

IN THE UNITED STATES DISTRICT COURT  
 FOR THE EASTERN DISTRICT OF TEXAS  
 MARSHALL DIVISION

TRAFFIC INFORMATION, LLC	§	
	§	
<i>Plaintiff,</i>	§	
vs.	§	
	§	
BANK OF AMERICA CORPORATION,	§	Case No. _____
BANK OF AMERICA, NATIONAL	§	
ASSOCIATION, JPMORGAN CHASE	§	
& CO., LIVINGSOCIAL US, LLC,	§	
LOOPT, INC., WANDERSPOT LLC,	§	<b>JURY TRIAL DEMANDED</b>
WHERE, INC., WOODFOREST	§	
NATIONAL BANK, YELP! INC., and	§	
ZILLOW, INC.	§	
	§	
<i>Defendants.</i>	§	

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Traffic Information, LLC (“Traffic”) brings this action against defendants Bank of America Corporation (“BOA”), Bank of America, National Association (“Bank of America, N.A.”), JPMorgan Chase & Co. (“Chase”), LivingSocial US, LLC (“Livingsocial”), Loopt, Inc. (“Loopt”), Wanderspot, LLC (“Wanderspot”), Where, Inc. (“Where”), Woodforest National Bank (“Woodforest”), Yelp! Inc. (“Yelp!”) and Zillow, Inc. (“Zillow”), and alleges:

**THE PARTIES**

1. Traffic is a limited liability company organized and existing under the laws of the State of Texas.
2. On information and belief, BOA is a corporation organized and existing under the laws of Delaware, has a principal place of business at 100 N. Tryon Street, Charlotte, North Carolina 28255, has designated its registered agent for purposes of service of process in Texas as CT

Corporation System, 350 North Saint Paul Street, Suite 2900, Dallas, Texas 75201-4234, and is doing business in this judicial district.

3. On information and belief, Bank of America, N.A. is a federally-chartered banking institution, a subsidiary of BOA, has a principal place of business at 100 N. Tryon Street, Charlotte, North Carolina 28255, has designated its registered agent for purposes of service of process in Texas as CT Corporation System, 350 North Saint Paul Street, Suite 2900, Dallas, Texas 75201-4234, and is doing business in this judicial district.

4. On information and belief, Chase is a corporation organized and existing under the laws of Delaware, has a principal place of business at 270 Park Avenue in New York, NY 10017, has designated its registered agent for purposes of service of process in Texas as CT Corporation System, 350 North Saint Paul Street, Suite 2900, Dallas, Texas 75201-4234, and is doing business in this judicial district.

5. On information and belief, LivingSocial is a limited liability company organized and existing under the laws of Delaware, has a principal place of business at 1445 New York Avenue NW, Suite 200, Washington, DC 20005, has designated its registered agent for purposes of service of process as National Registered Agents, Inc., 160 Greentree Drive, Suite 101, Dover, Delaware 19904, and is doing business in this judicial district.

6. On information and belief, Loopt is a corporation organized and existing under the laws of Delaware, has a principal place of business at 590 W. El Camino Real, Mountain View, California 94040, has designated its registered agent for purposes of service of process as The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801, and is doing business in this judicial district.

7. On information and belief, Wanderspot is a limited liability company organized and existing under the laws of Washington, has a principal place of business at 117 E. Louisa St., #451, Seattle, Washington 98102, has designated its registered agent for purposes of service of process as National Registered Agents, Inc, 1780 Barnes Blvd. SW Bldg G, Tumwater, Washington 98512, and is doing business in this judicial district.

8. On information and belief, Where is a corporation organized and existing under the laws of Delaware, has a principal place of business at 77 North Washington Street, Third Floor, Boston, Massachusetts 02114, has designated its registered agent for purposes of service of process as CT Corporation System, 155 Federal Street, Suite 700, Boston, Massachusetts 02110-1727, and is doing business in this judicial district.

9. On information and belief, Woodforest is a corporation organized and existing under the laws of Texas, has a principal place of business at 1330 Lake Robbins Drive, Suite 100, The Woodlands, Texas 77380, has designated its registered agent in Texas for purposes of service of process as Charles A. Vernon, 25231 Grogan's Mill Road, Suite 400, The Woodlands, Texas 77380, and is doing business in this judicial district.

10. On information and belief, Yelp! is a corporation organized and existing under the laws of Delaware, has a principal place of business at 706 Mission Street, San Francisco, California 94103, has designated its registered agent for purposes of service of process as National Registered Agents, Inc., 160 Greentree Drive, Suite 101, Dover, Delaware 19904, and is doing business in this judicial district.

11. On information and belief, Zillow is a corporation organized and existing under the laws of Washington, has a principal place of business at Wells Fargo Center, 999 Third Avenue, Suite 4600, Seattle, Washington 98104, has designated its registered agent in Texas for purposes of

service of process as National Registered Agents, Inc., 16055 Space Center Blvd., Suite 235, Houston, Texas 77062, and is doing business in this judicial district.

#### **JURISDICTION AND VENUE**

**12.** This is an action for patent infringement arising under the provisions of the Patent Laws of the United States of America, Title 35, United States Code.

**13.** Subject-matter jurisdiction over Traffic's claims is conferred upon this Court by 28 U.S.C. §§ 1331 and 1338(a).

**14.** On information and belief, each defendant has solicited business in the State of Texas, transacted business within the State of Texas and attempted to derive financial benefit from residents of the State of Texas, including benefits directly related to the instant patent infringement cause of action set forth herein.

**15.** On information and belief, each defendant has placed its allegedly infringing products and services into the stream of commerce throughout the United States with the expectation that they will be used by consumers in this judicial district.

**16.** Each defendant is subject to personal jurisdiction in Texas and this judicial district, and is doing business in this judicial district.

**17.** Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b) and (c) and 1400(b).

#### **INFRINGEMENT OF THE '862 PATENT**

**18.** Traffic realleges and incorporates by reference the allegations in paragraphs 1-17.

**19.** On October 15, 2002, U.S. Patent No. 6,466,862 ("the '862 patent"), entitled "System For Providing Traffic Information" was duly and legally issued. A Reexamination Certificate for the '862 patent issued on June 7, 2011. A true and correct copy of the '862 patent with the

Reexamination Certificate is attached hereto as Exhibit 1. Traffic is the owner by assignment of all right, title and interest in and to the '862 patent, including the right to sue for and recover all past, present and future damages for infringement of the '862 patent.

**20.** Each defendant, alone and in conjunction with others, has in the past and continues to infringe, contribute to infringement, and/or induce infringement of the '862 patent by making, using, selling, offering to sell and/or importing, and/or causing others to use, traffic information systems and products and services that alone or in combination with other devices are covered by at least one claim of the '862 patent, and is liable for infringement of the '862 patent pursuant to 35 U.S.C. § 271.

**21.** Each defendant's acts of infringement have caused damage to Traffic, and Traffic is entitled to recover from each defendant the damages sustained by Traffic as a result of each defendant's wrongful acts in an amount subject to proof at trial.

**22.** As a consequence of the infringement complained of herein, Traffic has been irreparably damaged to an extent not yet determined and will continue to be irreparably damaged by such acts in the future unless each defendant is enjoined by this Court from committing further acts of infringement.

#### **PRAYER FOR RELIEF**

**WHEREFORE**, Traffic prays for entry of judgment that:

- A.** Each defendant has each infringed the '862 patent;
- B.** Each defendant account for and pay to Traffic all damages caused by its infringement of the '862 as complained of herein in accordance with 35 U.S.C. § 284;

C. Traffic be granted permanent injunctive relief pursuant to 35 U.S.C. § 283 enjoining each defendant, its officers, agents, servants, employees and those persons in active concert or participation with them from further acts of patent infringement;

D. Traffic be granted pre-judgment and post-judgment interest on the damages caused to it by reason of each defendant's patent infringement complained of herein;

E. Traffic be granted its reasonable attorneys' fees;

F. Costs be awarded to Traffic; and,

G. Traffic be granted such other and further relief as the Court may deem just and proper under the circumstances.

#### **DEMAND FOR JURY TRIAL**

Traffic demands trial by jury on all claims and issues so triable.

Respectfully submitted,

Dated: July 29, 2011

By: \_\_\_\_\_

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