

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)

2011 AUG 30 PM 2:34

Tramontane IP, LLC,
Plaintiff,

CLERK US DISTRICT COURT
ALEXANDRIA, VIRGINIA

v.

Garmin International, Inc.;
and
Garmin USA, Inc.;;
and
MiTAC Digital Corporation d/b/a
Magellan;
and
Mio Technology USA Ltd.;;
and
Pioneer Electronics (USA) Inc.;;
and
TomTom, Inc.,
Defendants.

Civil Action No: 1:11cv918
LMB/TCB
DEMAND FOR JURY TRIAL

COMPLAINT

Plaintiff Tramontane IP, LLC ("Tramontane") alleges as follows:

PARTIES

1. Tramontane is a Virginia limited liability company with a principal place of business at 2331 Mill Road, Suite 100, Alexandria, VA 22314.
2. On information and belief, defendant Garmin International, Inc. ("Garmin International") is a Kansas corporation with a principal place of business at 1200 East 151st Street, Olathe, KS 66062.

3. On information and belief, defendant Garmin USA, Inc. (“Garmin USA”) is a Kansas corporation with a principal place of business at 1200 East 151st Street, Olathe, KS 66062. Garmin International and Garmin USA are collectively referred to as “Garmin.”

4. On information and belief, defendant MiTAC Digital Corporation d/b/a Magellan (“Magellan”) is a corporation organized under the laws of California with its principle place of business at 471 El Camino Real, Santa Clara, CA 95050.

5. On information and belief, Mio Technology USA Ltd. (“Mio”) is a corporation organized under the laws of California with its principal place of business at 47988 Fremont Blvd., Fremont, CA 94538.

6. On information and belief, Pioneer Electronics (USA) Inc. (“Pioneer”) is a Delaware corporation with a principal place of business at 1925 East Dominguez Street, Long Beach, CA 90810.

7. On information and belief, defendant TomTom, Inc. (“TomTom”) is a Massachusetts company with a principal place of business at 150 Baker Avenue Ext., Concord, Massachusetts 01742.

JURISDICTION AND VENUE

8. This is an action for patent infringement arising under the patent laws of the United States of America, 35 U.S.C. § 1, *et seq.*, including § 271. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

9. This Court has personal jurisdiction over defendants because, among other reasons, defendants have done business in Virginia and this District, have committed and continue to commit acts of patent infringement in Virginia and this District, and have harmed and continue to harm Tramontane in Virginia and this District, by, among other things, using, selling, offering for sale, and importing infringing products in Virginia and this District.

10. Venue is proper in this district under 28 U.S.C. §§ 1391(b)-(c) and 1400(b) because, among other reasons, defendants are subject to personal jurisdiction in this District, and have committed acts of patent infringement in this District. On information and belief, for

example, defendants have used, sold, offered for sale, and imported infringing products in this District.

COUNT I

(Infringement of U.S. Patent No. 6,526,268)

11. Tramontane is the owner by assignment of United States Patent No. 6,526,268 (“the ‘268 patent”), entitled “Mobile Weather Band Radio and Method.” The ‘268 patent issued on February 25, 2003. A true and correct copy of the ‘268 patent is attached hereto as Exhibit A.

12. On information and belief, in violation of one or more provisions of 35 U.S.C. § 271, Garmin has infringed one or more claims of the ‘268 patent by making, using, selling, offering to sell, or importing navigation systems that provide dynamic geographic updating to users by way of, for example, geographically encoded broadcast radio signals. Garmin navigation systems, including nüvi© 2460 LMT and navigation systems that function similarly, receive geographically encoded messages with traffic and/or weather content from, for example, broadcast radio signals, such as FM Traffic Message Channel (“TMC”) content, through an FM receiver built into the navigation system housing or power cable, or similar receiving devices, and dynamically provide information to the user on traffic and/or weather conditions.

13. On information and belief, in violation of one or more provisions of 35 U.S.C. § 271, defendant Magellan has infringed one or more claims of the ‘268 patent by making, using, selling, offering to sell, or importing navigation systems that provide dynamic geographic updating to users by way of, for example, geographically encoded broadcast radio signals. Magellan navigation systems, including Roadmate 5045 LM and navigation systems that function similarly, receive geographically encoded messages with traffic and/or weather content from, for example, broadcast radio signals, such as FM TMC content, through an FM receiver built into the navigation system housing or power cable, or similar receiving devices, and dynamically provide information to the user on traffic and/or weather conditions.

14. On information and belief, in violation of one or more provisions of 35 U.S.C. § 271, defendant Mio has infringed one or more claims of the ‘268 patent by making, using,

selling, offering to sell, or importing navigation systems that provide dynamic geographic updating to users by way of, for example, geographically encoded broadcast radio signals. Mio navigation systems, including Moov R503T and navigation systems that function similarly, receive geographically encoded messages with traffic and/or weather content from, for example, broadcast radio signals, such as FM TMC content, through an FM receiver built into the navigation system housing or power cable, or similar receiving devices, and dynamically provide information to the user on traffic and/or weather conditions.

15. On information and belief, in violation of one or more provisions of 35 U.S.C. § 271, defendant Pioneer has infringed one or more claims of the '268 patent by making, using, selling, offering to sell, or importing navigation systems that provide dynamic geographic updating to users by way of, for example, geographically encoded broadcast radio signals. Pioneer navigation systems, including Avic Z130BT and navigation systems that function similarly, receive geographically encoded messages with traffic and/or weather content from, for example, broadcast radio signals, such as FM TMC content, through an FM receiver built into the navigation system housing or power cable, or similar receiving devices, and dynamically provide information to the user on traffic and/or weather conditions.

16. On information and belief, in violation of one or more provisions of 35 U.S.C. § 271, defendant TomTom has infringed one or more claims of the '268 patent by making, using, selling, offering to sell, or importing navigation systems that provide dynamic geographic updating to users by way of, for example, geographically encoded broadcast radio signals. TomTom navigation systems, including VIA 1535 TM and navigation systems that function similarly, receive geographically encoded messages with traffic and/or weather content from, for example, broadcast radio signals, such as FM TMC content, through an FM receiver built into the navigation system housing or power cable, or similar receiving devices, and dynamically provide information to the user on traffic and/or weather conditions.

17. Defendants committed these acts of infringement without license or authorization.

18. As a result of defendants' infringement of the '268 patent, Tramontane 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.

19. Tramontane has 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 '268 patent.

COUNT II

(Infringement of U.S. Patent No. 7,133,775)

20. Tramontane is the owner by assignment of United States Patent No. 7,133,775 ("the '775 patent"), entitled "Previewing Points of Interest In Navigation Systems." The '775 patent issued on November 7, 2006. A true and correct copy of the '775 patent is attached hereto as Exhibit B.

21. On information and belief, in violation of one or more provisions of 35 U.S.C. § 271, Garmin has infringed one or more claims of the '775 patent by making, using, selling, offering to sell, or importing navigation devices that identify and communicate points of interest to the user as a function of vehicle location and heading vector and without reference to any predetermined destination. Garmin navigation devices, including nüvi© 2460 LMT and navigation systems that function similarly, include GPS units, or other devices or systems, to determine the location and heading vector of the vehicle and a processor that executes instructions to identify and communicate upcoming points of interest to the user without any reference to any predetermined destination.

22. On information and belief, in violation of one or more provisions of 35 U.S.C. § 271, defendant Magellan has infringed one or more claims of the '775 patent by making, using, selling, offering to sell, or importing navigation devices that identify and communicate points of interest to the user as a function of vehicle location and heading vector and without reference to any predetermined destination. Magellan navigation devices, including Roadmate 5045 LM and

navigation systems that function similarly, include GPS units, or other devices or systems, to determine the location and heading vector of the vehicle and a processor that executes instructions to identify and communicate upcoming points of interest to the user without any reference to any predetermined destination.

23. On information and belief, in violation of one or more provisions of 35 U.S.C. § 271, defendant TomTom has infringed one or more claims of the '775 patent by making, using, selling, offering to sell, or importing navigation devices that identify and communicate points of interest to the user as a function of vehicle location and heading vector and without reference to any predetermined destination. TomTom navigation devices, including GO 2535 M Live and navigation systems that function similarly, include GPS units, or other devices or systems, to determine the location and heading vector of the vehicle and a processor that executes instructions to identify and communicate upcoming points of interest to the user without any reference to any predetermined destination.

24. Defendants committed these acts of infringement without license or authorization.

25. As a result of defendants' infringement of the '775 patent, Tramontane 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.

26. Tramontane has 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 '775 patent.

PRAYER FOR RELIEF

Tramontane prays for the following relief:

1. A judgment that each defendant has directly infringed (either literally or under the doctrine of equivalents) one or more claims of the '268 patent;

2. A judgment that Garmin, Magellan, and TomTom have directly infringed (either literally or under the doctrine of equivalents) one or more claims of the '775 patent;

3. A permanent injunction enjoining 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 each of the Asserted Patents;

4. An award of damages resulting from each defendant's acts of infringement in accordance with 35 U.S.C. § 284;

5. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Tramontane its reasonable attorneys' fees against each defendant;

6. A judgment and order requiring defendants to provide an accounting and to pay supplemental damages to Tramontane, including without limitation, pre-judgment and post-judgment interest; and

7. Any and all other relief to which Tramontane may show itself to be entitled.

DEMAND FOR JURY TRIAL

Tramontane demands a trial by jury on all issues so triable.

Respectfully submitted,



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