

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

INFOGATION CORPORATION,

Plaintiff,

v.

GOOGLE LLC,

Defendant.

Civil Action No.: 6:20-cv-0366

Jury Trial Demanded

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff InfoGation Corporation ("Plaintiff" or "InfoGation"), for its Complaint with Jury Demand for patent infringement against Defendant Google LLC ("Defendant" or "Google"), alleges, based on its own knowledge as to itself and its own actions and based on information and belief as to all other matters, as follows:

PARTIES

1. InfoGation is a corporation organized and existing under the laws of Delaware, with its principal place of business at 12250 El Camino Real, Suite 116, San Diego, California 92130.
2. Google LLC is a corporation organized and existing under the laws of Delaware, with its principal place of business located at 1600 Amphitheatre Parkway, Mountain View, California 94043.

JURISDICTION AND VENUE

3. This is an action for patent infringement under the Patent Laws of the United States, 35 U.S.C. § 101, *et seq.*
4. This Court has subject matter jurisdiction of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391 and 1400(b). Google is registered to do business in Texas, and upon information and belief, Google has transacted business in the Western District of Texas and has committed acts of direct and indirect infringement in the Western District of Texas. Google has a regular and established place of business in the Western District of Texas located at 500 W 2nd St, Austin, Texas 78701.

6. This Court has personal jurisdiction over Google in this action because Google has committed acts within the Western District of Texas giving rise to this action and has established minimum contacts with this forum such that the exercise of jurisdiction over Google would not offend traditional notions of fair play and substantial justice. Google has committed and continues to commit acts of infringement in this District by, among other things, offering to sell and selling products and/or services that infringe the asserted patent.

THE PATENT-IN-SUIT

7. On September 18, 2001, the United States Patent and Trademark Office ("USPTO") duly and legally issued U.S. Patent No. 6,292,743 ("the '743 Patent"), titled "Mobile Navigation System," naming Qing Kent Pu and Hui Henry Li as inventors. A true and correct copy of the '743 Patent is attached hereto as Exhibit A.

8. InfoGation is the owner of all right, title, and interest in the '743 Patent.

9. Each claim of the '743 Patent is valid and enforceable.

FACTUAL ALLEGATIONS

10. InfoGation is a pioneer in the development of on-board and handheld vehicle navigation solutions. InfoGation produces vehicle-based turn-by-turn driving directions with accurate voice guidance, real-time travel content, and communications integration solutions for the automotive, trucking, commercial fleet and consumer industries. In conjunction with Microsoft and Clarion, InfoGation created the first in-car computing device, the AutoPC, which

was powered by Microsoft's Windows CE for Automotive operating system. InfoGation also licensed its software platform to the Hertz rental car company for Hertz Never Lost navigation devices as well as the IntelliRoute navigation software to Rand McNally for its consumer, recreational vehicle, and truck/fleet product lines.

11. The '743 Patent was developed by Dr. Qing Kent Pu, President, CEO, and Founder of InfoGation, along with Dr. Hui Henry Li. The '743 Patent is directed to a mobile navigation system wherein the client navigation computer wirelessly connects to a navigation server, receives optimal route information from that navigation server that is formatted using a non-proprietary, natural language description, reconstructs the optimal route from that non-proprietary, natural language description using a mapping database coupled to the navigation computer, and displays the optimal route on a display screen using that mapping database.

12. Certain Google products and services, including those that incorporate the technology of the Google Maps API, infringe at least claim 21 of the '743 Patent.

13. The Google Maps API provides an optimal route using real-time information from a server of a navigation system. For example, the Google Maps API DirectionService object "communicates with the Google Maps API Directions which receives direction requests and returns an efficient path. Travel time is the primary factor which is optimized, but other factors such as distance, number of turns and many more may be taken into account." *Directions Service | Maps JavaScript API | Google Developers, available at <https://developers.google.com/maps/documentation/javascript/directions>* (retrieved on May 4, 2020).

14. The navigation system comprises a client (such as a mobile device) and said server (hosted by Google) coupled to a computer network (such as a wireless network). *Id.*

15. Using the technology of the Google Maps API requires establishing a wireless connection between the server and the client. For example, a wireless connection is established via the Internet or a cellular network with a client such as a mobile device.

16. The Google server receives start and end route designations from the client. For example, the user of a mobile device specifies the origin and destination using the technology of the Google Maps API, and Google receives this information at the server via the wireless connection.

17. Using the technology of the Google Maps API, Google calculates at the server the optimal route based on real-time information at the server and said start and end route designations. For example, the Google Maps API DirectionService object "communicates with the Google Maps API Directions which receives direction requests and returns an efficient path. Travel time is the primary factor which is optimized, but other factors such as distance, number of turns and many more may be taken into account." *Directions Service | Maps JavaScript API | Google Developers*, available at <https://developers.google.com/maps/documentation/javascript/directions> (retrieved on May 4, 2020). The technology of the Google Maps API enables users to "find the best way to get from A to Z with comprehensive data and real-time traffic." *Geo-location APIs | Google Maps Platform | Google Cloud*, available at <https://cloud.google.com/maps-platform/> (retrieved on May 4, 2020).

18. Using the technology of the Google Maps API, Google formats at the server the optimal route into a non-proprietary, natural language description. For example, Google explains:

A DirectionsStep is the most atomic unit of a direction's route, containing a single step describing a specific, single instruction on the journey. E.g. "Turn left at W. 4th St." The step not only describes the instruction but also contains distance and duration information relating to how this step relates to the following step. For example, a step denoted as "Merge onto I-80 West" may

contain a duration of "37 miles" and "40 minutes," indicating that the next step is 37 miles/40 minutes from this step.

Directions Service | Maps JavaScript API | Google Developers, available at <https://developers.google.com/maps/documentation/javascript/directions> (retrieved on May 4, 2020). Thus, the route is formatted into a non-proprietary, natural language description (e.g., "Turn left at W. 4th St.").

19. Using the technology of the Google Maps API, Google downloads from the server said non-proprietary, natural language description to the client (e.g., a mobile device) so that the client can reconstruct the optimal route using a local mapping database and display said optimal route on a display system coupled to the client. For example, the mobile device using the technology of the Google Maps API constructs a visual map using a local mapping database and displays the route using the map on the mobile device screen.

20. Google has had notice of the '743 Patent since no later than October 7, 2016, the date on which Google filed a Complaint for Declaratory Judgment of Non-Infringement of the '743 Patent in the United States District Court for the Northern District of California (Case No. 3:16-cv-05821-VC). That case was dismissed for lack of subject matter jurisdiction.

21. Further, Google has been aware that the '743 Patent is not invalid since no later than September 11, 2017. On that date, the USPTO Patent Trial and Appeal Board issued a decision declining to institute an *inter partes* review of the '743 Patent, rejecting a petition filed by Google and other petitioners.

22. Certain terms in Claim 15 of the '743 Patent were construed in Case No. 16-cv-01901-H-JLB, *InfoGation Corp. v. ZTE Corporation, et al.* and Case No. 16-cv-01902-HJLB, *InfoGation Corp. v. HTC Corporation, et al.*, both filed in the United States District Court for the Southern District of California ("the California Actions"). Specifically, the court in the California

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