

 MCDONALD-CARANO-WILSON
2300 WEST SAHARA AVENUE • SUITE 1000 • LAS VEGAS, NEVADA 89102-4354
PHONE (702) 873-4100 • FAX (702) 873-9966

1 Andrew P. Gordon (NV Bar No. 3421)
Jeffrey A. Silvestri (NV Bar No. 5779)
2 MCDONALD CARANO WILSON LLP
2300 West Sahara Avenue
3 Suite 1000
Las Vegas, NV 89102
4 Phone: (702) 873-4100
Facsimile: (702) 873-9966

5
6 Brenton R. Babcock (pending *pro hac vice*)
KNOBBE, MARTENS, OLSON & BEAR, LLP
2040 Main Street
7 Fourteenth Floor
Irvine, CA 92614
8 Phone: (949) 760-0404
Facsimile: (949) 760-9502

9
10 Frederick S. Berretta (pending *pro hac vice*)
Phillip Bennett (pending *pro hac vice*)
KNOBBE, MARTENS, OLSON & BEAR, LLP
11 12790 El Camino Real
San Diego, CA 92130
12 Phone: (858) 707-4000
Facsimile: (858) 707-4001

13
14 Attorneys for Plaintiff
SILVER STATE INTELLECTUAL TECHNOLOGIES, INC.

15
16 IN THE UNITED STATES DISTRICT COURT
17 FOR THE DISTRICT OF NEVADA
18

19 SILVER STATE INTELLECTUAL
TECHNOLOGIES, INC., a Nevada
20 corporation,
21 Plaintiff,
22 v.
23 GARMIN INTERNATIONAL, INC., a
Kansas corporation, and GARMIN USA,
24 INC., a Kansas corporation,
25 Defendants.

) Case No.
) **COMPLAINT FOR PATENT**
) **INFRINGEMENT**
)
) **JURY DEMANDED**
)

26
27
28

1 **COMPLAINT FOR PATENT INFRINGEMENT**

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

6 **JURISDICTION AND VENUE**

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

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

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

13 **THE PARTIES**

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

17 5. SILVER STATE is the owner by assignment of United States Patent No.
18 6,525,768, entitled POSITIONAL CAMERA AND GPS DATA INTERCHANGE DEVICE,
19 duly and lawfully issued on February 25, 2003 ("the '768 patent"), attached hereto as Exhibit A;
20 United States Patent No. 6,529,824, entitled PERSONAL COMMUNICATION SYSTEM
21 FOR COMMUNICATING VOICE DATA POSITIONING INFORMATION, duly and
22 lawfully issued on March 4, 2003 ("the '824 patent"), attached hereto as Exhibit B; United
23 States Patent No. 6,542,812, entitled TECHNIQUE FOR EFFECTIVE NAVIGATION
24 BASED ON USER PREFERENCES, duly and lawfully issued on April 1, 2003 ("the '2812
25 patent"), attached hereto as Exhibit C; United States Patent No. 7,343,165, entitled GPS
26 PUBLICATION APPLICATION SERVER, duly and lawfully issued on March 11, 2008 ("the
27 '165 patent"), attached hereto as Exhibit D; United States Patent No. 7,522,992, entitled
28 TECHNIQUE FOR EFFECTIVE NAVIGATION BASED ON USER PREFERENCES, duly

 MCDONALD-CARANO-WILSON
2300 WEST SAHARA AVENUE • SUITE 1000 • LAS VEGAS, NEVADA 89102-4354
PHONE (702) 873-4100 • FAX (702) 873-9966

1 and lawfully issued on April 21, 2009 (“the ‘992 patent”), attached hereto as Exhibit E; United
2 States Patent No. 7,593,812, entitled TECHNIQUE FOR EFFECTIVE NAVIGATION
3 BASED ON USER PREFERENCES, duly and lawfully issued on September 22, 2009 (“the
4 ‘3812 patent”), attached hereto as Exhibit F; United States Patent No. 7,650,234, entitled
5 TECHNIQUE FOR EFFECTIVE NAVIGATION BASED ON USER PREFERENCES, duly
6 and lawfully issued on January 19, 2010 (“the ‘234 patent”), attached hereto as Exhibit G;
7 United States Patent No. 7,702,455, entitled PERSONAL COMMUNICATION SYSTEM TO
8 SEND AND RECEIVE VOICE DATA POSITIONING INFORMATION, duly and lawfully
9 issued on April 20, 2010 (“the ‘455 patent”), attached hereto as Exhibit H; and United States
10 Patent No. 7,739,039, entitled TECHNIQUE FOR EFFECTIVE NAVIGATION BASED ON
11 USER PREFERENCES, duly and lawfully issued on June 15, 2010 (“the ‘039 patent”),
12 attached hereto as Exhibit I; among other patents and pending patent applications.

13 6. Upon information and belief, Defendant GARMIN INTERNATIONAL, INC.
14 (hereinafter, “GARMIN INTERNATIONAL”) is a Kansas corporation with its principal
15 place of business at 1200 East 151st Street, Olathe, Kansas 66062.

16 7. Upon information and belief, Defendant GARMIN USA, INC. (hereinafter,
17 “GARMIN USA”) is a Kansas corporation with its principal place of business at 1200 East
18 151st Street, Olathe, Kansas 66062, and a wholly-owned subsidiary of GARMIN
19 INTERNATIONAL (hereinafter, GARMIN INTERNATIONAL and GARMIN USA are
20 collectively referred to as “GARMIN”).

21 8. Upon information and belief, GARMIN imports, distributes, offers to sell, and
22 sells in the United States certain navigation devices and smart phones that SILVER STATE
23 alleges infringes the ‘768 patent, the ‘824 patent, the ‘2812 patent, the ‘165 patent, the ‘992
24 patent, the ‘3812 patent, the ‘234 patent, the ‘455 patent, and the ‘039 patent, as alleged further
25 herein below. SILVER STATE reserves the right to amend its Complaint to include
26 additional patents owned by SILVER STATE based on the results of discovery in this matter.

27 9. Upon information and belief, GARMIN does business in this judicial district
28 and has committed acts of infringement in this judicial district.

1 **FIRST CLAIM FOR RELIEF - INFRINGEMENT OF THE '768 PATENT**

2 10. SILVER STATE realleges and incorporates herein by reference the allegations
3 stated in paragraphs 1-9 of this Complaint.

4 11. Upon information and belief, in violation of one or more provisions of 35
5 U.S.C. § 271, GARMIN has directly and indirectly infringed and is continuing to directly and
6 indirectly infringe one or more claims of the '768 patent through its importation, distribution,
7 offers to sell, and sales in the United States of certain navigation devices, including without
8 limitation infringement of Claim 2 of the '768 patent by GARMIN's Oregon 550t and
9 Montana 650t navigation devices, and the Garminfone, that are capable of capturing and
10 storing geo-tagged images on the navigation device, and uploading the geo-tagged images to
11 computer storage accessible by others, and other GARMIN navigation devices that function
12 similarly.

13 12. Upon information and belief, discovery will reveal additional infringement of
14 the '768 patent by GARMIN, including infringement of additional claims of the '768 patent,
15 and through GARMIN's importation, distribution, offers to sell, and sales in the United States
16 of additional navigation devices, which additional infringements shall also comprise this
17 claim for relief.

18 13. As a direct and proximate result of GARMIN's infringement of the '768
19 patent, SILVER STATE has been and continues to be damaged.

20 14. SILVER STATE has been and will continue to be irreparably harmed by
21 GARMIN's infringement of the '768 patent unless enjoined by this Court.

22 **SECOND CLAIM FOR RELIEF - INFRINGEMENT OF THE '824 PATENT**

23 15. SILVER STATE realleges and incorporates herein by reference the allegations
24 stated in paragraphs 1-9 of this Complaint.

25 16. Upon information and belief, in violation of one or more provisions of 35
26 U.S.C. § 271, GARMIN has directly and indirectly infringed and is continuing to directly and
27 indirectly infringe one or more claims of the '824 patent through its importation, distribution,
28 offers to sell, and sales in the United States of certain navigation devices, including without

1 limitation infringement of Claim 8 of the '824 patent by GARMIN's nüLink! and connected
2 services that provide real-time local content to GARMIN's nüLink!-capable navigation
3 devices such as the nüvi 1690 navigation device and the Garminfone, that receive a specified
4 maximum number of listings in response to a search request, and other GARMIN navigation
5 services and devices that function similarly.

6 17. Upon information and belief, discovery will reveal additional infringement of
7 the '824 patent by GARMIN, including infringement of additional claims of the '824 patent,
8 and through GARMIN's importation, distribution, offers to sell, and sales in the United States
9 of additional navigation devices, which additional infringements shall also comprise this
10 claim for relief.

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

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

15 **THIRD CLAIM FOR RELIEF - INFRINGEMENT OF THE '2812 PATENT**

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

18 21. Upon information and belief, in violation of one or more provisions of 35
19 U.S.C. § 271, GARMIN has directly and indirectly infringed and is continuing to directly and
20 indirectly infringe one or more claims of the '2812 patent through its importation,
21 distribution, offers to sell, and sales in the United States of certain navigation devices,
22 including without limitation infringement of Claim 14 of the '2812 patent by GARMIN's
23 nüLink! 1695, nüvi 2350, and nüvi 3700 series navigation devices and the Garminfone that
24 include a traffic search function to display traffic information obtained from an external
25 source, and the option to avoid the receipt of traffic information, and other GARMIN
26 navigation devices that function similarly.

27 ///

28 ///

1 22. Upon information and belief, discovery will reveal additional infringement of
2 the '2812 patent by GARMIN, including infringement of additional claims of the '2812
3 patent, and through GARMIN's importation, distribution, offers to sell, and sales in the
4 United States of additional navigation devices, which additional infringements shall also
5 comprise this claim for relief.

6 23. As a direct and proximate result of GARMIN's infringement of the '2812
7 patent, SILVER STATE has been and continues to be damaged.

8 24. SILVER STATE has been and will continue to be irreparably harmed by
9 GARMIN's infringement of the '2812 patent unless enjoined by this Court.

10 **FOURTH CLAIM FOR RELIEF - INFRINGEMENT OF THE '165 PATENT**

11 25. SILVER STATE realleges and incorporates herein by reference the allegations
12 stated in paragraphs 1-9 of this Complaint.

13 26. Upon information and belief, in violation of one or more provisions of 35
14 U.S.C. § 271, GARMIN has directly and indirectly infringed and is continuing to directly and
15 indirectly infringe one or more claims of the '165 patent through its importation, distribution,
16 offers to sell, and sales in the United States of certain navigation devices, including without
17 limitation infringement of Claims 1 and 2 of the '165 patent by GARMIN's nüLink!-capable
18 navigation devices such as the nüLink! 1695 and nüvi 1690 navigation devices, and the
19 Garminfone, that are capable of running GARMIN's Ciao! social network application, and
20 other GARMIN navigation devices that function similarly.

21 27. Upon information and belief, discovery will reveal additional infringement of
22 the '165 patent by GARMIN, including infringement of additional claims of the '165 patent,
23 and through GARMIN's importation, distribution, offers to sell, and sales in the United States
24 of additional navigation devices, which additional infringements shall also comprise this
25 claim for relief.

26 28. As a direct and proximate result of GARMIN's infringement of the '165
27 patent, SILVER STATE has been and continues to be damaged.

28 ///

 MCDONALD-CARANO-WILSON
2300 WEST SAHARA AVENUE • SUITE 1000 • LAS VEGAS, NEVADA 89102-4354
PHONE (702) 873-4100 • FAX (702) 873-9966

1 29. SILVER STATE has been and will continue to be irreparably harmed by
2 GARMIN's infringement of the '165 patent unless enjoined by this Court.

3 **FIFTH CLAIM FOR RELIEF - INFRINGEMENT OF THE '992 PATENT**

4 30. SILVER STATE realleges and incorporates herein by reference the allegations
5 stated in paragraphs 1-9 of this Complaint.

6 31. Upon information and belief, in violation of one or more provisions of 35
7 U.S.C. § 271, GARMIN has directly and indirectly infringed and is continuing to directly and
8 indirectly infringe one or more claims of the '992 patent through its importation, distribution,
9 offers to sell, and sales in the United States of certain navigation devices, including without
10 limitation infringement of Claim 23 of the '992 patent by GARMIN's nüLink! 1695, nüvi
11 2350, and nüvi 3700 series navigation devices and the Garminfone that display the location of
12 the device and one or more goods or service providers on a map in the vicinity of the device
13 based on user preference, including one or more indicators on the map selectable to obtain
14 data concerning the one or more goods or service providers, and other GARMIN navigation
15 devices that function similarly.

16 32. Upon information and belief, discovery will reveal additional infringement of
17 the '992 patent by GARMIN, including infringement of additional claims of the '992 patent,
18 and through GARMIN's importation, distribution, offers to sell, and sales in the United States
19 of additional navigation devices, which additional infringements shall also comprise this
20 claim for relief.

21 33. As a direct and proximate result of GARMIN's infringement of the '992
22 patent, SILVER STATE has been and continues to be damaged.

23 34. SILVER STATE has been and will continue to be irreparably harmed by
24 GARMIN's infringement of the '992 patent unless enjoined by this Court.

25 **SIXTH CLAIM FOR RELIEF - INFRINGEMENT OF THE '3812 PATENT**

26 35. SILVER STATE realleges and incorporates herein by reference the allegations
27 stated in paragraphs 1-9 of this Complaint.

28 ///

1 36. Upon information and belief, in violation of one or more provisions of 35
2 U.S.C. § 271, GARMIN has directly and indirectly infringed and is continuing to directly and
3 indirectly infringe one or more claims of the '3812 patent through its importation,
4 distribution, offers to sell, and sales in the United States of certain navigation devices,
5 including without limitation infringement of Claim 10 of the '3812 patent by GARMIN's
6 nüLink! 1695, nüvi 2350, and nüvi 3700 series navigation devices and the Garminfone that
7 include storage for records associated with points of interest, a processor and a display for
8 presenting points of interest based on user preference and allowing the user to select a point
9 of interest and for retrieving connection data such as a telephone number for the point of
10 interest, and further providing a user entry to establish a communications connection to the
11 selected point of interest, and other GARMIN navigation devices that function similarly.

12 37. Upon information and belief, discovery will reveal additional infringement of
13 the '3812 patent by GARMIN, including infringement of additional claims of the '3812
14 patent, and through GARMIN's importation, distribution, offers to sell, and sales in the
15 United States of additional navigation devices, which additional infringements shall also
16 comprise this claim for relief.

17 38. As a direct and proximate result of GARMIN's infringement of the '3812
18 patent, SILVER STATE has been and continues to be damaged.

19 39. SILVER STATE has been and will continue to be irreparably harmed by
20 GARMIN's infringement of the '3812 patent unless enjoined by this Court.

21 **SEVENTH CLAIM FOR RELIEF - INFRINGEMENT OF THE '234 PATENT**

22 40. SILVER STATE realleges and incorporates herein by reference the allegations
23 stated in paragraphs 1-9 of this Complaint.

24 41. Upon information and belief, in violation of one or more provisions of 35
25 U.S.C. § 271, GARMIN has directly and indirectly infringed and is continuing to directly and
26 indirectly infringe one or more claims of the '234 patent through its importation, distribution,
27 offers to sell, and sales in the United States of certain navigation devices, including without
28 limitation infringement of Claim 17 of the '234 patent by GARMIN's nüLink! 1695, nüvi

1 2350, and nüvi 3700 series navigation devices that include traffic information data, such as
2 GARMIN's trafficTrends data, and a processor capable of using the traffic information data
3 to plan a route in an area other than the present location of the navigation device, and other
4 GARMIN navigation devices that function similarly.

5 42. Upon information and belief, discovery will reveal additional infringement of
6 the '234 patent by GARMIN, including infringement of additional claims of the '234 patent,
7 and through GARMIN's importation, distribution, offers to sell, and sales in the United States
8 of additional navigation devices, which additional infringements shall also comprise this
9 claim for relief.

10 43. As a direct and proximate result of GARMIN's infringement of the '234
11 patent, SILVER STATE has been and continues to be damaged.

12 44. SILVER STATE has been and will continue to be irreparably harmed by
13 GARMIN's infringement of the '234 patent unless enjoined by this Court.

14 **EIGHTH CLAIM FOR RELIEF - INFRINGEMENT OF THE '455 PATENT**

15 45. SILVER STATE realleges and incorporates herein by reference the allegations
16 stated in paragraphs 1-9 of this Complaint.

17 46. Upon information and belief, in violation of one or more provisions of 35
18 U.S.C. § 271, GARMIN has directly and indirectly infringed and is continuing to directly and
19 indirectly infringe one or more claims of the '455 patent through its importation, distribution,
20 offers to sell, and sales in the United States of certain navigation devices, including without
21 limitation infringement of Claim 1 of the '455 patent by GARMIN's nüLink! 1695, nüvi
22 2350, and nüvi 3700 series navigation devices and the Garminfone that include a processor
23 configured to request and process traffic data from a data provider, an interface for requesting
24 and receiving digital map information from digital map storage, a display for showing the
25 map information, the location of the navigation device, and the traffic information, and also
26 for showing waypoints corresponding to goods and service providers that may be selected by
27 the user, and the device being capable of optimizing the order of the selected waypoints to
28 suggest a route to the user, and other GARMIN navigation devices that function similarly.

1 47. Upon information and belief, discovery will reveal additional infringement of
2 the '455 patent by GARMIN, including infringement of additional claims of the '455 patent,
3 and through GARMIN's importation, distribution, offers to sell, and sales in the United States
4 of additional navigation devices, which additional infringements shall also comprise this
5 claim for relief.

6 48. As a direct and proximate result of GARMIN's infringement of the '455
7 patent, SILVER STATE has been and continues to be damaged.

8 49. SILVER STATE has been and will continue to be irreparably harmed by
9 GARMIN's infringement of the '455 patent unless enjoined by this Court.

10 **NINTH CLAIM FOR RELIEF - INFRINGEMENT OF THE '039 PATENT**

11 50. SILVER STATE realleges and incorporates herein by reference the allegations
12 stated in paragraphs 1-9 of this Complaint.

13 51. Upon information and belief, in violation of one or more provisions of 35
14 U.S.C. § 271, GARMIN has directly and indirectly infringed and is continuing to directly and
15 indirectly infringe one or more claims of the '039 patent through its importation, distribution,
16 offers to sell, and sales in the United States of certain navigation devices, including without
17 limitation infringement of Claim 16 of the '039 patent by GARMIN's nüLink! 1695, nüvi
18 2350, and nüvi 3700 navigation devices and the Garminfone that include memory for storing
19 data concerning preferred points of interest, the capability to allow user input to avoid a
20 geographic area, an interface to receive a request to plan a route, a device for collecting
21 information concerning a condition affecting travel, such as live traffic information, a
22 processor capable of planning a route taking into account the condition affecting travel and
23 the geographic area to be avoided, and a display for displaying the planned route and one or
24 more indicators indicating locations of the preferred points of interest in relation to the
25 planned route, and other GARMIN navigation devices that function similarly.

26 52. Upon information and belief, discovery will reveal additional infringement of
27 the '039 patent by GARMIN, including infringement of additional claims of the '039 patent,
28 and through GARMIN's importation, distribution, offers to sell, and sales in the United States

1 of additional navigation devices, which additional infringements shall also comprise this
2 claim for relief.

3 53. As a direct and proximate result of GARMIN's infringement of the '039
4 patent, SILVER STATE has been and continues to be damaged.

5 54. SILVER STATE has been and will continue to be irreparably harmed by
6 GARMIN's infringement of the '039 patent unless enjoined by this Court.

7 **PRAYER FOR RELIEF**

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

9 A. That the GARMIN Defendants, and each of them, be adjudged to have infringed
10 the '768 patent under 35 U.S.C. § 271;

11 B. That the GARMIN Defendants, and each of them, be adjudged to have infringed
12 the '824 patent under 35 U.S.C. § 271;

13 C. That the GARMIN Defendants, and each of them, be adjudged to have infringed
14 the '2812 patent under 35 U.S.C. § 271;

15 D. That the GARMIN Defendants, and each of them, be adjudged to have infringed
16 the '165 patent under 35 U.S.C. § 271;

17 E. That the GARMIN Defendants, and each of them, be adjudged to have infringed
18 the '992 patent under 35 U.S.C. § 271;

19 F. That the GARMIN Defendants, and each of them, be adjudged to have infringed
20 the '3812 patent under 35 U.S.C. § 271;

21 G. That the GARMIN Defendants, and each of them, be adjudged to have infringed
22 the '234 patent under 35 U.S.C. § 271;

23 H. That the GARMIN Defendants, and each of them, be adjudged to have infringed
24 the '455 patent under 35 U.S.C. § 271;

25 I. That the GARMIN Defendants, and each of them, be adjudged to have infringed
26 the '039 patent under 35 U.S.C. § 271;

27 J. That the GARMIN Defendants, their subsidiaries, affiliates, officers, agents,
28 servants, employees and attorneys, and all those persons in active concert or participation with

1 any of them be permanently restrained and enjoined under 35 U.S.C. § 283 from directly and
2 indirectly infringing the '768 patent, the '824 patent, the '2812 patent, the '165 patent, the '992
3 patent, the '3812 patent, the '234 patent, the '455 patent, and the '039 patent;

4 K. That the Court award Plaintiff SILVER STATE recovery of damages to
5 compensate it for GARMIN's infringement of SILVER STATE's patents as alleged herein,
6 pursuant to 35 U.S.C. § 284;

7 L. That the Court order GARMIN to provide an accounting and to pay
8 supplemental damages to SILVER STATE, including without limitation pre-judgment and post-
9 judgment interest, and costs of suit herein pursuant to 35 U.S.C. § 284; and

10 M. That Plaintiff SILVER STATE have such other and further relief as this Court
11 may deem just and proper.

12
13
14
15
16 Dated: September 29, 2011

Respectfully submitted,

MCDONALD CARANO WILSON LLP

17 By: 
Andrew P. Gordon
Jeffrey A. Silvestri

18 and

19 KNOBBE, MARTENS, OLSON & BEAR, LLP

20 Brenton R. Babcock (pending *pro hac vice*)
21 Frederick S. Berretta (pending *pro hac vice*)
Phillip Bennett (pending *pro hac vice*)

22 Attorneys for Plaintiff
23 SILVER STATE INTELLECTUAL
24 TECHNOLOGIES, INC.

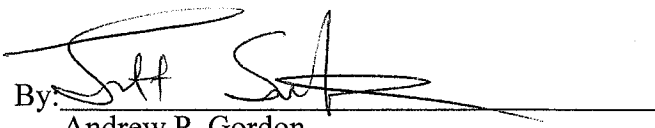
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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: 

Dated: September 29, 2011

Andrew P. Gordon
Jeffrey A. Silvestri

and

KNOBBE, MARTENS, OLSON & BEAR, LLP

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

Attorneys for Plaintiff
SILVER STATE INTELLECTUAL
TECHNOLOGIES, INC.

11925913

 MCDONALD-CARANO-WILSON
2300 WEST SAHARA AVENUE • SUITE 1000 • LAS VEGAS, NEVADA 89102-4354
PHONE (702) 873-4100 • FAX (702) 873-9966