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SILVER STATE INTELLECTUAL
TECHNOLOGIES, INC., a Nevada
corporation,

Plaintiff,

v.

TOMTOM, INC., a Massachusetts
corporation,

Defendant.

) Case No.

) **COMPLAINT FOR PATENT**
) **INFRINGEMENT**

) **JURY DEMANDED**

1 **COMPLAINT FOR PATENT INFRINGEMENT**

2 Plaintiff SILVER STATE INTELLECTUAL TECHNOLOGIES, INC., by and
3 through its undersigned attorneys, hereby complains of Defendant TOMTOM, INC. for
4 infringement of the United States Patents identified herein, and alleges as follows:

5 **JURISDICTION AND VENUE**

6 1. This is an action for patent infringement arising under the patent laws of the
7 United States, Title 35, United States Code, and more particularly 35 U.S.C. §§ 271 and 281.

8 2. This Court has jurisdiction over the subject matter of this action pursuant to 28
9 U.S.C. §§ 1331 and 1338(a).

10 3. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b) and (c),
11 and 1400(b).

12 **THE PARTIES**

13 4. Plaintiff SILVER STATE INTELLECTUAL TECHNOLOGIES, INC.
14 (hereinafter, "SILVER STATE") is a Nevada corporation with its principal place of business
15 at 9811 Charleston Blvd., #2-787, Las Vegas, Nevada 89117.

16 5. SILVER STATE is the owner by assignment of United States Patent No.
17 6,529,824, entitled PERSONAL COMMUNICATION SYSTEM FOR COMMUNICATING
18 VOICE DATA POSITIONING INFORMATION, duly and lawfully issued on March 4, 2003
19 ("the '824 patent"), attached hereto as Exhibit A; United States Patent No. 6,542,812, entitled
20 TECHNIQUE FOR EFFECTIVE NAVIGATION BASED ON USER PREFERENCES, duly
21 and lawfully issued on April 1, 2003 ("the '2812 patent"), attached hereto as Exhibit B; United
22 States Patent No. 7,343,165, entitled GPS PUBLICATION APPLICATION SERVER, duly
23 and lawfully issued on March 11, 2008 ("the '165 patent"), attached hereto as Exhibit C; United
24 States Patent No. 7,522,992, entitled TECHNIQUE FOR EFFECTIVE NAVIGATION
25 BASED ON USER PREFERENCES, duly and lawfully issued on April 21, 2009 ("the '992
26 patent"), attached hereto as Exhibit D; United States Patent No. 7,593,812, entitled
27 TECHNIQUE FOR EFFECTIVE NAVIGATION BASED ON USER PREFERENCES, duly
28 and lawfully issued on September 22, 2009 ("the '3812 patent"), attached hereto as Exhibit E;

 MCDONALD-CARANO-WILSON
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1 United States Patent No. 7,650,234, entitled TECHNIQUE FOR EFFECTIVE NAVIGATION
2 BASED ON USER PREFERENCES, duly and lawfully issued on January 19, 2010 (“the ‘234
3 patent”), attached hereto as Exhibit F; and United States Patent No. 7,739,039, entitled
4 TECHNIQUE FOR EFFECTIVE NAVIGATION BASED ON USER PREFERENCES, duly
5 and lawfully issued on June 15, 2010 (“the ‘039 patent”), attached hereto as Exhibit G; among
6 other patents and pending patent applications.

7 6. Upon information and belief, Defendant TOMTOM, INC. (hereinafter,
8 “TOMTOM”) is a Massachusetts corporation with its principal place of business at 150 Baker
9 Avenue, Extension, Concord, Massachusetts 01742.

10 7. Upon information and belief, TOMTOM imports, distributes, offers to sell,
11 and sells in the United States certain navigation devices that SILVER STATE alleges infringes
12 the ‘824 patent, the ‘2812 patent, the ‘165 patent, the ‘992 patent, the ‘3812 patent, the ‘234
13 patent, and the ‘039 patent, as alleged further herein below. SILVER STATE reserves the right
14 to amend its Complaint to include additional patents owned by SILVER STATE based on the
15 results of discovery in this matter.

16 8. Upon information and belief, TOMTOM does business in this judicial district
17 and has committed acts of infringement in this judicial district.

18 **FIRST CLAIM FOR RELIEF - INFRINGEMENT OF THE ‘824 PATENT**

19 9. SILVER STATE realleges and incorporates herein by reference the allegations
20 stated in paragraphs 1-8 of this Complaint.

21 10. Upon information and belief, in violation of one or more provisions of 35
22 U.S.C. § 271, TOMTOM has directly and indirectly infringed and is continuing to directly
23 and indirectly infringe one or more claims of the ‘824 patent through its importation,
24 distribution, offers to sell, and sales in the United States of certain navigation devices,
25 including without limitation infringement of Claim 8 of the ‘824 patent by TOMTOM’s
26 LIVE services that provide real-time local content to TOMTOM’s LIVE-capable navigation
27 devices such as the GO 740 LIVE navigation device that receives a specified maximum
28 number of listings in response to a search request, and other TOMTOM navigation services

1 and devices that function similarly.

2 11. Upon information and belief, discovery will reveal additional infringement of
3 the '824 patent by TOMTOM, including infringement of additional claims of the '824 patent,
4 and through TOMTOM's importation, distribution, offers to sell, and sales in the United
5 States of additional navigation devices, which additional infringements shall also comprise
6 this claim for relief.

7 12. As a direct and proximate result of TOMTOM's infringement of the '824
8 patent, SILVER STATE has been and continues to be damaged.

9 13. SILVER STATE has been and will continue to be irreparably harmed by
10 TOMTOM's infringement of the '824 patent unless enjoined by this Court.

11 **SECOND CLAIM FOR RELIEF - INFRINGEMENT OF THE '2812 PATENT**

12 14. SILVER STATE realleges and incorporates herein by reference the allegations
13 stated in paragraphs 1-8 of this Complaint.

14 15. Upon information and belief, in violation of one or more provisions of 35
15 U.S.C. § 271, TOMTOM has directly and indirectly infringed and is continuing to directly
16 and indirectly infringe one or more claims of the '2812 patent through its importation,
17 distribution, offers to sell, and sales in the United States of certain navigation devices,
18 including without limitation infringement of Claim 14 of the '2812 patent by TOMTOM's
19 GO, VIA, and XXL series navigation devices that include a traffic search function to display
20 traffic information obtained from an external source, and the option to avoid the receipt of
21 traffic information, and other TOMTOM navigation devices that function similarly.

22 16. Upon information and belief, discovery will reveal additional infringement of
23 the '2812 patent by TOMTOM, including infringement of additional claims of the '2812
24 patent, and through TOMTOM's importation, distribution, offers to sell, and sales in the
25 United States of additional navigation devices, which additional infringements shall also
26 comprise this claim for relief.

27 17. As a direct and proximate result of TOMTOM's infringement of the '2812
28 patent, SILVER STATE has been and continues to be damaged.

1 18. SILVER STATE has been and will continue to be irreparably harmed by
2 TOMTOM's infringement of the '2812 patent unless enjoined by this Court.

3 **THIRD CLAIM FOR RELIEF - INFRINGEMENT OF THE '165 PATENT**

4 19. SILVER STATE realleges and incorporates herein by reference the allegations
5 stated in paragraphs 1-8 of this Complaint.

6 20. Upon information and belief, in violation of one or more provisions of 35
7 U.S.C. § 271, TOMTOM has directly and indirectly infringed and is continuing to directly
8 and indirectly infringe one or more claims of the '165 patent through its importation,
9 distribution, offers to sell, and sales in the United States of certain navigation devices,
10 including without limitation infringement of Claims 1 and 2 of the '165 patent by
11 TOMTOM's LIVE-capable navigation devices such as the GO 740 LIVE navigation device
12 that is capable of running TOMTOM's Buddies social network application, and other
13 TOMTOM navigation devices that function similarly.

14 21. Upon information and belief, discovery will reveal additional infringement of
15 the '165 patent by TOMTOM, including infringement of additional claims of the '165 patent,
16 and through TOMTOM's importation, distribution, offers to sell, and sales in the United
17 States of additional navigation devices, which additional infringements shall also comprise
18 this claim for relief.

19 22. As a direct and proximate result of TOMTOM's infringement of the '165
20 patent, SILVER STATE has been and continues to be damaged.

21 23. SILVER STATE has been and will continue to be irreparably harmed by
22 TOMTOM's infringement of the '165 patent unless enjoined by this Court.

23 **FOURTH CLAIM FOR RELIEF - INFRINGEMENT OF THE '992 PATENT**

24 24. SILVER STATE realleges and incorporates herein by reference the allegations
25 stated in paragraphs 1-8 of this Complaint.

26 25. Upon information and belief, in violation of one or more provisions of 35
27 U.S.C. § 271, TOMTOM has directly and indirectly infringed and is continuing to directly
28 and indirectly infringe one or more claims of the '992 patent through its importation,

1 distribution, offers to sell, and sales in the United States of certain navigation devices,
2 including without limitation infringement of Claim 23 of the '992 patent by TOMTOM's GO,
3 VIA and XXL series navigation devices that display the location of the device and one or
4 more goods or service providers on a map in the vicinity of the device based on user
5 preference, including one or more indicators on the map selectable to obtain data concerning
6 the one or more goods or service providers, and other TOMTOM navigation devices that
7 function similarly.

8 26. Upon information and belief, discovery will reveal additional infringement of
9 the '992 patent by TOMTOM, including infringement of additional claims of the '992 patent,
10 and through TOMTOM's importation, distribution, offers to sell, and sales in the United
11 States of additional navigation devices, which additional infringements shall also comprise
12 this claim for relief.

13 27. As a direct and proximate result of TOMTOM's infringement of the '992
14 patent, SILVER STATE has been and continues to be damaged.

15 28. SILVER STATE has been and will continue to be irreparably harmed by
16 TOMTOM's infringement of the '992 patent unless enjoined by this Court.

17 **FIFTH CLAIM FOR RELIEF - INFRINGEMENT OF THE '3812 PATENT**

18 29. SILVER STATE realleges and incorporates herein by reference the allegations
19 stated in paragraphs 1-8 of this Complaint.

20 30. Upon information and belief, in violation of one or more provisions of 35
21 U.S.C. § 271, TOMTOM has directly and indirectly infringed and is continuing to directly
22 and indirectly infringe one or more claims of the '3812 patent through its importation,
23 distribution, offers to sell, and sales in the United States of certain navigation devices,
24 including without limitation infringement of Claim 10 of the '3812 patent by TOMTOM's
25 GO and VIA series navigation devices that include storage for records associated with points
26 of interest, a processor and a display for presenting points of interest based on user preference
27 and allowing the user to select a point of interest and for retrieving connection data such as a
28 telephone number for the point of interest, and further providing a user entry to establish a

1 communications connection to the selected point of interest, and other TOMTOM navigation
2 devices that function similarly.

3 31. Upon information and belief, discovery will reveal additional infringement of
4 the '812b patent by TOMTOM, including infringement of additional claims of the '3812
5 patent, and through TOMTOM's importation, distribution, offers to sell, and sales in the
6 United States of additional navigation devices, which additional infringements shall also
7 comprise this claim for relief.

8 32. As a direct and proximate result of TOMTOM's infringement of the '3812
9 patent, SILVER STATE has been and continues to be damaged.

10 33. SILVER STATE has been and will continue to be irreparably harmed by
11 TOMTOM's infringement of the '3812 patent unless enjoined by this Court.

12 **SIXTH CLAIM FOR RELIEF - INFRINGEMENT OF THE '234 PATENT**

13 34. SILVER STATE realleges and incorporates herein by reference the allegations
14 stated in paragraphs 1-8 of this Complaint.

15 35. Upon information and belief, in violation of one or more provisions of 35
16 U.S.C. § 271, TOMTOM has directly and indirectly infringed and is continuing to directly
17 and indirectly infringe one or more claims of the '234 patent through its importation,
18 distribution, offers to sell, and sales in the United States of certain navigation devices,
19 including without limitation infringement of Claim 17 of the '234 patent by TOMTOM's GO,
20 VIA and XXL series navigation devices that include traffic information data, such as
21 TOMTOM's IQ Routes data, and a processor capable of using the traffic information data to
22 plan a route in an area other than the present location of the navigation device, and other
23 TOMTOM navigation devices that function similarly.

24 36. Upon information and belief, discovery will reveal additional infringement of
25 the '234 patent by TOMTOM, including infringement of additional claims of the '234 patent,
26 and through TOMTOM's importation, distribution, offers to sell, and sales in the United
27 States of additional navigation devices, which additional infringements shall also comprise
28 this claim for relief.

1 37. As a direct and proximate result of TOMTOM's infringement of the '234
2 patent, SILVER STATE has been and continues to be damaged.

3 38. SILVER STATE has been and will continue to be irreparably harmed by
4 TOMTOM's infringement of the '234 patent unless enjoined by this Court.

5 **SEVENTH CLAIM FOR RELIEF - INFRINGEMENT OF THE '039 PATENT**

6 39. SILVER STATE realleges and incorporates herein by reference the allegations
7 stated in paragraphs 1-8 of this Complaint.

8 40. Upon information and belief, in violation of one or more provisions of 35
9 U.S.C. § 271, TOMTOM has directly and indirectly infringed and is continuing to directly
10 and indirectly infringe one or more claims of the '039 patent through its importation,
11 distribution, offers to sell, and sales in the United States of certain navigation devices,
12 including without limitation infringement of Claim 16 of the '039 patent by TOMTOM's GO,
13 VIA and XXL series navigation devices that include memory for storing data concerning
14 preferred points of interest, the capability to allow user input to avoid a geographic area, an
15 interface to receive a request to plan a route, a device for collecting information concerning a
16 condition affecting travel, such as live traffic information, a processor capable of planning a
17 route taking into account the condition affecting travel and the geographic area to be avoided,
18 and a display for displaying the planned route and one or more indicators indicating locations
19 of the preferred points of interest in relation to the planned route, and other TOMTOM
20 navigation devices that function similarly.

21 41. Upon information and belief, discovery will reveal additional infringement of
22 the '039 patent by TOMTOM, including infringement of additional claims of the '039 patent,
23 and through TOMTOM's importation, distribution, offers to sell, and sales in the United
24 States of additional navigation devices, which additional infringements shall also comprise
25 this claim for relief.

26 42. As a direct and proximate result of TOMTOM's infringement of the '039
27 patent, SILVER STATE has been and continues to be damaged.

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1 43. SILVER STATE has been and will continue to be irreparably harmed by
2 TOMTOM's infringement of the '039 patent unless enjoined by this Court.

3 **PRAYER FOR RELIEF**

4 WHEREFORE, Plaintiff SILVER STATE prays for relief as follows:

5 A. That Defendant TOMTOM be adjudged to have infringed the '824 patent under
6 35 U.S.C. § 271;

7 B. That Defendant TOMTOM be adjudged to have infringed the '2812 patent under
8 35 U.S.C. § 271;

9 C. That Defendant TOMTOM be adjudged to have infringed the '165 patent under
10 35 U.S.C. § 271;

11 D. That Defendant TOMTOM be adjudged to have infringed the '992 patent under
12 35 U.S.C. § 271;

13 E. That Defendant TOMTOM be adjudged to have infringed the '3812 patent under
14 35 U.S.C. § 271;

15 F. That Defendant TOMTOM be adjudged to have infringed the '234 patent under
16 35 U.S.C. § 271;

17 G. That Defendant TOMTOM be adjudged to have infringed the '039 patent under
18 35 U.S.C. § 271;

19 H. That Defendant TOMTOM, its subsidiaries, affiliates, officers, agents, servants,
20 employees and attorneys, and all those persons in active concert or participation with any of
21 them be permanently restrained and enjoined under 35 U.S.C. § 283 from directly and indirectly
22 infringing the '824 patent, the '2812 patent, the '165 patent, the '992 patent, the '3812 patent,
23 the '234 patent, and the '039 patent;

24 I. That the Court award Plaintiff SILVER STATE recovery of damages to
25 compensate it for TOMTOM's infringement of SILVER STATE's patents as alleged herein,
26 pursuant to 35 U.S.C. § 284;

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28 ///

1 J. That the Court order TOMTOM to provide an accounting and to pay
2 supplemental damages to SILVER STATE, including without limitation pre-judgment and post-
3 judgment interest, and costs of suit herein pursuant to 35 U.S.C. § 284; and

4 K. That Plaintiff SILVER STATE have such other and further relief as this Court
5 may deem just and proper.

6
7
8 Respectfully submitted,

9 MCDONALD CARANO WILSON LLP

10
11 Dated: September 29, 2011

12 By: 
13 Andrew P. Gordon
14 Jeffrey A. Silvestri

15 and

16 KNOBBE, MARTENS, OLSON & BEAR, LLP

17 Brenton R. Babcock (pending *pro hac vice*)
18 Frederick S. Berretta (pending *pro hac vice*)
19 Phillip Bennett (pending *pro hac vice*)

20 Attorneys for Plaintiff
21 SILVER STATE INTELLECTUAL
22 TECHNOLOGIES, INC.

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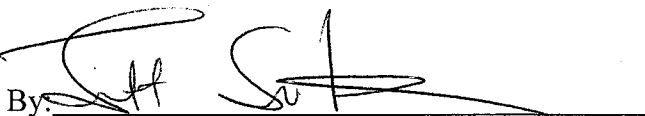
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DEMAND FOR TRIAL BY JURY

Plaintiff SILVER STATE hereby demands a trial by jury on all issues so triable.

Respectfully submitted,

MCDONALD CARANO WILSON LLP

By: 

Andrew P. Gordon
Jeffrey A. Silvestri

Dated: September 29, 2011

and

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