

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

QAXAZ LLC,

Plaintiff,

v.

BMW OF NORTH AMERICA, LLC; FORD MOTOR COMPANY; GENERAL MOTORS COMPANY; MERCEDES-BENZ USA, LLC; MICROSOFT CORPORATION; ONSTAR CORP.; and TOYOTA MOTOR SALES, USA, INC.,

Defendants.

Case No.

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

This is an action for patent infringement in which Qaxaz LLC (“Qaxaz” or “Plaintiff”) makes the following allegations against BMW of North America, LLC, Ford Motor Company, General Motors Company, Mercedes-Benz USA, LLC, Microsoft Corporation, OnStar Corp, and Toyota Motor Sales, USA, Inc..

PARTIES

1. Plaintiff Qaxaz is a Texas limited liability company with its principal place of business at 403 N Center St., Ste. 109, Longview, TX 75601.

2. On information and belief, BMW of North America, LLC (“BMW”) is a Delaware corporation with its principal place of business at 300 Chestnut Ridge Rd., Woodcliff Lake, NJ 07677-7731. BMW may be served through its registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, DE 19801.

3. On information and belief, Ford Motor Company (“Ford”) is a Delaware corporation with its principal place of business at One American Rd., Dearborn, MI 48126-2798.

Ford may be served through its registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, DE 19801.

4. On information and belief, General Motors Company (“GM”) is a Delaware corporation with its principal place of business at 300 Renaissance Center, Detroit, MI 48265-3000. GM may be served through its registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, DE 19801.

5. On information and belief, Mercedes Benz USA, LLC (“Mercedes”) is a Delaware corporation with its principal place of business at 1 Mercedes Dr., Montvale, NJ 07645-1815. Mercedes may be served through its registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, DE 19801.

6. On information and belief, Microsoft Corporation (“Microsoft”) is a Washington corporation with its principal place of business at One Microsoft Way, Redmond, WA 98052-6301. Microsoft may be served through its registered agent, Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, DE 19808.

7. On information and belief, OnStar Corp. (“OnStar”) is a Delaware corporation with its principal place of business at 400 Renaissance Ctr., Detroit, MI 48265-0001. OnStar may be served through its registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, DE 19801.

8. On information and belief, Toyota Motor Sales, USA, Inc. (“Toyota”) is a California corporation with its principal place of business at 19001 S. Western Avenue, Torrance, CA 90501. Toyota may be served through its registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington DE 19801.

JURISDICTION AND VENUE

9. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

10. Venue is proper in this district under 28 U.S.C. §§ 1391(c) and 1400(b). On information and belief, Defendants have transacted business in this district, and have committed and/or induced acts of patent infringement in this district.

COUNT I INFRINGEMENT OF U.S. PATENT NO. 7,917,285

11. Plaintiff is the owner by assignment of United States Patent No. 7,917,285 (“the '285 Patent”) entitled “Device, System, and Method for Remotely Entering, Storing and Sharing, Addresses for a Positional Information Device” – including all rights to recover for past and future acts of infringement. The '285 Patent issued on March 29, 2011. A true and correct copy of the '285 Patent is attached as Exhibit A.

12. On information and belief, BMW has been and now is directly infringing, and/or inducing infringement by others, and/or contributing to the infringement by others, including customers of BMW, of the '285 Patent in this judicial district, and elsewhere in the United States. Infringements by BMW include, without limitation, making, using, offering for sale, and/or selling within the United States, and/or importing into the United States, at least a device and method for remotely entering, storing and sharing, addresses for a positional information device including at least BMW’s MyInfo feature of BMW Assist devices, infringing one or more claims of the '285 Patent. Also upon information and belief, BMW knew or should have known that the MyInfo feature of BMW Assist devices would induce infringement by its customers. It is further alleged that BMW has contributed to the infringement of the '285 Patent by engaging in such

activities knowing that its MyInfo feature of BMW Assist devices is especially made or especially adapted and to be used in a method that infringes the '285 Patent, and which does not have a substantial non-infringing use. BMW is thus liable for infringement of the '285 Patent under 35 U.S.C. § 271(a), (b) & (c).

13. On information and belief, Ford and Microsoft (collectively “SYNC”) have been and now are directly infringing, and/or inducing infringement by others, and/or contributing to the infringement by others, including customers of SYNC, of the '285 Patent in this judicial district, and elsewhere in the United States. Infringements by SYNC include, without limitation, making, using, offering for sale, and/or selling within the United States, and/or importing into the United States, at least a device and method for remotely entering, storing and sharing, addresses for a positional information device including at least the Send to SYNC feature of SYNC devices, infringing one or more claims of the '285 Patent. Also upon information and belief, SYNC knew or should have known that the Send to SYNC feature of SYNC devices would induce infringement by its customers. It is further alleged that SYNC has contributed to the infringement of the '285 Patent by engaging in such activities knowing that its Send to SYNC feature of SYNC devices is especially made or especially adapted and to be used in a method that infringes the '285 Patent, and which does not have a substantial non-infringing use. Ford and Microsoft are thus liable for infringement of the '285 Patent under 35 U.S.C. § 271(a), (b) & (c).

14. On information and belief, GM and OnStar (collectively, “GM OnStar”) have been and now are directly infringing, and/or inducing infringement by others, and/or contributing to the infringement by others, including customers of GM OnStar, of the '285 Patent in this judicial district, and elsewhere in the United States. Infringements by GM OnStar include,

without limitation, making, using, offering for sale, and/or selling within the United States, and/or importing into the United States, at least a device and method for remotely entering, storing and sharing, addresses for a positional information device including at least the eNav feature of OnStar devices, infringing one or more claims of the '285 Patent. Also upon information and belief, GM OnStar knew or should have known that the eNav feature of OnStar devices would induce infringement by its customers. It is further alleged that GM OnStar has contributed to the infringement of the '285 Patent by engaging in such activities knowing that the eNav feature of OnStar devices is especially made or especially adapted and to be used in a method that infringes the '285 Patent, and which does not have a substantial non-infringing use. GM and OnStar are thus liable for infringement of the '285 Patent under 35 U.S.C. § 271(a), (b) & (c).

15. On information and belief, Mercedes has been and now is directly infringing, and/or inducing infringement by others, and/or contributing to the infringement by others, including customers of Mercedes, of the '285 Patent in this judicial district, and elsewhere in the United States. Infringements by Mercedes include, without limitation, making, using, offering for sale, and/or selling within the United States, and/or importing into the United States, at least a device and method for remotely entering, storing and sharing, addresses for a positional information device including at least Mercedes' Send2Benz feature of mbrace devices, infringing one or more claims of the '285 Patent. Also upon information and belief, Mercedes knew or should have known that the Send2Benz feature of mbrace devices would induce infringement by its customers. It is further alleged that Mercedes has contributed to the infringement of the '285 Patent by engaging in such activities knowing that its Send2Benz feature of mbrace devices is especially made or especially adapted and to be used in a method that infringes the '285 Patent,

and which does not have a substantial non-infringing use. Mercedes is thus liable for infringement of the '285 Patent under 35 U.S.C. § 271(a), (b) & (c).

16. On information and belief, Toyota has been and now are directly infringing, and/or inducing infringement by others, and/or contributing to the infringement by others, including customers of Toyota, of the '285 Patent in this judicial district, and elsewhere in the United States. Infringements by Toyota include, without limitation, making, using, offering for sale, and/or selling within the United States, and/or importing into the United States, at least a device and method for remotely entering, storing and sharing, addresses for a positional information device including at least the Lexus Drivers eDestination feature of Lexus Navigation devices, infringing one or more claims of the '285 Patent. Also upon information and belief, Toyota knew or should have known that the Lexus Drivers eDestination feature of Lexus Navigation devices would induce infringement by its customers. It is further alleged that has contributed to the infringement of the '285 Patent by engaging in such activities knowing that the Lexus Drivers eDestination feature of Lexus Navigation devices is especially made or especially adapted and to be used in a method that infringes the '285 Patent, and which does not have a substantial non-infringing use. Toyota is thus liable for infringement of the '285 Patent under 35 U.S.C. § 271(a), (b) & (c).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter:

1. A judgment in favor of Plaintiff that Defendants have infringed, directly, jointly, and/or indirectly, by way of inducing and/or contributing to the infringement of the '285 Patent;

2. A judgment and order requiring Defendants to pay Plaintiff its damages, costs, expenses, and prejudgment and post-judgment interest for Defendants' infringement of the '285 Patent as provided under 35 U.S.C. § 284;

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

4. Any and all other relief to which Plaintiff may show itself to be entitled.

DEMAND FOR JURY TRIAL

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

June 2, 2011

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