

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

<p>OPEN PARKING, LLC,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>PARKME, INC.</p> <p style="text-align: center;">Defendant.</p>	<p>)</p>	<p>Civil Action No.</p> <p><b><u>JURY TRIAL DEMANDED</u></b></p>
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**COMPLAINT FOR PATENT INFRINGEMENT**

Open Parking, LLC (“Plaintiff”), by its undersigned counsel, files this Complaint against ParkMe, Inc. (“Defendant”).

**NATURE OF THE ACTION**

1. This action arises under the Patent Laws of the United States, 35 U.S.C. §§ 1, *et seq.*, from the Defendant’s direct and indirect infringement of United States Patent No. 6,501,391 (“the ‘391 Patent”), United States Patent No. 6,750,786 (“the ‘786 Patent”), United States Patent No. 6,946,974 (“the ‘974 Patent”), and United States Patent No. 7,492,283 (“the ‘283 Patent”).

**PARTIES**

2. Plaintiff is a Pennsylvania limited liability company having its principal place of business at 436 Munntown Road, Eighty Four, Pennsylvania 15330.

3. Plaintiff is the owner of the ‘391 Patent, the ‘786 Patent, the ‘974 Patent, and the ‘283 Patent by assignment.

4. Defendant is a Delaware corporation having its principal place of business at 1411 5th Street, Suite 402, Santa Monica, California 90401.

5. Defendant provides mobile and/or web-based smart parking applications that communicate real-time parking data including, *inter alia*, the ParkMe™ real-time parking guidance application for smartphones that enables users to quickly locate and evaluate nearby parking options.

#### **JURISDICTION AND VENUE**

6. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1332, and 1338(a).

7. This Court has personal jurisdiction over Defendant, consistent with the principles of due process and the Pennsylvania Long Arm Statute, because Defendant transacts business in this District, offers products and services for sale in this District, and/or has committed and/or induced acts of patent infringement in this District giving rise to this action.

8. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b) and/or 1391(c) and 28 U.S.C. § 1400(b), because, *inter alia*, Defendant is subject to personal jurisdiction in this District.

#### **COUNT I - INFRINGEMENT OF THE '391 PATENT**

9. Plaintiff incorporates paragraphs 1-8 as if fully set forth herein.

10. On December 31, 2002, the United States Patent and Trademark Office (“USPTO”) issued the ‘391 Patent entitled “INTERNET COMMUNICATION OF PARKING LOT OCCUPANCY.” A copy of the ‘391 Patent is attached as Exhibit A.

11. Upon information and belief, Defendant is not, and has not been at any time, licensed or sublicensed under the '391 Patent in this District or elsewhere in the United States.

12. Defendant has infringed and continues to infringe the '391 Patent in this District and elsewhere in the United States by engaging in acts constituting direct infringement, contributory infringement, and/or inducement of infringement literally and/or under the doctrine of equivalents, as proscribed by 35 U.S.C. § 271, *et seq.*, by making, using, selling, offering to sell, contributing to others' use of, and/or inducing others to use products and/or services that infringe at least one claim of the '391 Patent including hardware and/or software implementing Defendant's mobile and/or web-based smart parking applications.

13. Plaintiff has suffered damage by Defendant's infringement, contributory infringement, and/or inducement of infringement of the '391 Patent entitling Plaintiff to recover compensatory damages in a monetary amount to be proven at trial.

14. Defendant has been aware of the '391 Patent, has acted in an objectively reckless manner, and has known or should have known of the risk of its actions such that Defendant's infringement, contributory infringement, and/or inducement of infringement of the '391 Patent have been and continue to be willful and deliberate entitling Plaintiff to recover enhanced damages pursuant to 35 U.S.C. § 284 and attorneys' fees and other expenses of litigation pursuant to 35 U.S.C. § 285.

**COUNT II – INFRINGEMENT OF THE ‘786 PATENT**

15. Plaintiff incorporates paragraphs 1-8 as if fully set forth herein.

16. On June 15, 2004, the USPTO issued the ‘786 Patent entitled “SYSTEMS AND METHODS FOR INTERNET COMMUNICATION OF PARKING LOT INFORMATION.” A copy of the ‘786 Patent is attached as exhibit B.

17. Upon information and belief, Defendant is not, and has not been at any time, licensed or sublicensed under the ‘786 Patent in this District or elsewhere in the United States.

18. Defendant has infringed and continues to infringe the ‘786 Patent in this District and elsewhere in the United States by engaging in acts constituting direct infringement, contributory infringement, and/or inducement of infringement literally and/or under the doctrine of equivalents, as proscribed by 35 U.S.C. § 271, *et seq.*, by making, using, selling, offering to sell, contributing to others’ use of, and/or inducing others to use products and/or services that infringe at least one claim of the ‘786 Patent including hardware and/or software implementing Defendant’s mobile and/or web-based smart parking applications.

19. Plaintiff has suffered damage by Defendant’s infringement, contributory infringement, and/or inducement of infringement of the ‘786 Patent entitling Plaintiff to recover compensatory damages in a monetary amount to be proven at trial.

20. Defendant has been aware of the ‘786 Patent, has acted in an objectively reckless manner, and has known or should have known of the risk of its actions such that Defendant’s infringement, contributory infringement, and/or inducement of infringement of the ‘786 Patent have been and continue to be willful and deliberate entitling Plaintiff to

recover enhanced damages pursuant to 35 U.S.C. § 284 and attorneys' fees and other expenses of litigation pursuant to 35 U.S.C. § 285.

**COUNT III – INFRINGEMENT OF THE '974 PATENT**

21. Plaintiff incorporates paragraphs 1-8 as if fully set forth herein.

22. On September 20, 2005, the USPTO issued the '974 Patent entitled "WEB-BASED SYSTEMS AND METHODS FOR INTERNET COMMUNICATION OF SUBSTANTIALLY REAL-TIME PARKING DATA." A copy of the '974 Patent is attached as exhibit C.

23. Upon information and belief, Defendant is not, and has not been at any time, licensed or sublicensed under the '974 Patent in this District or elsewhere in the United States.

24. Defendant has infringed and continues to infringe the '974 Patent in this District and elsewhere in the United States by engaging in acts constituting direct infringement, contributory infringement, and/or inducement of infringement literally and/or under the doctrine of equivalents, as proscribed by 35 U.S.C. § 271, *et seq.*, by making, using, selling, offering to sell, contributing to others' use of, and/or inducing others to use products and/or services that infringe at least one claim of the '974 Patent including hardware and/or software implementing Defendant's mobile and/or web-based smart parking applications.

25. Plaintiff has suffered damage by Defendant's infringement, contributory infringement, and/or inducement of infringement of the '974 Patent entitling Plaintiff to recover compensatory damages in a monetary amount to be proven at trial.

26. Defendant has been aware of the '974 Patent, has acted in an objectively

reckless manner, and has known or should have known of the risk of its actions such that Defendant's infringement, contributory infringement, and/or inducement of infringement of the '974 Patent have been and continue to be willful and deliberate entitling Plaintiff to recover enhanced damages pursuant to 35 U.S.C. § 284 and attorneys' fees and other expenses of litigation pursuant to 35 U.S.C. § 285.

**COUNT IV - INFRINGEMENT OF THE '283 PATENT**

27. Plaintiff incorporates paragraphs 1-8 as if fully set forth herein.

28. On February 17, 2009, the USPTO issued the '283 Patent entitled "SYSTEMS AND METHODS FOR COMMUNICATION OF PARKING INFORMATION." A copy of the '283 Patent is attached as exhibit D.

29. Upon information and belief, Defendant is not, and has not been at any time, licensed or sublicensed under the '283 Patent in this District or elsewhere in the United States.

30. Defendant has infringed and continues to infringe the '283 Patent in this District and elsewhere in the United States by engaging in acts constituting direct infringement, contributory infringement, and/or inducement of infringement literally and/or under the doctrine of equivalents, as proscribed by 35 U.S.C. § 271, *et seq.*, by making, using, selling, offering to sell, contributing to others' use of, and/or inducing others to use products and/or services that infringe at least one claim of the '283 Patent including hardware and/or software implementing Defendant's mobile and/or web-based smart parking applications.

31. Plaintiff has suffered damage by Defendant's infringement, contributory infringement, and/or inducement of infringement of the '283 Patent entitling Plaintiff to recover compensatory damages in a monetary amount to be proven at trial.

32. Defendant has been aware of the '283 Patent, has acted in an objectively reckless manner, and has known or should have known of the risk of its actions such that Defendant's infringement, contributory infringement, and/or inducement of infringement of the '283 Patent have been and continue to be willful and deliberate entitling Plaintiff to recover enhanced damages pursuant to 35 U.S.C. § 284 and attorneys' fees and other expenses of litigation pursuant to 35 U.S.C. § 285.

**RELIEF REQUESTED**

WHEREFORE, Plaintiff respectfully requests judgment and relief against Defendant as follows:

- A. For judgment that the '391 Patent, the '786 Patent, the '974 Patent, and the '283 Patent have been and continue to be infringed by Defendant;
- B. For judgment that Defendant's infringement has been willful;
- C. For an award of compensatory damages together with pre-judgment interest and costs as a result of Defendant's infringement;
- D. For an award of enhanced damages pursuant to 35 U.S.C. § 284 of up to three times the amount of compensatory damages as a result of Defendant's willful infringement;
- E. For an award of Plaintiff's costs and reasonable attorneys' fees incurred in this action pursuant to 35 U.S.C. § 285 or as otherwise permitted by law; and
- F. For an award of other relief as the Court deems just and equitable.

**JURY DEMAND**

Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiff hereby demands a trial by jury on all issues triable of right by a jury.

Respectfully Submitted,

STANLEY M. STEIN, P.C.

7/29/2015

Date

By: /s/ Stanley M. Stein

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