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12 *Attorneys for Plaintiff*
13 *SILVER STATE INTELLECTUAL*
TECHNOLOGIES, INC.

14 **IN THE UNITED STATES DISTRICT COURT**
15 **FOR THE DISTRICT OF NEVADA**

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

19 Plaintiff,

20 v.

21 FOURSQUARE LABS, INC., a Delaware
22 corporation,

23 Defendant.

CASE NO.: 2:12-cv-1308

**COMPLAINT FOR PATENT
INFRINGEMENT**

JURY DEMANDED

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25 Plaintiff SILVER STATE INTELLECTUAL TECHNOLOGIES, INC., by and through
26 its undersigned attorneys, hereby complains of Defendant FOURSQUARE LABS, INC. for
27 infringement of the United States Patents identified herein, and alleges as follows:
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JURISDICTION AND VENUE

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

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

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

THE PARTIES

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

5. SILVER STATE is the owner by assignment of United States Patent No. 7,343,165, entitled GPS PUBLICATION APPLICATION SERVER, duly and lawfully issued on March 11, 2008 ("the '165 patent"), attached hereto as Exhibit A; and United States Patent No. 7,475,057, entitled SYSTEM AND METHOD FOR USER NAVIGATION, duly and lawfully issued on January 6, 2009 ("the '057 patent"), attached hereto as Exhibit B; among other patents and pending patent applications.

6. Upon information and belief, Defendant FOURSQUARE LABS, INC. (hereinafter, "FOURSQUARE LABS") is a Delaware corporation with a principal place of business at 568 Broadway, 10th Floor, New York, New York 10012.

7. Upon information and belief, FOURSQUARE LABS makes, uses, and provides in the United States the "foursquare" brand location-based social networking system that SILVER STATE alleges infringes the '165 patent and the '057 patent, as alleged further herein below. SILVER STATE reserves the right to amend its Complaint to include allegations of infringement of additional patents owned by SILVER STATE based on the results of discovery in this matter.

1 8. Upon information and belief, FOURSQUARE LABS does business and provides
2 its system and services in this judicial district, and has committed acts of infringement in this
3 judicial district.

4 **FIRST CLAIM FOR RELIEF - INFRINGEMENT OF THE '165 PATENT**

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

7 10. Upon information and belief, in violation of one or more provisions of 35 U.S.C.
8 § 271, FOURSQUARE LABS has directly and/or indirectly infringed, and is continuing to
9 directly and/or indirectly infringe, one or more claims of the '165 patent by providing its
10 "foursquare" brand location-based social networking system in the United States, including
11 without limitation infringement of Claims 1 and/or 2 of the '165 patent.

12 11. As a direct and proximate result of FOURSQUARE LABS's infringement of the
13 '165 patent, SILVER STATE has been and continues to be damaged.

14 12. SILVER STATE has been and will continue to be irreparably harmed by
15 FOURSQUARE LABS's infringement of the '165 patent unless enjoined by this Court.

16 **SECOND CLAIM FOR RELIEF - INFRINGEMENT OF THE '057 PATENT**

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

19 14. Upon information and belief, in violation of one or more provisions of 35 U.S.C.
20 § 271, FOURSQUARE LABS has directly and/or indirectly infringed, and is continuing to
21 directly and/or indirectly infringe, Claim 1 of the '057 patent by providing its "foursquare"
22 brand location-based social networking system in the United States.

23 15. As a direct and proximate result of FOURSQUARE LABS's infringement of the
24 '057 patent, SILVER STATE has been and continues to be damaged.

25 16. SILVER STATE has been and will continue to be irreparably harmed by
26 FOURSQUARE LABS's infringement of the '057 patent unless enjoined by this Court.

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PRAYER FOR RELIEF

WHEREFORE, Plaintiff SILVER STATE prays for relief as follows:

A. That FOURSQUARE LABS be adjudged to have infringed the '165 patent under 35 U.S.C. § 271;

B. That FOURSQUARE LABS be adjudged to have infringed the '057 patent under 35 U.S.C. § 271;

C. That FOURSQUARE LABS, its subsidiaries, affiliates, officers, agents, servants, employees and attorneys, and all those persons in active concert or participation with any of them be permanently restrained and enjoined under 35 U.S.C. § 283 from directly and indirectly infringing the '165 patent and the '057 patent;

D. That the Court award Plaintiff SILVER STATE recovery of damages to compensate it for FOURSQUARE LABS's infringement of SILVER STATE's patents, and each of them, as alleged herein, pursuant to 35 U.S.C. § 284;

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

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

RESPECTFULLY SUBMITTED this 25th day of July, 2012.

MCDONALD CARANO WILSON LLP

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*Attorneys for Plaintiff SILVER STATE
INTELLECTUAL TECHNOLOGIES, INC.*

DEMAND FOR TRIAL BY JURY

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

RESPECTFULLY SUBMITTED this 25th day of July, 2012.

MCDONALD CARANO WILSON LLP



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STATEMENT PURSUANT TO LR IA 10-2(c)

Frederick S. Berretta and Phillip Bennett, attorneys for Plaintiff SILVER STATE, will
comply with LR IA 10-2 within 45 days.

RESPECTFULLY SUBMITTED this 28th day of July, 2012.

MCDONALD CARANO WILSON LLP

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