

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

TRAFFIC INFORMATION, LLC

Plaintiff,

vs.

USAA FEDERAL SAVINGS BANK

Defendant.

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Case No. 2:13-cv-124

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Traffic Information, LLC (“Traffic”) brings this action against defendant USAA Federal Savings Bank (“USAA” or “Defendant”), and alleges:

THE PARTIES

1. Traffic is a limited liability company organized and existing under the laws of the State of Texas.
2. On information and belief, USAA is a Texas corporation, has a principal place of business at 10750 West IH 10, San Antonio, Texas, 78288, has designated its registered agent for purposes of service of process as CT Corporation System, 350 North Saint Paul Street, Suite 2900, Dallas, Texas 75201, and is doing business in this judicial district.

JURISDICTION AND VENUE

3. This is an action for patent infringement arising under the provisions of the Patent Laws of the United States of America, Title 35, United States Code.
4. Subject-matter jurisdiction over Traffic’s claims is conferred upon this Court by 28 U.S.C. §§ 1331 and 1338(a).

5. On information and belief, Defendant has solicited business in the State of Texas, transacted business within the State of Texas and attempted to derive financial benefit from residents of the State of Texas, including benefits directly related to the instant patent infringement cause of action set forth herein.

6. On information and belief, Defendant has placed its allegedly infringing products and services into the stream of commerce throughout the United States with the expectation that they will be used by consumers in this judicial district.

7. Defendant is subject to personal jurisdiction in Texas and this judicial district, and is doing business in this judicial district.

8. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b), (c), (d) and 1400(b).

INFRINGEMENT OF THE '606 PATENT

9. Traffic realleges and incorporates by reference the allegations in paragraphs 1-8.

10. On August 31, 2004, U.S. Patent No. 6,785,606 (“the ‘606 patent”), entitled “System For Providing Traffic Information” was duly and legally issued. A Reexamination Certificate for the ‘606 patent issued on December 6, 2011. A true and correct copy of the ‘606 patent with the Reexamination Certificate is attached hereto as Exhibit 1. Traffic is the owner by assignment of all right, title and interest in and to the ‘606 patent, including the right to sue for and recover all past, present and future damages for infringement of the ‘606 patent.

11. Defendant, alone and in conjunction with others, has in the past and continues to infringe, contribute to infringement, and/or induce infringement of the ‘606 patent by making, using, selling, offering to sell and/or importing, and/or causing others to make and/or use, traffic information systems, software, products and/or services (“Accused Products”) that alone or in combination with

other devices or products are covered by at least one claim of the '606 patent, and is liable for infringement of the '606 patent pursuant to 35 U.S.C. § 271.

12. Defendant has been and/or is now indirectly infringing one or more claims of the '606 patent in violation of 35 U.S.C. § 271(b) by inducing end users of its Accused Products to directly infringe one or more claims of the '606 patent through their use of the Accused Products ("End Users") to display traffic information on the display of a mobile device, such as a mobile telephone or tablet. Defendant engages in such inducement knowingly and, at least from the time of receipt of the present Complaint, has done so with knowledge that such activity encourages End Users to directly infringe the '606 patent.

13. Defendant's acts of infringement have caused damage to Traffic, and Traffic is entitled to recover from Defendant the damages sustained by Traffic as a result of Defendant's wrongful acts in an amount subject to proof at trial.

14. As a consequence of the infringement complained of herein, Traffic has been irreparably damaged to an extent not yet determined and will continue to be irreparably damaged by such acts in the future unless Defendant is enjoined by this Court from committing further acts of infringement.

PRAYER FOR RELIEF

WHEREFORE, Traffic prays for entry of judgment that:

- A.** Defendant has infringed the '606 patent;
- B.** Defendant account for and pay to Traffic all damages caused by its infringement of the '606 patent as complained of herein in accordance with 35 U.S.C. § 284;

C. Traffic be granted permanent injunctive relief pursuant to 35 U.S.C. § 283 enjoining Defendant, its officers, agents, servants, employees and those persons in active concert or participation with them from further acts of patent infringement;

D. Traffic be granted pre-judgment and post-judgment interest on the damages caused to it by reason of Defendant's patent infringement complained of herein;

E. Traffic be granted its reasonable attorneys' fees;

F. Costs be awarded to Traffic; and,

G. Traffic be granted such other and further relief as the Court may deem just and proper under the circumstances.

DEMAND FOR JURY TRIAL

Traffic demands trial by jury on all claims and issues so triable.

Respectfully submitted,

Dated: February 11, 2013

By: /s/ Elizabeth L. DeRieux

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