

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

NAVBLAZER, LLC,

Apple

v.

APPLE, INC.,

Defendant

Case No. 6:20-cv-85

JURY TRIAL DEMANDED

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

NavBlazer, LLC (“NavBlazer”) hereby files this Original Complaint for Patent Infringement against Defendant Apple, Inc. (“Apple”), and alleges, upon information and belief, as follows:

THE PARTIES

1. NavBlazer is a limited liability company organized and existing under the laws of the State of Florida with its principal place of business at 600 S. Dixie Highway, Suite 605, West Palm Beach, Florida 33401.
2. Apple is a California corporation with its principal place of business at 1 Infinite Loop, Cupertino, California 95014. Apple may be served with process through its registered agent CT Corporation System, located at 1999 Bryan St., Suite 900, Dallas, Texas 75201. Apple designs, manufactures, makes, uses, imports into the United States, sells, and/or offers for sale in the United States Apple smartphones, tablets, smartwatches, macs, and Apple servers. Apple’s smartphones, tablets, smartwatches, and macs are marketed, used, offered for sale, and/or sold throughout the United States, including within this district.

JURISDICTION AND VENUE

3. This Court has subject matter jurisdiction over this case under 28 U.S.C. §§ 1331, 1332, 1338, and 1367.
4. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391 and 1400(b).
5. This Court has personal jurisdiction over Apple. Apple has continuous and systematic business contacts with the state of Texas. Apple, directly or through subsidiaries or intermediaries (including distributors, retailers, and others), conducts its business extensively throughout Texas, by shipping, distributing, making, using, offering for sale, selling, and advertising (including the provision of interactive web pages) its products and services in the state of Texas and the Western District of Texas. Apple, directly and through subsidiaries or intermediaries (including distributors, retailers, and others), has purposefully and voluntarily placed infringing products and services into this district and into the stream of commerce with the intention and expectation that they will be purchased and used by consumers in this district. Apple has offered and sold and continues to offer and sell these infringing products and services in this district, including at physical Apple stores located within this district. Apple and its customers also commit additional acts of direct infringement in this district with respect to each asserted patent through their infringing use of the accused devices, including Apple's servers, in this district, including when Apple and its customers put the accused devices into service and receive a benefit, and Apple is liable for these additional acts of direct infringement and indirect infringement in this district. Apple has committed acts of infringement, both direct and indirect, in this district with respect to each asserted patent and has a regular and established place of business in this judicial district.

U.S. PATENT NOS. 9,075,136 AND 9,885,782

6. NavBlazer is the owner, by assignment, of U.S. Patent No. 9,075,136 and 9,885,782, each entitled “VEHICLE OPERATOR AND/OR OCCUPANT INFORMATION APPARATUS AND METHOD” (hereinafter collectively referred to as “the Patents-in-Suit”).
7. The patent application that issued as the ’782 Patent is a continuation application of U.S. Patent Application Ser. No. 09/259,957, filed March 1, 1999, and entitled “VEHICLE OPERATOR AND/OR OCCUPANT INFORMATION APPARATUS AND METHOD”, now U.S. Pat. No. 9,075,136. U.S. Patent Application Ser. No. 09/259,957, filed March 1, 1999, claims priority to U.S. Provisional Patent Application Ser. No. 60/076,800, filed March 4, 1998, and entitled “VEHICLE OPERATOR AND/OR OCCUPANT INFORMATION APPARATUS AND METHOD.”
8. The Patents-in-Suit are valid, enforceable, and were duly issued in full compliance with Title 35 of the United States Code.
9. The inventions described and claimed in the Patents-in-Suit were invented by Raymond Anthony Joao.
10. The priority date of each of the Patents-in-Suit is at least as early as March 4, 1998.
11. The Patents-in-Suit relate generally to an apparatus and method for providing a user with one or more possible travel routes to a destination, as well as additional information regarding the one or more possible travel routes, such as traffic conditions, road conditions, traffic flow, weather information and/or other useful information.
12. During prosecution of the ’782 Patent, the patent examiner considered whether the claims of the ’782 Patent were eligible under 35 USC §101 in view of the United States Supreme Court’s decision in *Alice*. The patent examiner found that the claims are in fact patent eligible under 35

USC §101 because all pending claims are directed to patent-eligible subject matter, none of the pending claims are directed to an abstract idea and there would be no preemption of the abstract idea or the field of the abstract idea.

DEFENDANT'S PRODUCTS

13. Upon information and belief, Apple, under the brand name “iPhone” and “iPad” sells, advertises, offers for sale, uses, or otherwise provides mobile devices with navigation functionality. On information and belief, these products include, but are not necessarily limited to, “iPhone 5C,” “iPhone 5S,” “iPhone 6,” “iPhone 6 Plus,” “iPhone 6S,” “iPhone 6S Plus,” “iPhone SE,” “iPhone 7,” “iPhone 7 Plus,” “iPhone 8,” “iPhone 8 Plus,” “iPhone X,” “iPhone XS,” “iPhone XS Max,” “iPhone XR,” “iPhone 11,” “iPhone 11 Pro,” “iPhone 11 Pro Max,” “iPad” (2nd generation and higher), “iPad 2,” “iPad Air,” “iPad Mini” (all generations), “iPad Mini 2,” iPad Mini 3,” “iPad Air 2,” “iPad Mini 4,” and “iPad Pro” (all generations).

COUNT I

(Infringement of U.S. Patent No. 9,885,782)

14. Plaintiff incorporates the above paragraphs by reference.
15. Apple has been on notice of the '782 Patent at least as early as the date it received service of this Original Complaint.
16. Upon information and belief, Apple has directly infringed and continues to directly infringe at least Claims 1, 2, 7 and 8 of the '782 Patent by making, using, importing, selling, and/or, offering for sale the Accused Instrumentalities.
17. Defendant, with knowledge of the '782 Patent, also infringes at least Claims 1, 2, 7 and 8 of the '782 Patent by inducing others to infringe the '782 Patent. In particular, Defendant intends to

induce its customers to infringe the '782 Patent by encouraging its customers to use the Accused Instrumentalities in a manner that results in infringement.

18. Defendant also induces others, including its customers, to infringe at least Claims 1, 2, 7 and 8 of the '782 Patent by providing technical support for the use of the Accused Instrumentalities.
19. Upon information and belief, at all times Defendant owns and controls the operation of the Accused Instrumentalities in accordance with an end user license agreement.
20. By way of example, the Accused Instrumentalities infringes Claim 1 of the '782 Patent by use of a global positioning device, wherein the global positioning device determines a location of the apparatus or a location of a vehicle. The iPhone XS and iPad are representative examples and are mobile devices (apparatuses). See Figure 1 below, showing a picture of the iPhone XS. See also Figure 2 below, showing a picture of the iPad.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.