

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

2014 MAR 10 PM 3:31

VISUAL REAL ESTATE, INC.

Plaintiff,

v.

GOOGLE INC.

Defendant.

Case No.

3:14-CV-274-J-32 PdB

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT AND DEMAND FOR JURY TRIAL WITH INJUNCTIVE RELIEF SOUGHT

Plaintiff Visual Real Estate, Inc. ("VRE"), by and through its undersigned attorneys, files this Complaint and jury demand with injunctive relief sought against Defendant Google Inc. ("Google"), and in support thereof alleges as follows:

NATURE OF THE ACTION

1. This is an action for infringement of the following United States Patents, all of which were duly and legally issued by the United States Patent & Trademark Office: (a) United States Patent No. 7,389,181, entitled "Apparatus and Method for Producing Video Drive-By Data Corresponding to a Geographic Location" ("the '181 patent"); (b) United States Patent No. 7,929,800, entitled "Methods and Apparatus for Generating a Continuum of Image Data" ("the '800 patent"); and (c) United States Patent No. 8,078,396, entitled "Methods for and Apparatus for Generating a Continuum of Three Dimensional Image Data" ("the '396 patent"). Collectively, the '181 patent, the '800 patent, and the '396 patent are referred to in this Complaint as the "Asserted Patents."

2. This action for patent infringement arises under the patent laws of the United States, Title 35 of the United States Code, to prevent and enjoin Google from infringing the Asserted Patents, and profiting without authorization or consent from VRE pursuant to 35 U.S.C. § 271, and to recover damages, attorneys' fees and costs.

THE PARTIES

3. Plaintiff VRE is a Florida corporation with its headquarters and principal place of business at 10752 Deerwood Park Blvd., Suite 100, Jacksonville, Florida 32256.

4. On information and belief, Defendant Google is a corporation organized, existing and operating under the laws of the state of Delaware with its principal place of business at 1600 Amphitheatre Parkway, Mountain View, California 94043.

JURISDICTION AND VENUE

5. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a) and pursuant to the patent laws of the United States, 35 U.S.C. § 101 *et seq.*

6. Venue properly lies within the Middle District of Florida pursuant to the provisions of 28 U.S.C. §§ 1391(b), (c), and (d) and 1400(b). On information and belief, Defendant Google conducts substantial business directly and/or through third parties or agents in this judicial district by at least using, selling and/or offering to sell and/or importing the infringing products, systems and/or services, including Google Street View and Google Earth, and/or by conducting other business in this judicial district. Furthermore, as described in greater detail below, VRE is headquartered in Jacksonville, Florida, and the founder of VRE, William Meadow, was born and raised in Jacksonville, conceived of the patented ideas with the other named co-inventors of the Asserted Patents in Jacksonville, started businesses that practiced those patented ideas in Jacksonville, and still resides there. Furthermore, VRE has its principal place of business in this district, and has been harmed by Google's conduct, business transactions and infringing activities in this district.

7. This Court has personal jurisdiction over Defendant Google because, on information and belief, Defendant Google transacts continuous and systematic business within the State of Florida and the Middle District of Florida. In addition, this Court has personal jurisdiction over Defendant Google because this lawsuit arises out of Defendant Google's infringing activities including, without limitation, Defendant Google's making, using, selling and/or offering to sell infringing products, systems and/or services in the State of Florida and the

Middle District of Florida, and/or importing infringing products, systems and/or services into the United States. Finally, this Court has personal jurisdiction over Defendant Google because, on information and belief, Defendant Google has made, used, sold, offered for sale and/or imported its infringing products, systems and/or services and placed such infringing products, systems and/or services into the stream of commerce with the expectation that such infringing products, systems and/or services would be made, used, sold and/or offered for sale within the State of Florida and the Middle District of Florida.

THE ASSERTED PATENTS

8. On June 17, 2008, the '181 patent was duly and legally issued by the United States Patent & Trademark Office ("Patent Office"). The named inventors are William D. Meadow of Jacksonville, Florida and Randall A. Gordie, Jr. of St. Augustine, Florida. VRE is the current assignee and owner of the entire right, title and interest in and to the '181 patent, and has the right to bring this suit for damages and other relief. A true and correct copy of the '181 patent is attached as Exhibit A.

9. On April 19, 2011, the '800 patent was duly and legally issued by the Patent Office. The named inventors are Mr. Meadow and Mr. Gordie. VRE is the current assignee and owner of the entire right, title and interest in and to the '800 patent, and has the right to bring this suit for damages and other relief. A true and correct copy of the '800 patent is attached as Exhibit B.

10. On December 13, 2011, the '396 patent was duly and legally issued by the Patent Office. The named inventors are Mr. Meadow, Mr. Gordie and Matthew Pavelle of St. Augustine, Florida. VRE is the current assignee and owner of the entire right, title and interest in and to the '396 patent, and has the right to bring this suit for damages and other relief. A true and correct copy of the '396 patent is attached as Exhibit C.

11. Each of the Asserted Patents is valid and enforceable.

BACKGROUND

12. In or around 2002, William Meadow, entrepreneur and co-inventor of the

Asserted Patents, formed a property investment company in Jacksonville, Florida. Mr. Meadow wanted to purchase, renovate and lease properties on the 20-mile stretch of Highway A1A between Jacksonville and St. Augustine, Florida. That stretch of Highway A1A is a well-developed residential area that features a unique coastline geography. The houses in that area range from small, older houses to large estates. Mr. Meadow recognized that locating and evaluating potential rental properties to match his requirements for price, location and desirability would require many hours of driving, photographing and researching property records.

13. Because of Mr. Meadow's expertise in financial payment systems, integrating property-management software and geospatial data processing systems, he was aware of the lack of interoperability between county assessor valuation systems and geospatial location systems and the total lack of integrated geospatial visualization. The end result was tremendous inefficiencies in the real estate market, and in particular the process of remotely valuing properties. Real estate lenders need to assure themselves that the properties they are financing are actually worth what buyers are being asked to pay for them. To assure themselves of this, real estate lenders typically research the value of comparable properties (called "comps" in the industry) and rely on the opinions of professional real estate appraisers. To make their decisions, lenders often relied on street-view photographs of the subject property taken by an appraiser who actually drove to the property. They also relied on appraisers to assess the consistency of photographs of several "comp" properties supplied along with the subject property in the same neighborhood. These street-level images were produced by visits to the property, known as "drive-by appraisals." Mr. Meadow recognized that the market for generating street-level imagery with integrated data was ripe for the introduction of a faster, better and less expensive solution.

14. Mr. Meadow realized he could use photographic and GPS technology and equip a car or van with a 360-degree camera to produce continuous panoramic images of the properties along Highway A1A or any other neighborhood. The images would then be GPS geo-encoded

for processing with the parcel data files from the county assessor. These integrated images and data would enable a user to later search for them by street address or geographic location. Mr. Meadow also saw the potential of integrating the street-level imagery with satellite-based imagery. He also realized that access to integrated data for individual properties would be of great value to first responders if the data could be displayed in real time on mobile devices. At the time, no technology existed to associate parcel data with street-level image data and to enable viewing of the subject property and the surrounding neighborhood.

15. In 2004, Mr. Meadow founded a company, Real Data Center, Inc. (“RDC”), headquartered in Jacksonville, Florida. Mr. Meadow started RDC to develop and market street-level imagery and data integration products for use in various applications including real estate, marketing, insurance, property development, tourism, and recreation. Mr. Meadow hired Mr. Gordie, co-inventor of the Asserted Patents, to be RDC’s Chief Architect of a street-level image system. In or around April 2007, Mr. Meadow renamed the company VisRE, Inc. (“VisRE”).

16. On August 31, 2004, Mr. Meadow filed a provisional patent application entitled “Video and Data Processing System.” On August 31, 2005, Mr. Meadow and Mr. Gordie filed Application No. 11/216,465, which issued on June 17, 2008 as the ’181 patent.

17. In or around December 2005, RDC leased a facility near the Avenues mall in Jacksonville, Florida. At this facility, Mr. Meadow oversaw the production of over 20 vehicle-mounted Video Image Capture Systems. Each Vehicle Image Capture System in the fleet was equipped with eight HDTV digital cameras to ensure a full 360-degree field of photography. The street-level images were GPS geo-encoded and indexed for processing to enable future searches of the property by street address, latitude and longitude or county parcel ID.

18. By 2008, Mr. Meadow and his team had created an image database of several million properties in Florida, driving more than 100,000 miles of residential roads. Starting in 2005, Mr. Meadow’s team began adding parcel data from most of the largest counties in Florida, and over the next two years began acquiring parcel data and imagery for many large cities across the United States. By mid-2008, Mr. Meadow had developed a library of online street-level

images for at least 75,000 homes in Florida for the Florida Association of Realtors, and he and his team had developed an application programming interface (“API”) to enable other companies to query the image library by address or parcel ID.

19. Mr. Meadow’s proprietary Video Image Capture System and image databases received significant interest from real estate appraisal companies, realtor associations and banks. In 2007, Mr. Meadow began selling appraisal companies the rights to visual imagery for defined territories. By 2008, Mr. Meadow had entered into at least 12 territory licensing agreements with appraisers in Florida, Georgia, Texas, Ohio and Michigan. In 2008, following a presentation to the User’s Conference of FNC, Inc.com, the nation’s largest appraisal firm, Mr. Meadow’s system was described as the “exciting new solution we’ve been looking for.”

20. In May 2007, Google released a limited version of its Street View product. Since then, Google Street View has been made available to and has been used by commercial entities in the residential and commercial real estate sales industry, the real estate appraisal industry, the real estate insurance industry, as well as local governments engaged in assessing real property taxes.

21. In the Fall of 2008, Mr. Meadow wrote to David Drummond, Google’s Chief Legal Officer, to provide Google notice of the ’181 patent and related intellectual property. Mr. Meadow stated that he was willing to sell the intellectual property relating to the Video Image Capture System, including his rights to the ’181 patent, to Google. Mr. Meadow never received a response from Google. In the years following Mr. Meadow’s initial letter to Google, Mr. Meadow sent several other communications to Google about the ’181 patent and the related intellectual property. Google never responded to any of these communications.

22. In February 2011, VisRE engaged UBM TechInsights (“UBM”), a patent brokerage firm, to market the ’181 patent and the related patent portfolio. On information and belief, on May 16, 2011, UBM representatives met with Google licensing executives and provided Google information and documentation that provided further notice to Google of the

'181 patent, notice of the then-issued '800 patent and notice of the application that matured into the '396 patent.

23. The '181 patent application has been cited as prior art in connection with the prosecution of at least 14 issued patents that have been assigned to Google, including Google's patents titled "Digital mapping system," "Secondary map in digital mapping system" and "Entity display priority in a distributed geographic information system." The applications for three of those patents were filed after the '181 patent issued.

24. Google has made, used, sold, offered for sale and/or imported products, systems and/or services, including but not limited to Google Earth and Google Street View, that practice claims of each of the Asserted Patents, as set forth more fully below.

COUNT ONE

Infringement of the '181 Patent by Google

25. VRE incorporates by reference each of the allegations set forth in Paragraphs 1 through 24 above as though fully set forth herein.

26. Google, without authority, has directly infringed and continues to directly infringe, under 35 U.S.C. § 271(a), the '181 patent at least by importing, selling, offering for sale and/or using within the United States infringing products, systems and/or services including but not limited to Google Earth and Google Street View. By way of example and not limitation, Google Earth and Google Street View, alone and/or in combination with other products, practice each of the limitations of at least claims 1-15, 17, 18, 20 and 21 of the '181 patent.

27. Google, without authority, has actively induced and continues to actively induce infringement of one or more claims of the '181 patent under 35 U.S.C. § 271(b), by among other things, instructing customers and users of Google Earth and Google Street View, including without limitation commercial entities in the residential and commercial real estate sales industry, the real estate appraisal industry, and the real estate insurance industry, to use Google Earth and Google Street View in a manner that infringes the claims of the '181 patent. Google has had knowledge of the '181 patent, and had knowledge that Google Street View and Google

Earth infringe the '181 patent, since at least the Fall of 2008 when Mr. Meadow provided written notice to Google of the patent. Mr. Meadow's subsequent letters to Google also provided notice of the '181 patent. Additionally, on information and belief, Google has had knowledge of its infringement of the '181 patent as a result of the information and documentation provided by UBM on or around May 16, 2011, and as evidenced by the numerous citations to the '181 patent application in connection with the prosecution of Google's own patents. Service of this Complaint also provides Google with notice of its infringement of the '181 patent. Since at least the Fall of 2008, Google has known and intended that customers and users of Google Earth and Google Street View, including without limitation, commercial entities in the residential and commercial real estate sales industry, the real estate appraisal industry, and the real estate insurance industry, use Google Earth and Google Street View in a manner that infringes the claims of the '181 patent. For example, Google's online materials explain how to use Google Earth and Google Street View in a manner that infringes claims of the '181 patent:

[http://www.google.com/maps/about/behind-the-scenes/streetview/;](http://www.google.com/maps/about/behind-the-scenes/streetview/)

[https://support.google.com/maps/answer/3093484?hl=en;](https://support.google.com/maps/answer/3093484?hl=en) and

[https://support.google.com/maps/answer/68381?hl=en.](https://support.google.com/maps/answer/68381?hl=en)

28. As described above, Google had actual notice of the '181 patent since at least the Fall of 2008. Google has nevertheless continued to directly and indirectly infringe the '181 patent despite an objectively high likelihood that its actions constitute infringement of the '181 patent. Accordingly, Google's infringement has been and continues to be willful.

29. As a result of Google's infringement of the '181 patent, VRE has suffered and will continue to suffer damages in an amount to be proven at trial.

30. VRE has been irreparably harmed by these acts of infringement of the '181 patent and will continue to be harmed unless Google's further acts of infringement of the '181 patent are restrained and enjoined by order of this Court. VRE has no adequate remedy at law.

COUNT TWO

Infringement of the '800 Patent by Google

31. VRE incorporates by reference each of the allegations set forth in Paragraphs 1 through 24 above as though fully set forth herein.

32. Google, without authority, has directly infringed and continues to directly infringe, under 35 U.S.C. § 271(a), the '800 patent at least by importing, selling, offering for sale and/or using within the United States infringing products, systems and/or services including but not limited to Google Earth and Google Street View. By way of example and not limitation, Google Earth and Google Street View, alone and/or in combination with other products, practice each of the limitations of at least claims 1-19 of the '800 patent.

33. Google, without authority, has actively induced and continues to actively induce infringement of one or more claims of the '800 patent under 35 U.S.C. § 271(b), by among other things, instructing customers and users of Google Earth and Google Street View, including without limitation commercial entities in the residential and commercial real estate sales industry, the real estate appraisal industry, and the real estate insurance industry, to operate Google Earth and Google Street View in a manner that infringes the claims of the '800 patent. On information and belief, Google has had knowledge that Google Street View and Google Earth infringe the '800 patent since at least May 16, 2011 as a result of the information and documentation provided by UBM, as alleged above. Service of this Complaint also provides Google with notice of its infringement of the '800 patent. Since at least May 2011, Google has known and intended that customers and users of Google Earth and Google Street View, including without limitation commercial entities in the residential and commercial real estate sales industry, the real estate appraisal industry, and the real estate insurance industry, use Google Earth and Google Street View in a manner that infringes the claims of the '800 patent. For example, Google's online materials explain how to use Google Earth and Google Street View in a manner that infringes claims of the '800 patent:

[http://www.google.com/maps/about/behind-the-scenes/streetview/;](http://www.google.com/maps/about/behind-the-scenes/streetview/)

<https://support.google.com/maps/answer/3093484?hl=en>; and

<https://support.google.com/maps/answer/68381?hl=en>.

34. As described above, Google had actual notice of its infringement of the '800 patent since at least May 16, 2011. On information and belief, Google has nevertheless continued to directly and indirectly infringe the '800 patent, despite an objectively high likelihood that its actions constitute infringement of the '800 patent. Accordingly, Google's infringement has been and continues to be willful.

35. As a result of Google's infringement of the '800 patent, VRE has suffered and will continue to suffer damages in an amount to be proven at trial.

36. VRE has been irreparably harmed by these acts of infringement of the '800 patent and will continue to be harmed unless Google's further acts of infringement of the '800 patent are restrained and enjoined by order of this Court. VRE has no adequate remedy at law.

COUNT THREE

Infringement of the '396 Patent by Google

37. VRE incorporates by reference each of the allegations set forth in Paragraphs 1 through 24 above as though fully set forth herein.

38. Google, without authority, has directly infringed and continues to directly infringe, under 35 U.S.C. § 271(a), the '396 patent at least by importing, selling, offering for sale and/or using within the United States infringing products, systems and/or services including but not limited to Google Earth. By way of example and not limitation, Google Earth, alone and/or in combination with other products, practices each of the limitations of at least claims 1, 2 and 5-25 of the '396 patent.

39. As a result of Google's infringement of the '396 patent, VRE has suffered and will continue to suffer damages in an amount to be proven at trial.

40. VRE has been irreparably harmed by these acts of infringement of the '396 patent and will continue to be harmed unless Google's further acts of infringement of the '396 patent are restrained and enjoined by order of this Court. VRE has no adequate remedy at law.

PRAYER FOR RELIEF

WHEREFORE, VRE prays for judgment:

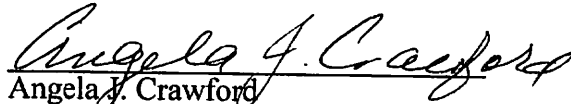
1. That VRE be adjudged the owner of the Asserted Patents and entitled to all rights of recovery thereunder, and that the Asserted Patents are valid and enforceable;
2. That Google be adjudged to have directly infringed and induced infringement of the Asserted Patents;
3. That Google and its officers, principals, agents, attorneys, servants, employees and all others in active concert or participation with them, and their successors and assigns, be enjoined from infringement and inducement of infringement of the Asserted Patents, including but not limited to making, using, importing, offering to sell and selling the infringing products;
4. That VRE be awarded damages under 35 U.S.C. § 284, adequate to compensate it for Google's infringement of the Asserted Patents in an amount to be proven at trial, together with interest and costs as fixed by the Court;
5. That VRE be awarded increased damages as permitted under 35 U.S.C. § 284 for Google's willful infringement of the '181 and '800 patents;
6. That this case be declared an exceptional case within the meaning of 35 U.S.C. § 285, and that VRE be awarded the attorneys' fees, costs and expenses that it incurs prosecuting this action;
7. That VRE be awarded prejudgment interest; and
8. For such other and further equitable relief as the Court deems proper.

DEMAND FOR JURY TRIAL

VRE demands a trial by jury for all issues so triable pursuant to Federal Rule of Civil Procedure 38(b).

Dated: March 10, 2014

Respectfully submitted,



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