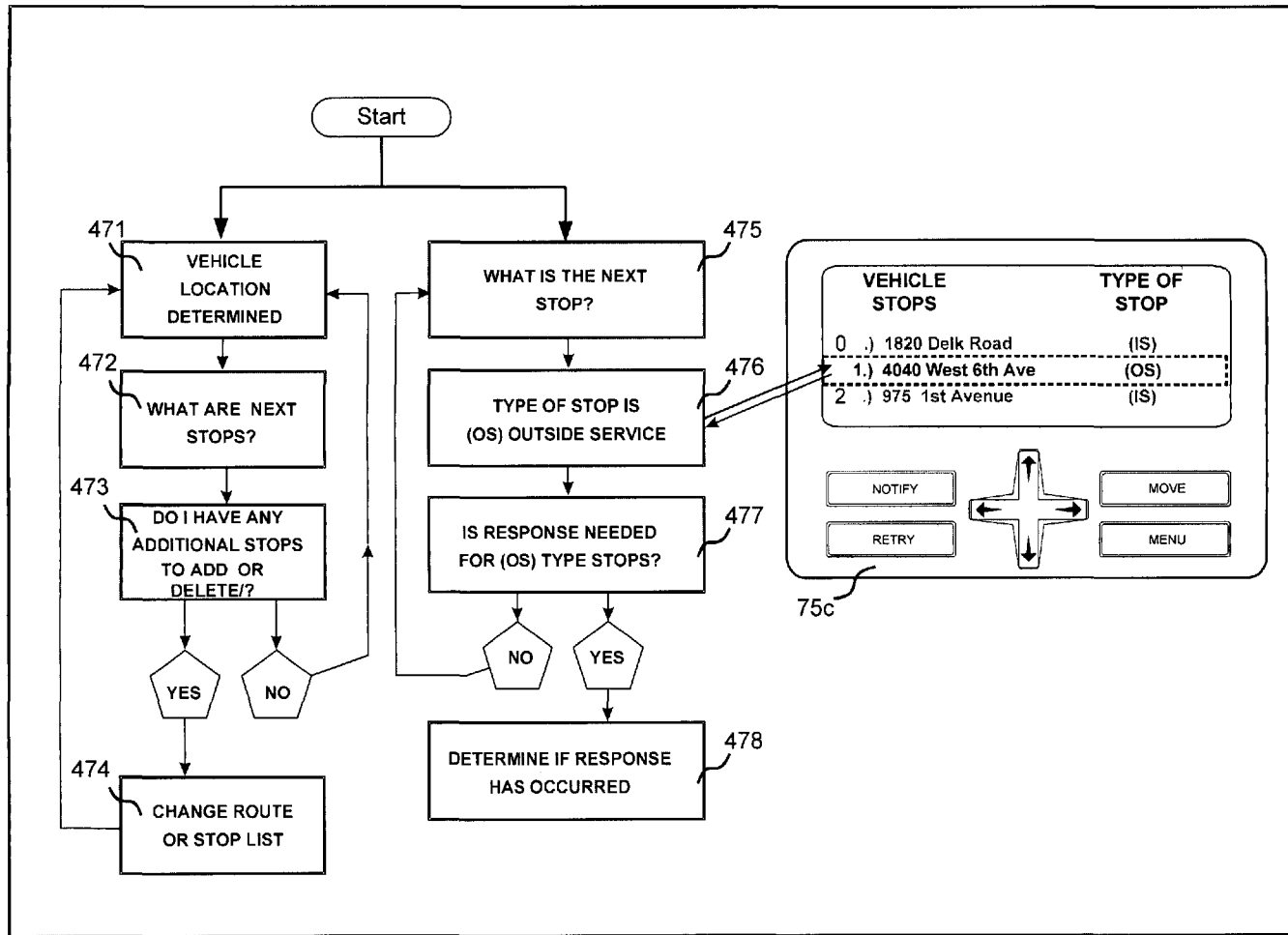


FIG. 26

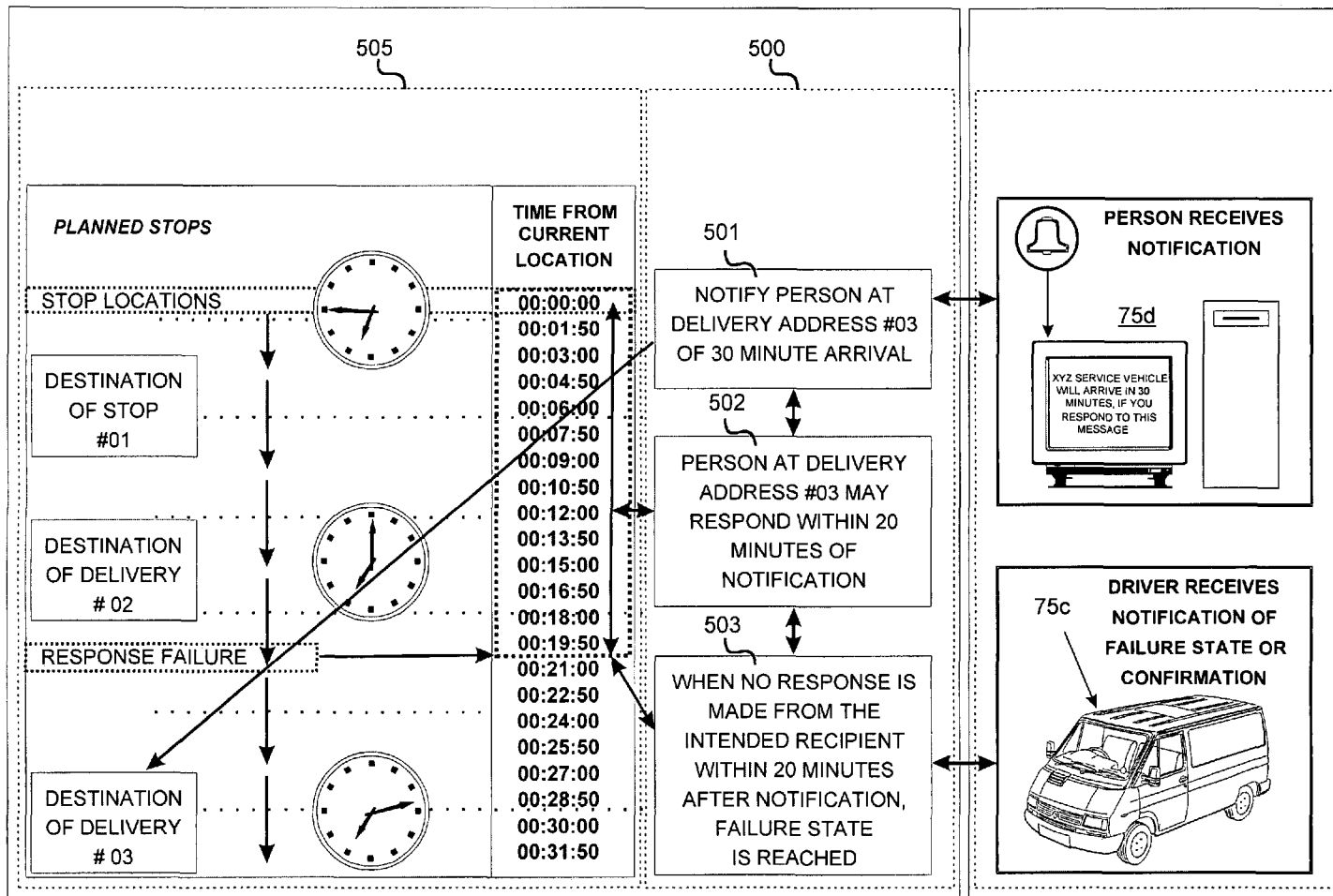


FIG. 27

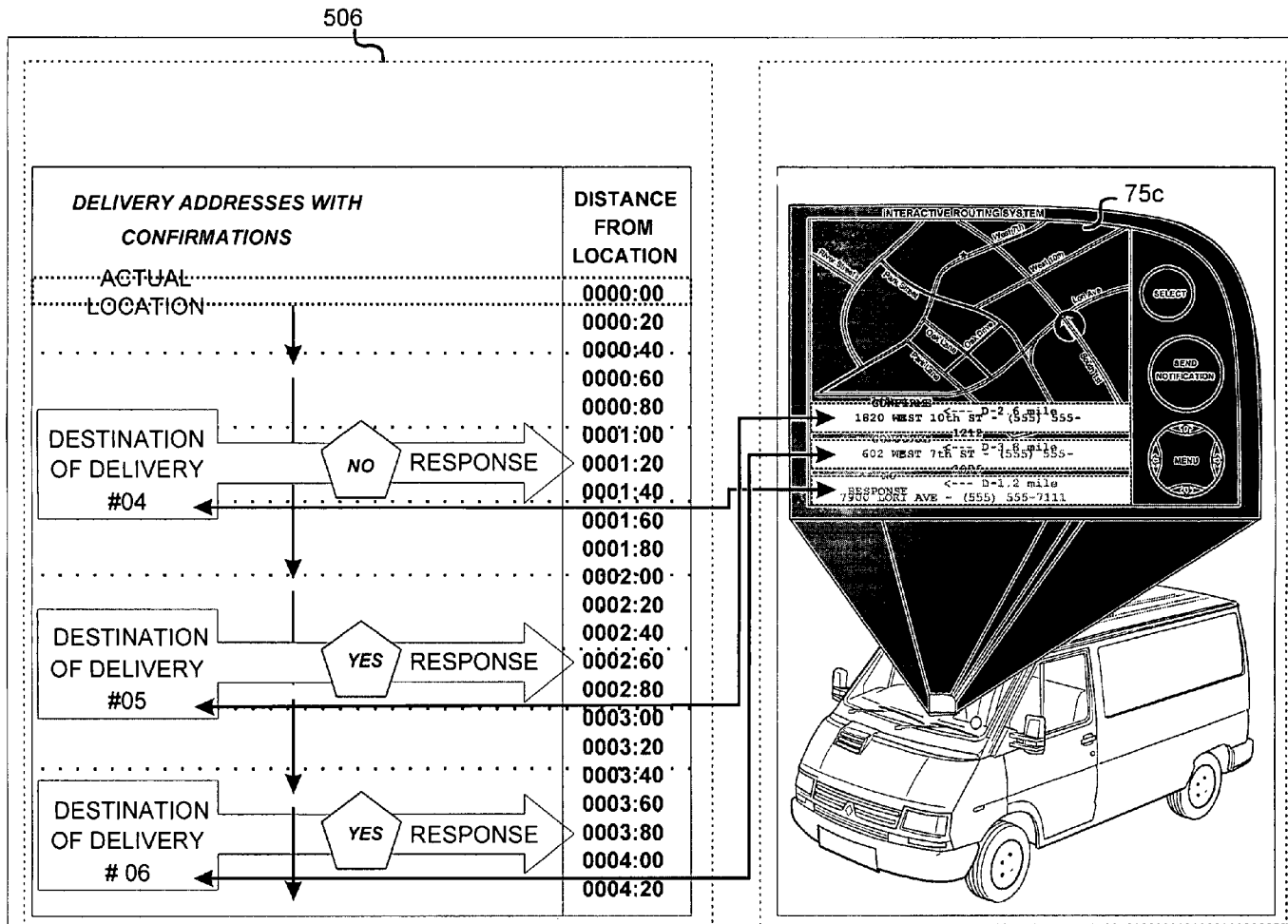


FIG. 28

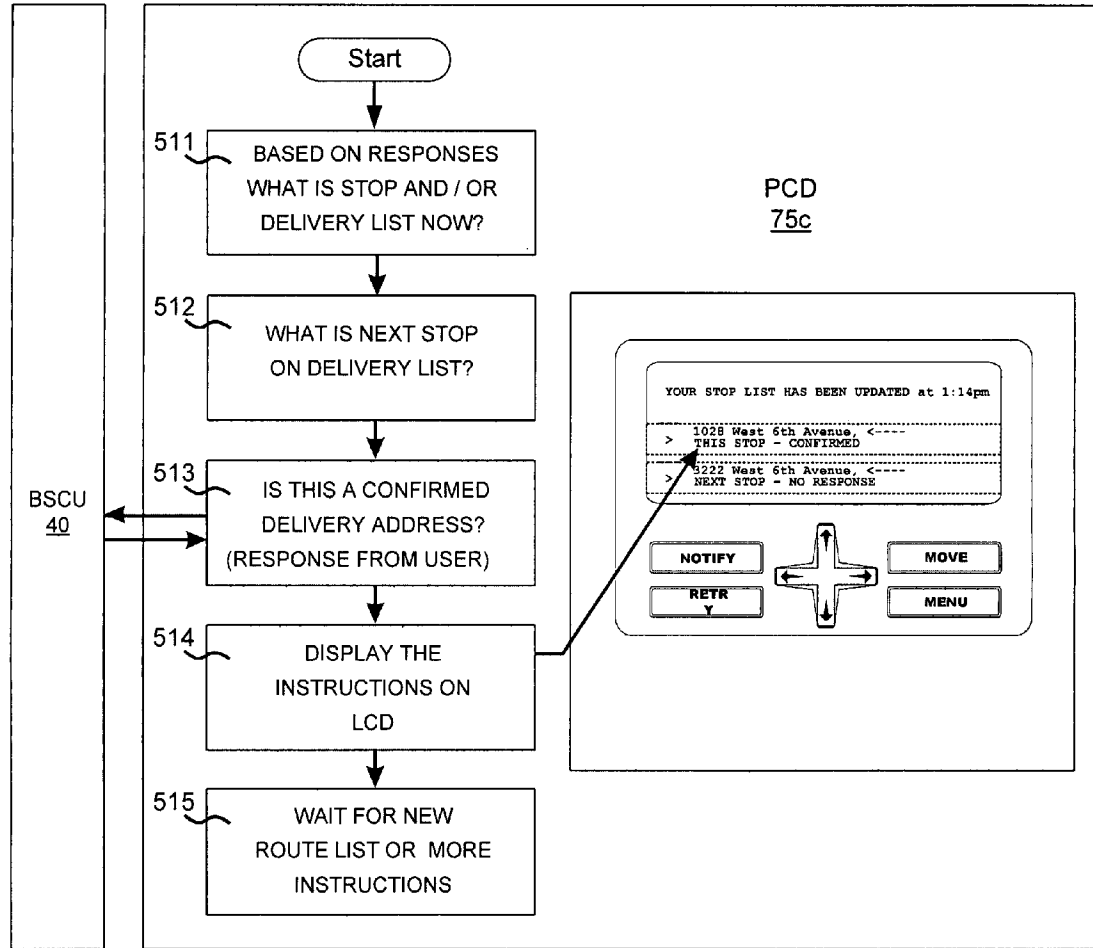


FIG. 29

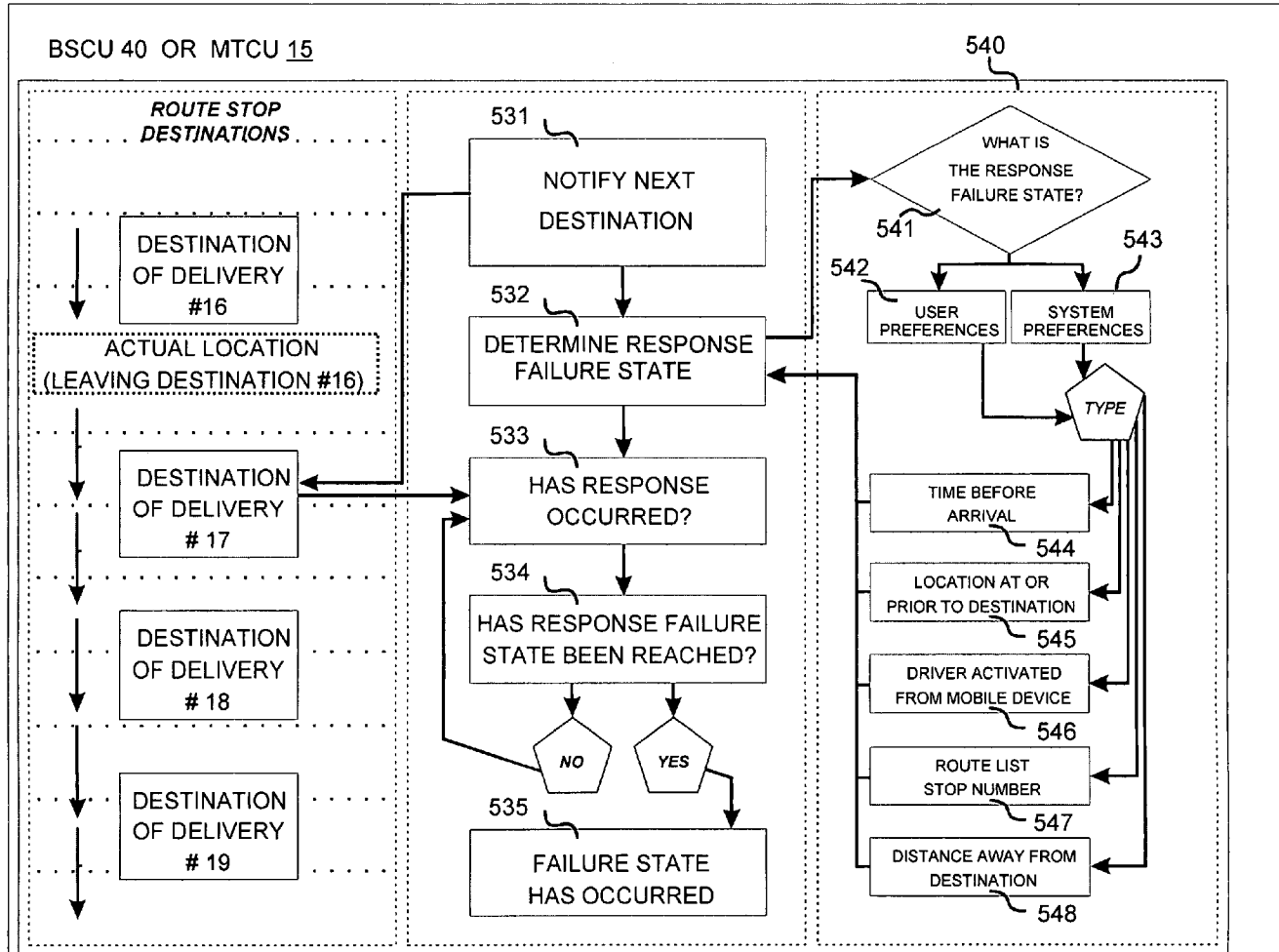


FIG. 30

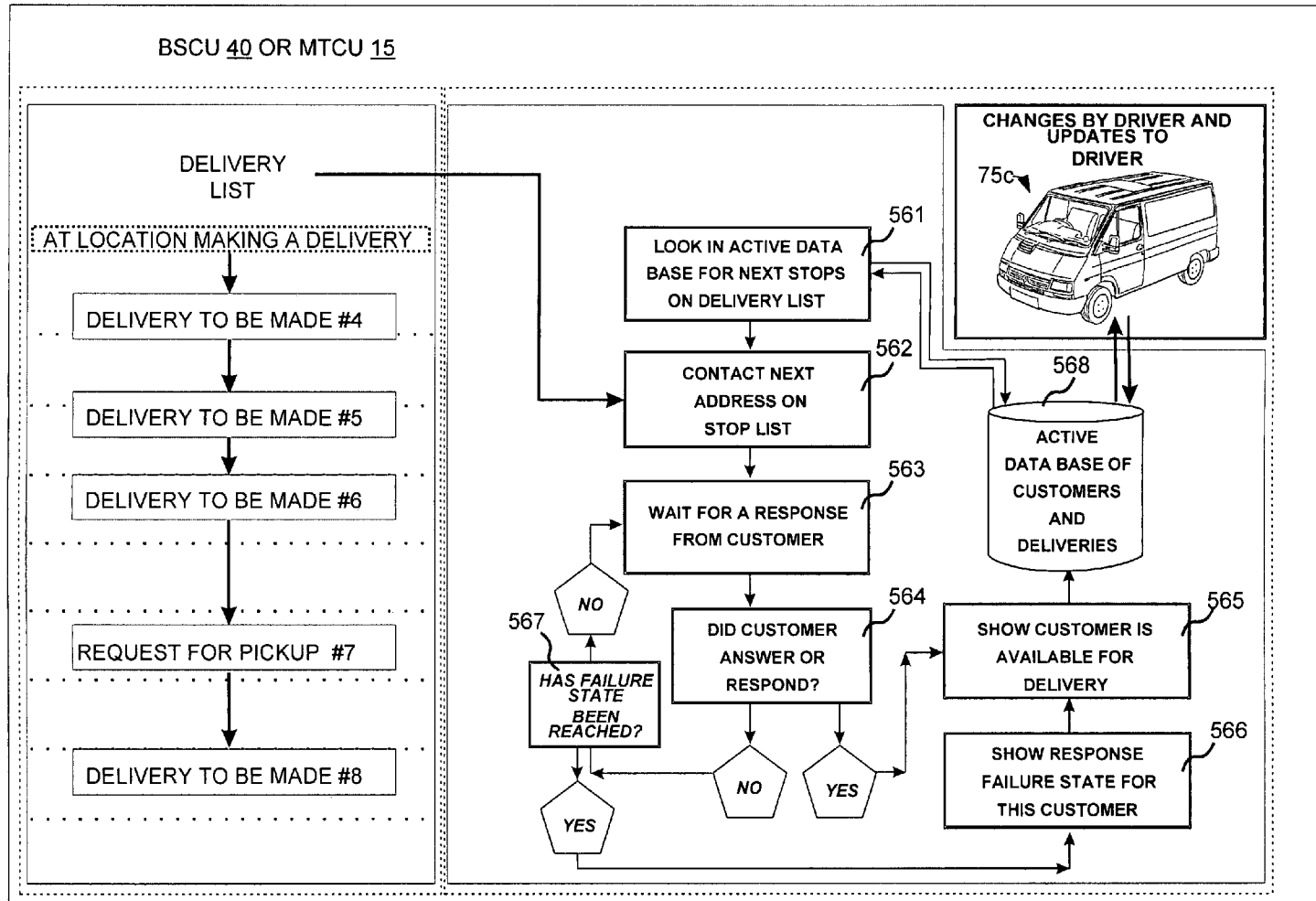


FIG. 31

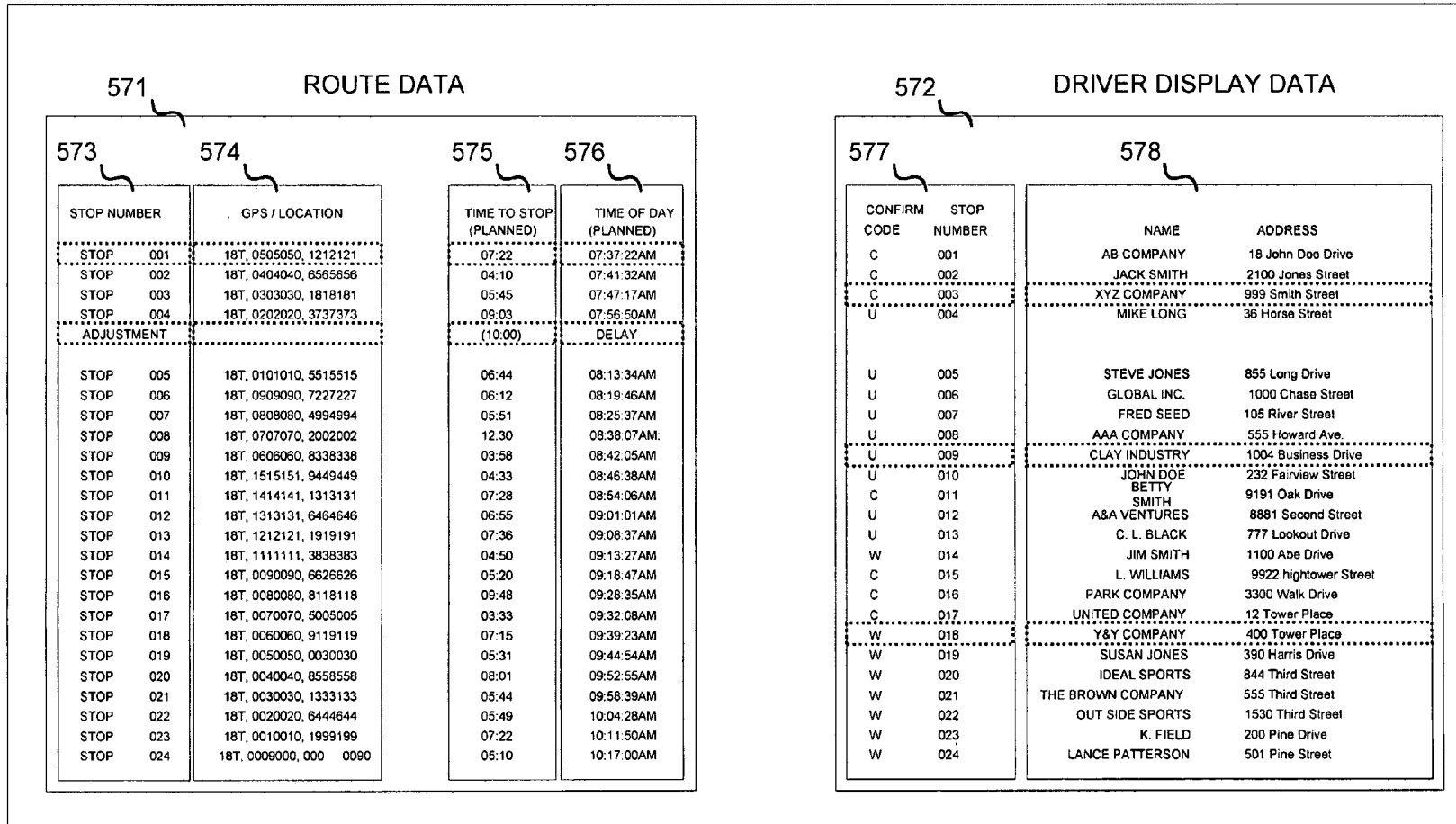


FIG. 32

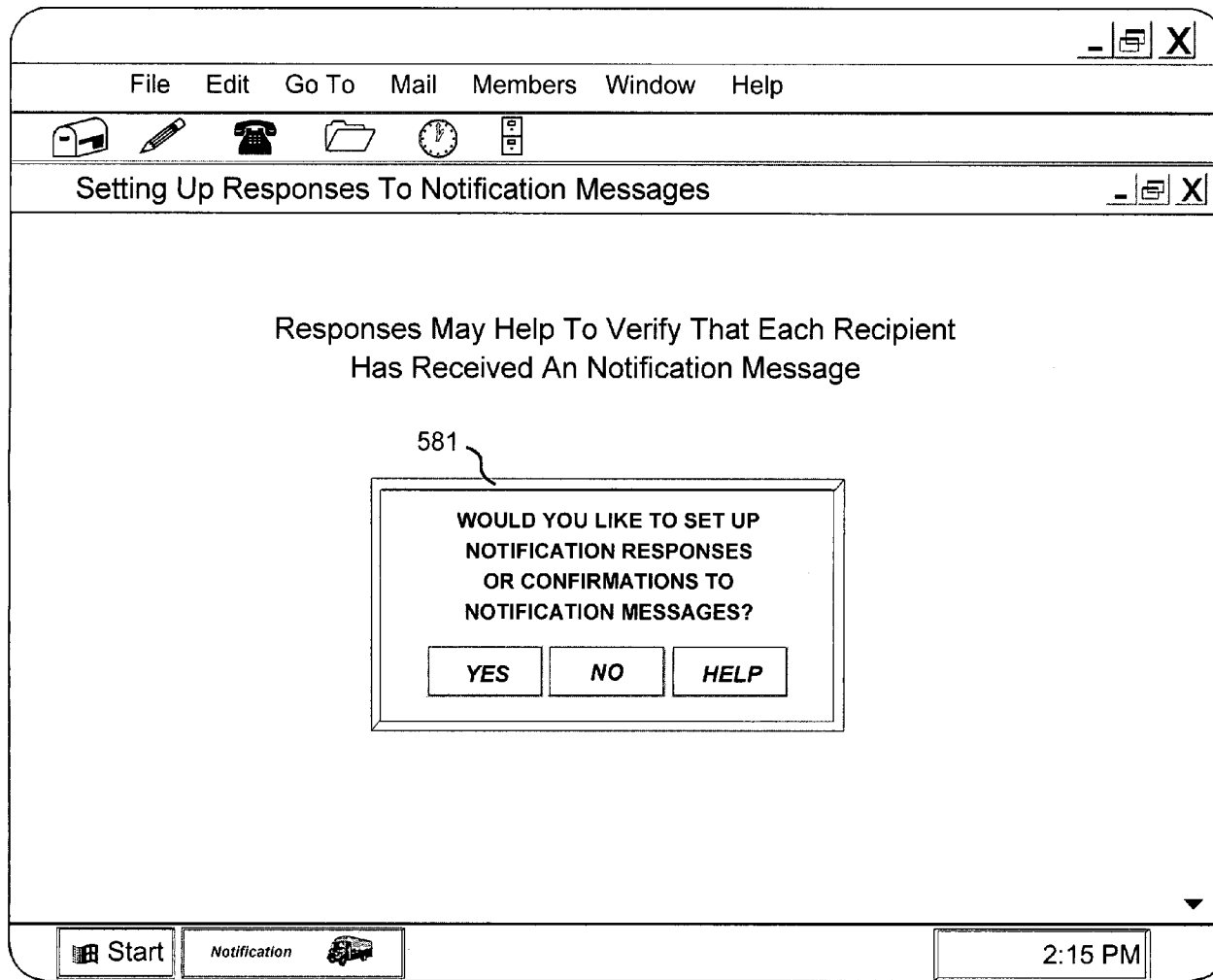


FIG. 33

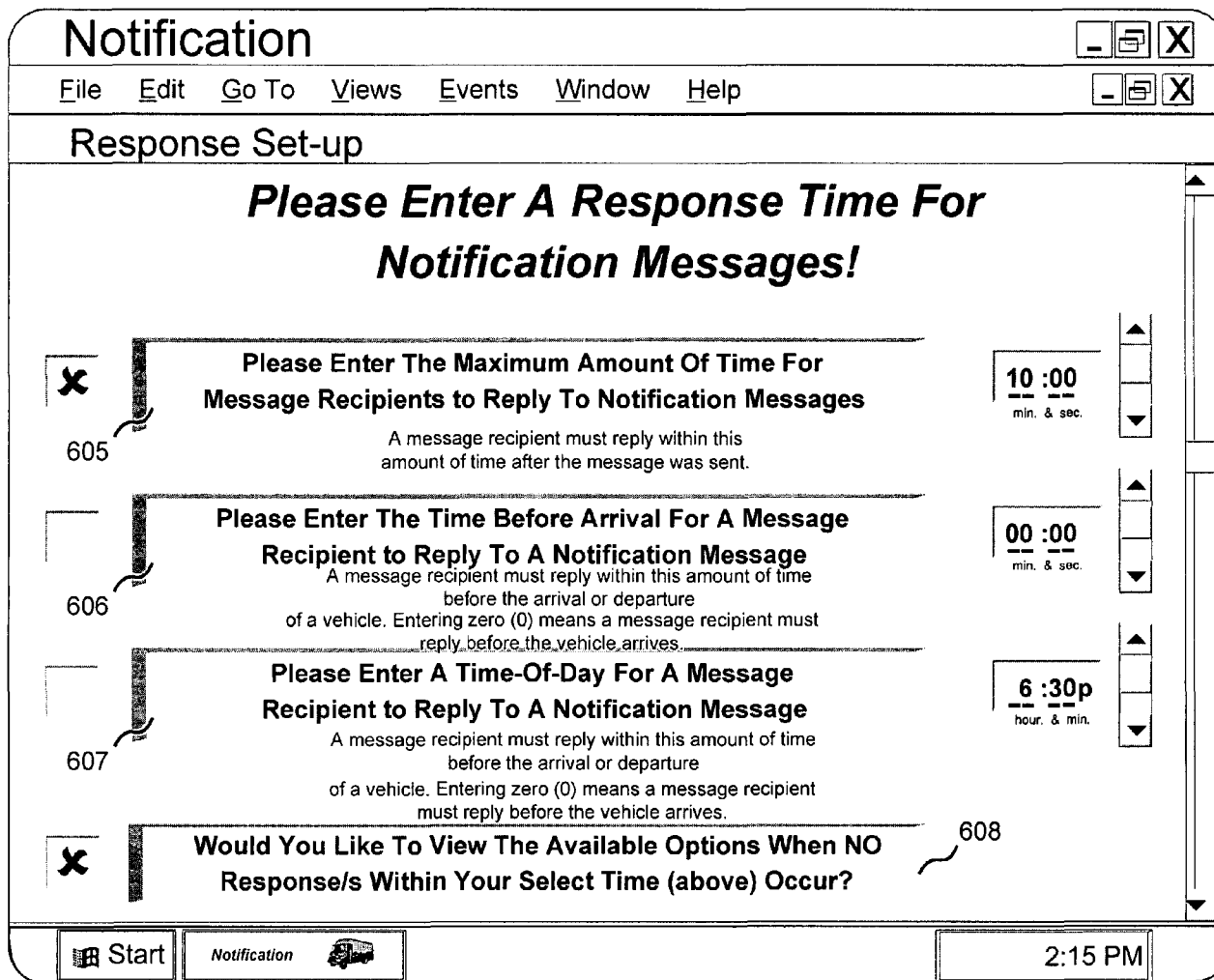


FIG. 34

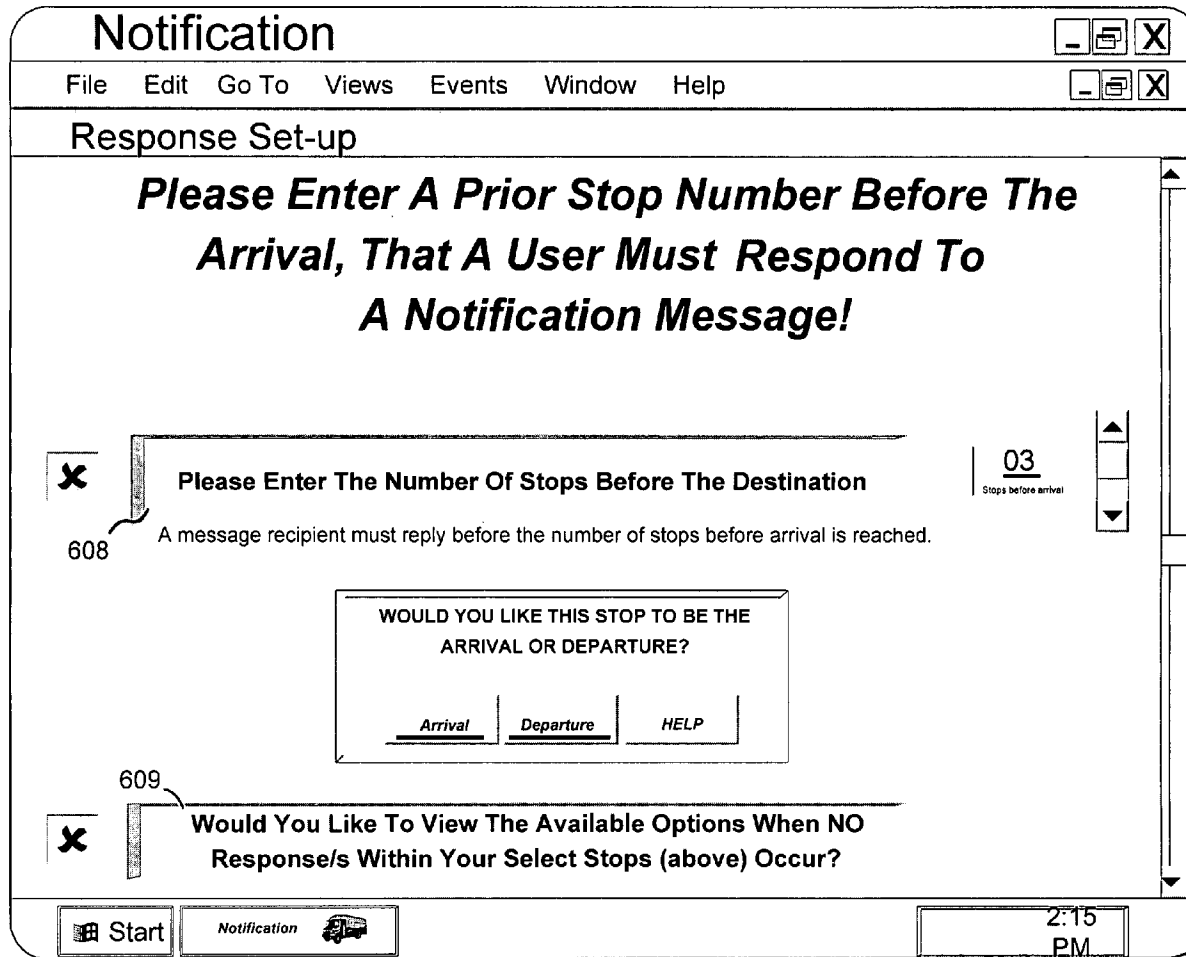


FIG. 35

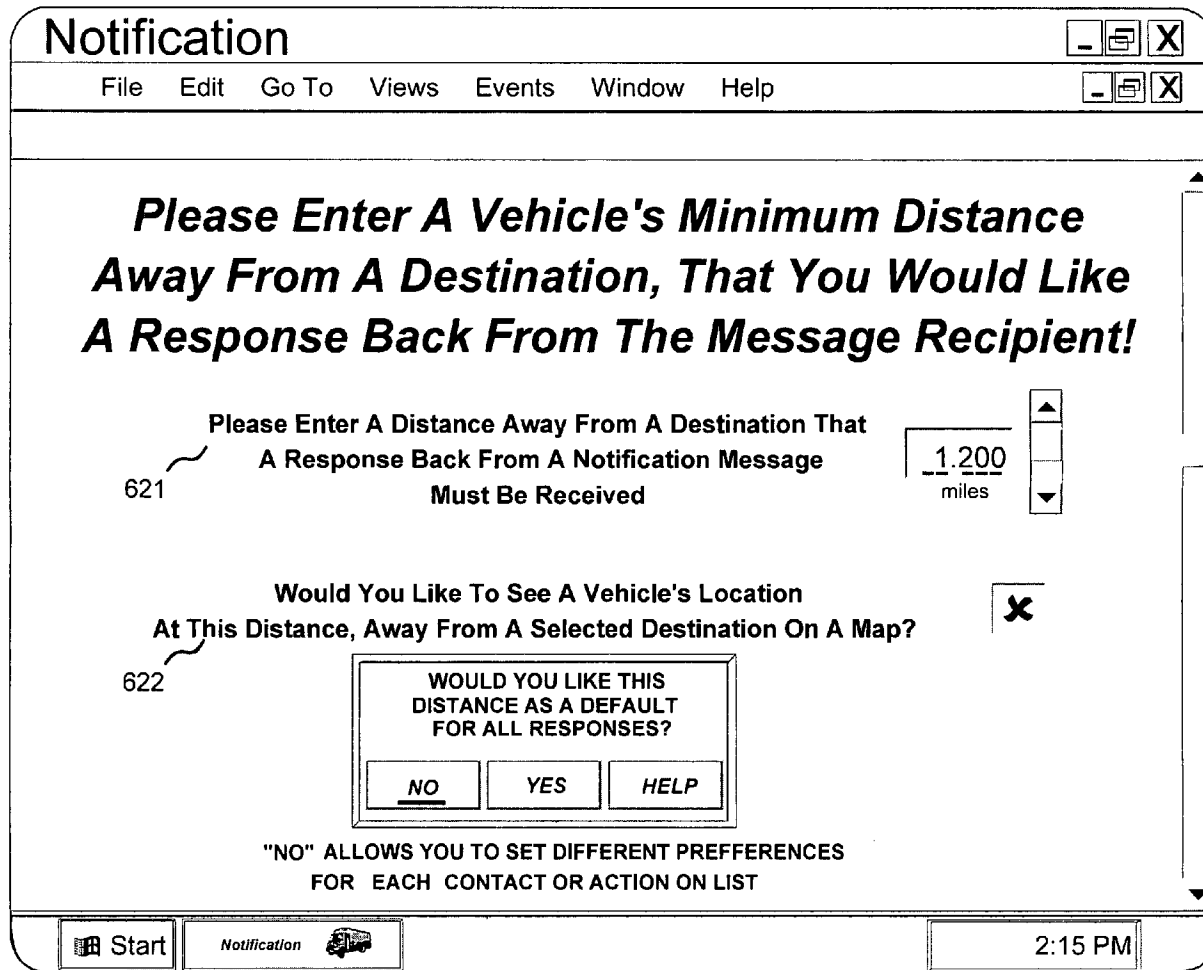


FIG. 36

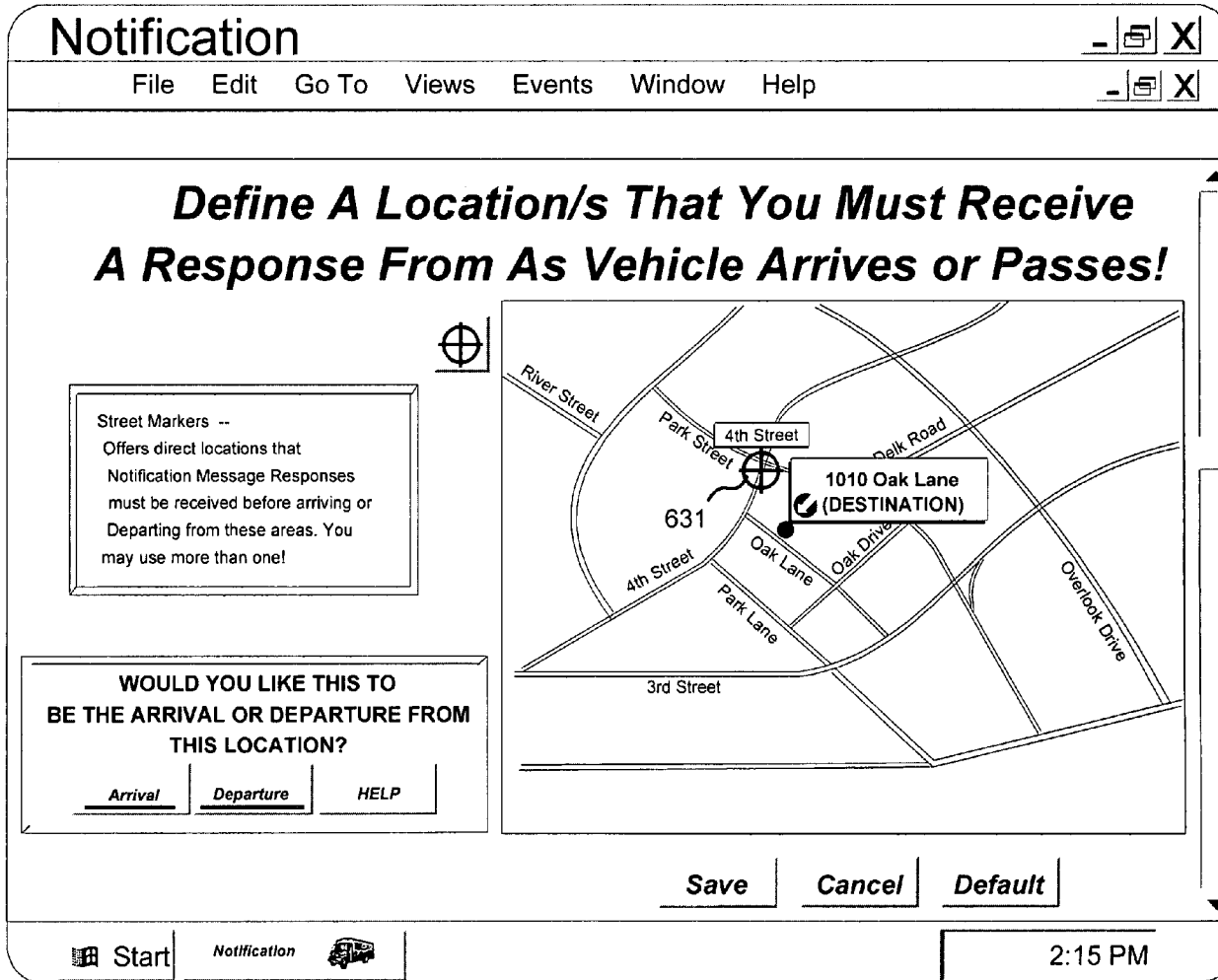


FIG. 37

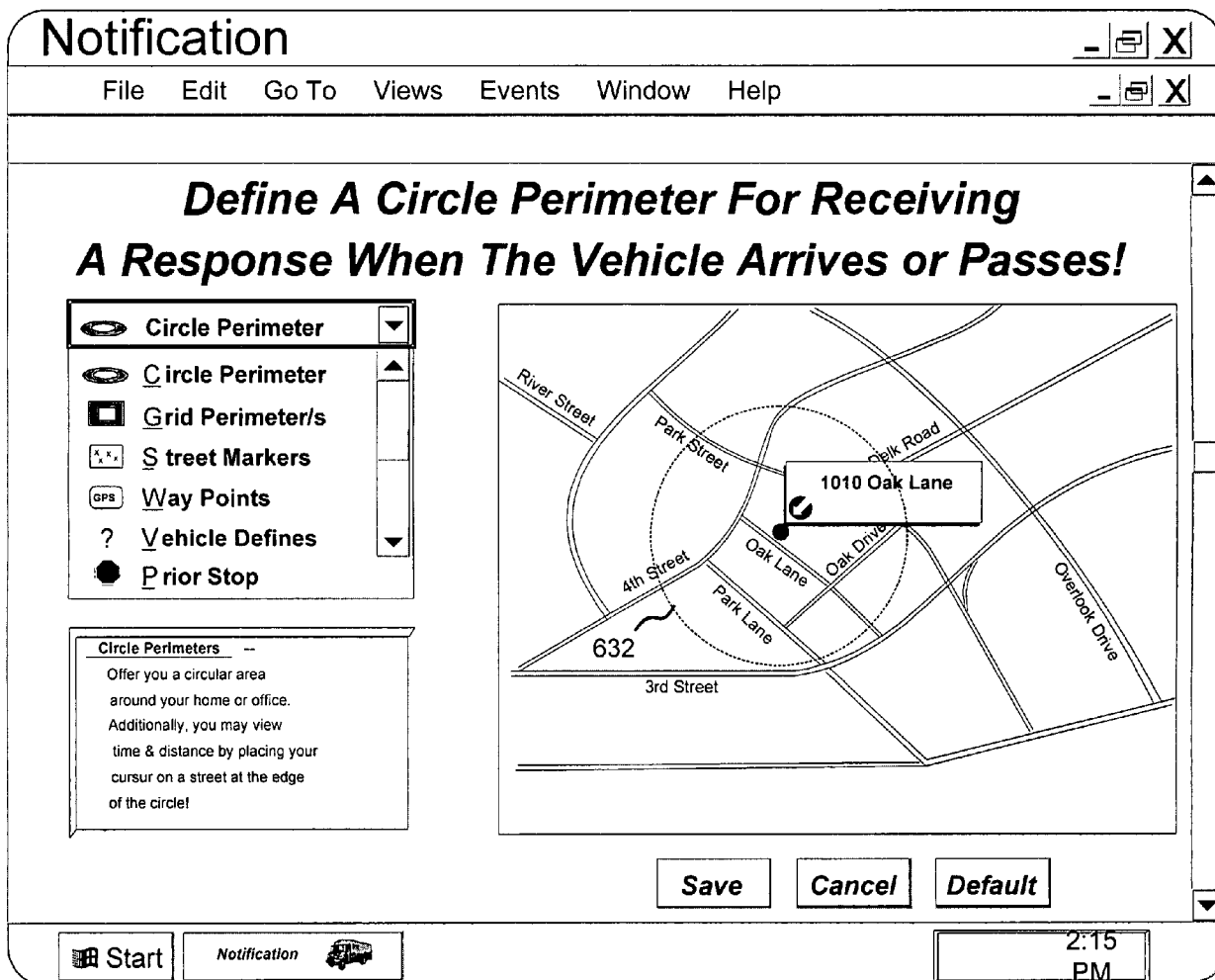


FIG. 38

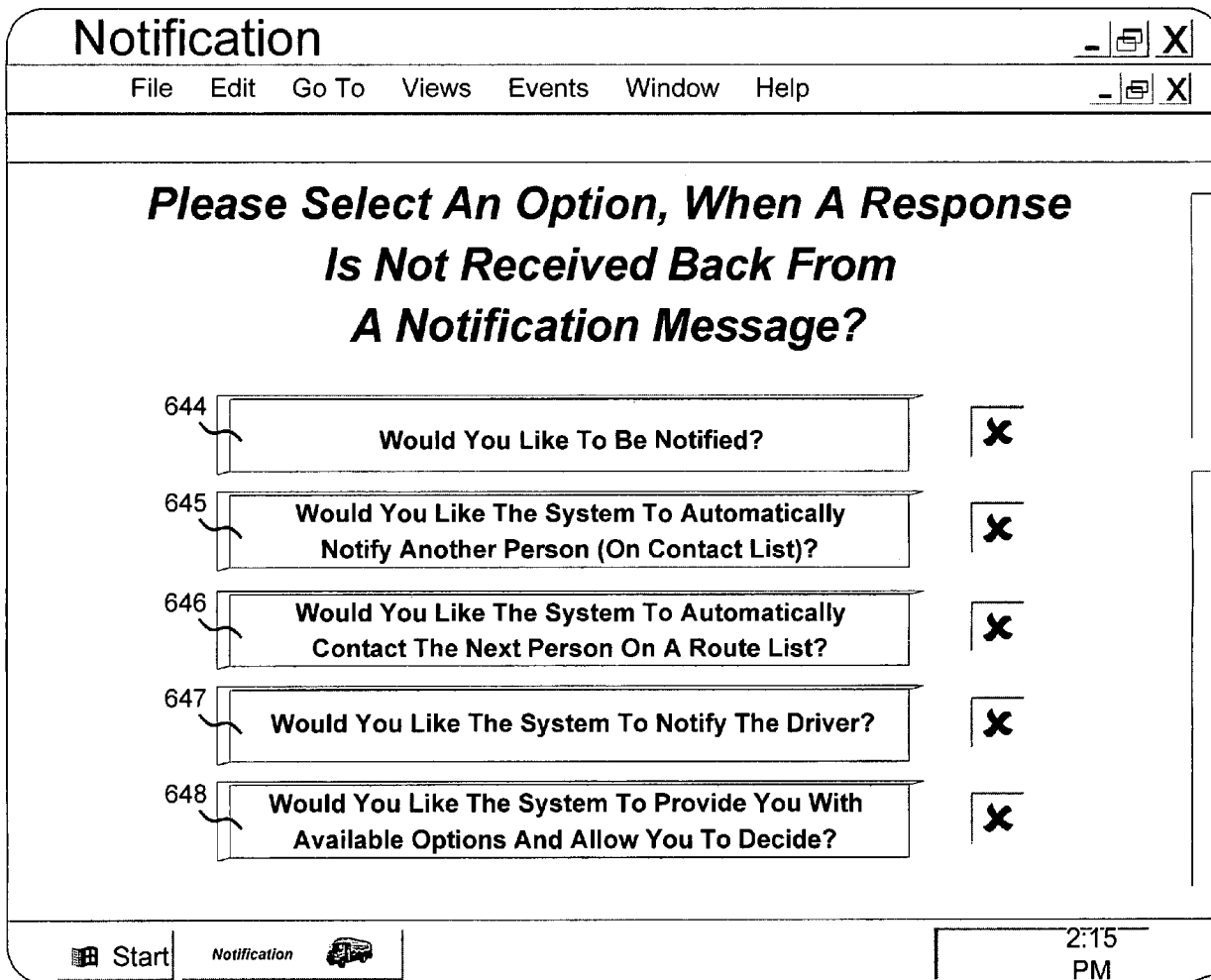


FIG. 39



FIG. 40

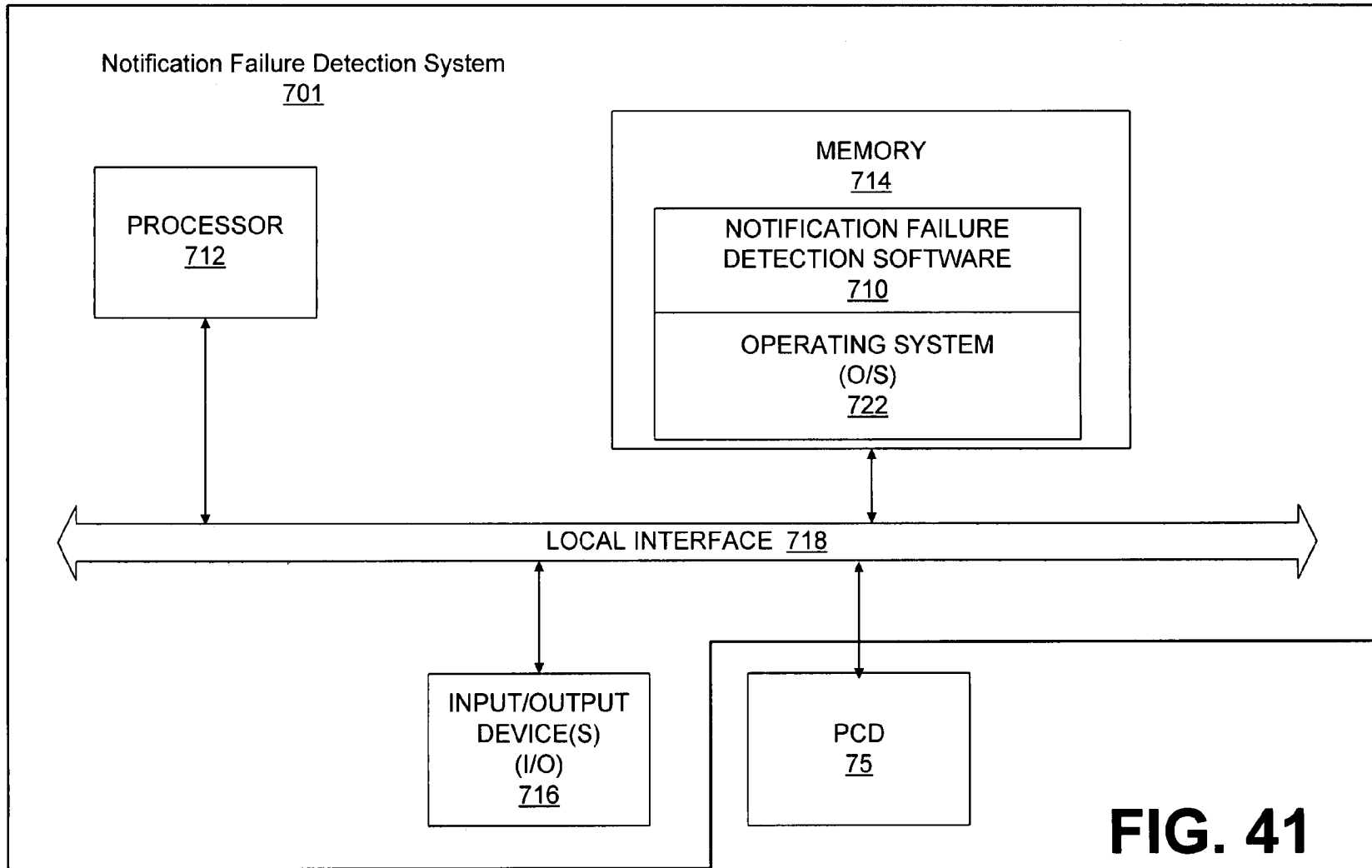


FIG. 41

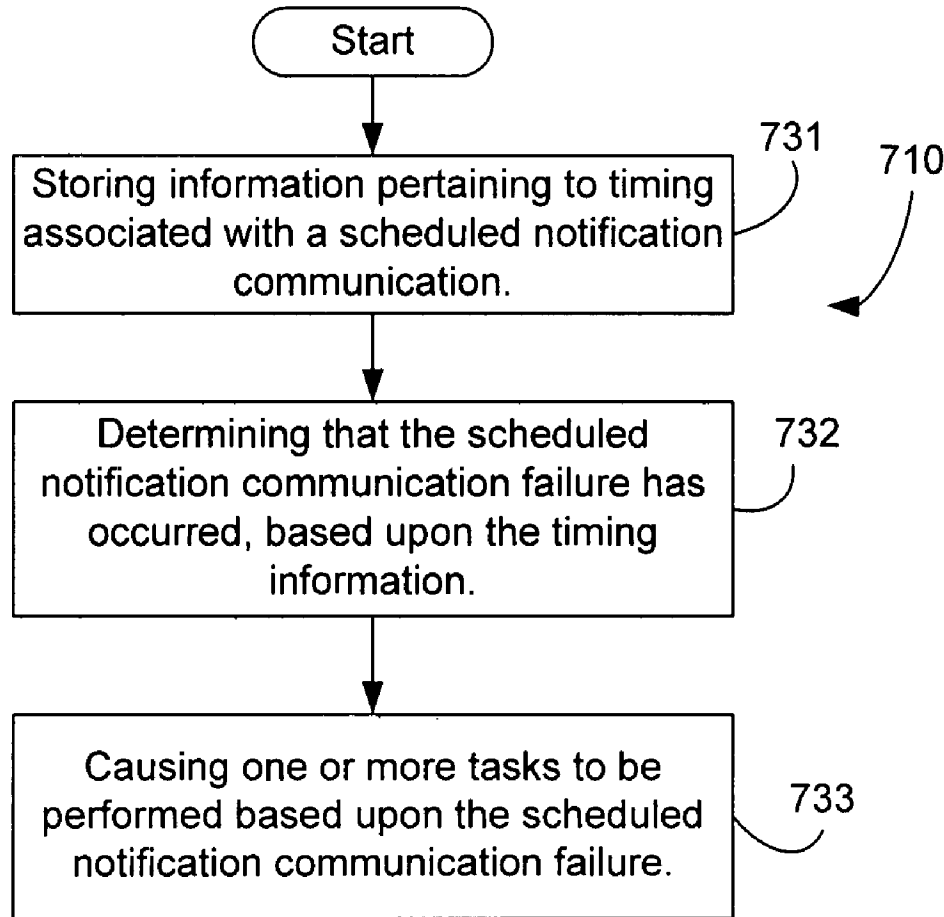


FIG. 42