**IN THE UNITED STATES DISTRICT COURT**
**FOR THE DISTRICT OF DELAWARE**

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| WALKER DIGITAL, LLC,<br><br>Plaintiff,<br><br>v.<br><br>APPLE, INC., BMW OF NORTH AMERICA, LLC, GOOGLE, INC., MAPQUEST, INC., MIO TECHNOLOGY USA, TOM TOM INC., TELENAV, INC., BLUSENS TECHNOLOGY S.C., NDRIVE, INC, NAVMAN WIRELESS HOLDINGS, LP, MICROSOFT CORP., AND SAMSUNG ELECTRONICS USA, INC.,<br><br>Defendants. | Civil Action No. _____<br><br>**JURY TRIAL DEMANDED** |

## COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Walker Digital, LLC files this complaint for patent infringement against Defendants Apple, Inc., BMW of North America, LLC, Google, Inc., MapQuest, Inc., Mio Technology USA, Tom Tom Inc., Telenav, Inc., Blusens Technology S.C., NDrive, Inc, Navman Wireless Holdings, LP, Microsoft Corp., and Samsung Electronics USA, Inc. (collectively the "Defendants"):

## THE PARTIES AND PATENT-IN-SUIT

1. Plaintiff Walker Digital, LLC ("Walker Digital") is a Delaware limited liability company with its principal place of business located at 2 High Ridge Park, Stamford, CT 06905. Walker Digital is a research and development laboratory that has been the genesis for many successful businesses, including priceline.com and Synapse, Inc.

2. On information and belief, Defendant Apple, Inc. ("Apple") is a California corporation with its principal place of business located at 1 Infinite Loop, Cupertino, CA 95014.

Apple may be served via its registered agent, CT Corporation System, 818 W 7th St., Los Angeles, CA 90017.

3. On information and belief, Defendant BMW of North America, LLC ("BMW") is a Delaware corporation with its principal place of business located at 300 Chestnut Ridge Road, Woodcliff Lake, NJ 07675. BMW may be served via its registered agent, The Corporation Trust Co., 1209 Orange St., Wilmington, DE 19801.

4. On information and belief, Defendant Google, Inc. ("Google") is a Delaware corporation with its principal place of business located at 1600 Amphitheatre Parkway, Mountain View, CA 94043. Google may be served via its registered agent, The Corporation Trust Co., 1209 Orange St., Wilmington, DE 19801.

5. On information and belief, Defendant MapQuest, Inc. ("MapQuest") is a Delaware corporation with its principal place of business located at 1555 Blake Street, 3rd Floor, Denver, Colorado, 80202. MapQuest may be served via its registered agent, Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, DE 19808.

6. On information and belief, Defendant Mio Technology USA (**"**Mio") located at 47988 Fremont Blvd., Fremont, California, 94538, is a Subsidiary of Mitac International Corporation, which is a Taiwan corporation with its principal place of business located at No. 1 R&D 2nd Road, Hsin-Choi, Science Industrial Park, Hsin-Chu, Heien, Taiwan. Mio may be served via its registered agent, Corrina Chan, Mio Technology USA, LTD, 47988 Fremont Blvd., Fremont, California 94538.

7. On information and belief, Defendant Tom Tom Inc. ("Tom Tom") is a Massachusetts corporation with its principal place of business located at 150 Baker Ave. Ext.,

Concord, MA 01742. Tom Tom may be served via its registered agent, Jocelyn Vigreux, 150 Baker Ave. Ext., Concord, MA 01742.

8. On information and belief, Defendant Telenav, Inc. ("Telenav") is a Delaware corporation with its principal place of business located at 1130 Keifer Road, Sunnyvale, CA 94086. Telenav may be served via its registered agent, Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, DE 19808.

9. On information and belief, Defendant Blusens Technology S.C., ("Blusens") is a Spanish corporation with its principal place of business located at 15707 Santiago De Compostela, Compostela, Spain.

10. On information and belief, Defendant NDrive, Inc. ("NDrive") is a Portugese corporation with its principal place of business located at Centro Empresarial da Lionesa, 4465-671 Leça do Balio, Portugal.

11. On information and belief, Defendant Navman Wireless Holdings, LP ("Navman") is a Delaware corporation with its principal place of business located at 2701 Patriot Blvd., Suite 125, Glenview, IL 60026. Navman may be served via its registered agent, The Corporation Trust Company, 1209 Orange Street, Wilmington, Delaware 19801.

12. On information and belief, Defendant Microsoft Corp. ("Microsoft") is a Washington corporation with its principal place of business located at One Microsoft Way, Redmond, WA, 98052-6399. Microsoft may be served via its registered agent, PTSGE Corp., 925 Fourth Avenue, Suite 2900, Seattle, WA 98104-1158.

13. On information and belief, Defendant Samsung Electronics USA, Inc. ("Samsung") is a Delaware corporation with its principal place of business located at 105

Challenger Rd., Ridgefield Park, NJ 07660. Samsung may be served via its registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, DE 19801.

## JURISDICTION AND VENUE

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

15. On information and belief, each of the Defendants is subject to this Court's jurisdiction because each of the Defendants have, upon information and belief, transacted business in the District and in the State of Delaware. Specifically, each Defendant either directly and/or through intermediaries, upon information and belief, ships, distributes, offers for sale, sells, (including via the provision of such services over the Internet) products and services in this District. Additionally, Defendants BMW, Google, Mapquest, Telenav, Navman, and Samsung are corporations organized and existing under the laws of the State of Delaware. Each Defendant thus has, upon information and belief, minimum contacts with this District and State, has purposefully availed itself of the privileges of conducting business in this District and State, regularly conducts and solicits business within the State of Delaware, and has committed acts of patent infringement in this District and State.

16. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and (c), and 1400(b). Moreover, venue is proper against the foreign corporations Blusens and NDrive under 28 U.S.C. § 1391(d).

## THE ASSERTED PATENT

17. On March 6, 2001, the United States Patent and Trademark Office ("USPTO") duly and legally issued U.S. Patent No. 6,199,014 (the "'014 patent"), entitled "System for Providing Driving Directions With Visual Cues," in the names of Jay S. Walker and Toby Weir-Jones, who assigned their rights and interests in the '014 patent to Walker Digital. A true and correct copy of the '014 patent is attached as Exhibit A.

18. Walker Digital is the owner of the entire right, title and interest in the '014 patent ("the Asserted Patent").

## FACTUAL BACKGROUND

19. Walker Digital is a research and development laboratory consisting of a diverse group of innovators who study human behavior and utilize modern information technology to design novel solutions to business problems. Walker Digital has invested millions of dollars developing ground-breaking solutions to problems encountered in a wide range of industries including retail, vending, credit cards, security, gaming, educational testing, and GPS directions. This investment was used for many things, including the development of facilities to assist with the research, development and testing of new inventions which, in turn, generated additional new solutions to problems and additional inventions. Many of these inventions have been the genesis for successful businesses, including priceline.com and Synapse, Inc.

20. Jay Walker, the chairman of Walker Digital, is perhaps best known as the founder of priceline.com, which brought unprecedented technology and a new level of value to the travel industry. The business processes that guide priceline.com's success were created in the invention lab of Walker Digital. Mr. Walker is named on more than 450 issued and pending

U.S. and international patents, including the methods and systems described and claimed in the Asserted Patent, which revolutionizes the field of global positioning and navigation.

**COUNT I**

**(Infringement of the '014 Patent)**

21. Walker Digital incorporates and realleges the allegations of paragraphs 1-20 as if fully set forth herein.

22. Upon information and belief, Defendant Apple is infringing (literally and/or under the doctrine of equivalents) the '014 patent by, among other things, making, using, importing, offering for sale and/or selling navigation instructions providing directions for traveling a route along with photographic representations of locations along a route, including, but not limited to, the iPhone with GPS and real time navigation directions and related products, which are covered by at least claims 1 and 4 of the '014 patent.

23. Upon information and belief, Defendant BMW is infringing (literally and under the doctrine of equivalents) the '014 patent by, among other things, making, using, importing, offering for sale and/or selling navigation instructions providing directions for traveling a route along with photographic representations of locations along a route, including, but not limited to, at least BMW Navigation Systems, including BMW ConnectedDrive and related products, which are covered by at least claims 1 and 4 of the '014 patent.

24. Upon information and belief, Defendant Google is infringing (literally and under the doctrine of equivalents) the '014 patent by, among other things, making, using, importing, offering for sale and/or selling navigation instructions providing directions for traveling a route along with photographic representations of locations along a route, including at least, but not

limited to, Google Maps, Google turn-by-turn 3d map navigation service, Street View, and 360-degree street-level imagery, and related products and services, which are covered by at least claims 1 and 4 of the '014 patent.

25. Upon information and belief, Defendant Mapquest is infringing (literally and under the doctrine of equivalents) the '014 patent by, among other things, making, using, importing, offering for sale and/or selling navigation instructions providing directions for traveling a route along with photographic representations of locations along a route, including, but not limited to, Mapping and Directions, including 360 View and related products, which are covered by one at least claims 1 and 4 of the '014 patent.

26. Upon information and belief, Defendant Mio is infringing (literally and under the doctrine of equivalents) the '014 patent by, among other things, making, using, importing, offering for sale and/or selling navigation instructions providing directions for traveling a route along with photographic representations of locations along a route, including Moov Series GPS devices, including, but not limited to, Moov R503T, Mio Moov R403, and related products, which are covered by at least claims 1 and 4 of the '014 patent.

27. Upon information and belief, Defendant Tom Tom is infringing (literally and under the doctrine of equivalents) the '014 patent by, among other things, making, using, importing, offering for sale and/or selling navigation instructions providing directions for traveling a route along with photographic representations of locations along a route, including, but not limited to, TomTom GO 500-900 Series GPS Devices, GO 740 LIVE, and related products and services, which are covered by at least claims 1 and 4 of the '014 patent.

28. Upon information and belief, Defendant Telenav is infringing (literally and under the doctrine of equivalents) the '014 patent by, among other things, making, using, importing, offering for sale and/or selling navigation instructions providing directions for traveling a route along with photographic representations of locations along a route, including, but not limited to, Dual Navigation Capability and related products, which are covered by at least claims 1 and 4 of the '014 patent.

29. Upon information and belief, Defendant Blusens is infringing (literally and under the doctrine of equivalents) the '014 patent by, among other things, making, using, importing, offering for sale and/or selling navigation instructions providing directions for traveling a route along with photographic representations of locations along a route, including, but not limited to, GPS Go1 and Go2 and related products, which are covered by at least claims 1 and 4 of the '014 patent.

30. Upon information and belief, Defendant NDrive is infringing (literally and under the doctrine of equivalents) the '014 patent by, among other things, making, using, importing, offering for sale and/or selling navigation instructions providing directions for traveling a route along with photographic representations of locations along a route, including, but not limited to, NDrive's navigation software and mobile applications, which are covered by at least claims 1 and 4 of the '014 patent.

31. Upon information and belief, Defendant Navman is infringing (literally and under the doctrine of equivalents) the '014 patent by, among other things, making, using, importing, offering for sale and/or selling navigation instructions providing directions for traveling a route along with photographic representations of locations along a route, including, but not limited to,

Navman iCN 750, NavPix technology and related products, which are covered by at least claims 1 and 4 of the '014 patent.

32. Upon information and belief, Defendant Microsoft is infringing (literally and under the doctrine of equivalents) the '014 patent by, among other things, making, using, importing, offering for sale and/or selling navigation instructions providing directions for traveling a route along with photographic representations of locations along a route, including, but not limited to, Bing Maps, including Streetside and related products, which are covered by at least claims 1 and 4 of the '014 patent.

33. Upon information and belief, Defendant Samsung is infringing (literally and under the doctrine of equivalents) the '014 patent by, among other things, making, using, importing, offering for sale and/or selling navigation instructions providing directions for traveling a route along with photographic representations of locations along a route, including, but not limited to, Samsung Galaxy Prevail, Galaxy S with Real Street View GPS technology, and related products, which are covered by at least claim 1 of the '014 patent.

34. Defendants have committed these acts of infringement without license or authorization.

35. Upon information and belief, at least Defendants Google's and Apple's infringement is willful. Walker Digital approached Google with respect to the '014 patent through a third party and, upon information and belief, that third party and/or materials that the third party delivered to Google put Google on notice of Google's infringement of the '014 patent in approximately December 2009 or January 2010. Upon information and belief, Walker Digital had discussions with certain Apple employees who, upon information and belief, were patent

attorneys during Ocean Tomo's spring 2010 auction. Upon information and belief, the '014 patent and Apple's infringement of that patent were part of those discussions.

36. As a result of the Defendants' infringement and Google and Apple's willful infringement of the '014 patent, Walker Digital has suffered monetary damages in an amount not yet determined, and will continue to suffer damages in the future unless Defendants' infringing activities are enjoined by this Court.

37. Walker Digital has also suffered and will continue to suffer severe and irreparable harm unless this Court issues a permanent injunction prohibiting Defendants, their agents, servants, employees, representatives, and all others acting in active concert therewith from infringing the '014 patent.

## DEMAND FOR JURY TRIAL

Plaintiff Walker Digital, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

## PRAYER FOR RELIEF

For the above reasons, Walker Digital respectfully requests that this Court grant the following relief in favor of Walker Digital and against Defendants:

(a) A judgment in favor of Walker Digital that each of the Defendants has directly infringed, either literally or under the doctrine of equivalents, one or more claims of the Asserted Patent;

(b) A permanent injunction enjoining each of the Defendants and their officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert or participation with them, from infringing the Asserted Patent;

(c) A judgment and order requiring Defendants to pay Walker Digital its damages, costs, expenses, and pre-judgment and post-judgment interest for Defendants' infringement of the Asserted Patent;

(d) A judgment that Google's and Apple's infringement was willful;

(e) A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding Walker Digital its reasonable attorneys' fees; and

(f) Any and all such other relief as the Court deems just and proper.

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