

FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

2013 JAN 28 P 4: 02

SKYLINE SOFTWARE SYSTEMS, INC., )  
)  
Plaintiff, )  
)  
v. )  
)  
APPLE INC., )  
)  
Defendant. )

CLERK US DISTRICT COURT  
ALEXANDRIA, VIRGINIA

Civil Action No. 2:13CV46  
JURY TRIAL DEMANDED RAJ/TZM

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff, Skyline Software Systems, Inc. ("Skyline"), makes the following claims for relief against Defendant, Apple Inc. ("Apple"), as follows:

**NATURE OF LAWSUIT**

1. This is a claim for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code § 1 *et seq.* This Court has exclusive jurisdiction over the subject matter of the Complaint under 28 U.S.C. §§ 1331 and 1338(a).

**PARTIES AND PATENT**

2. Skyline is a Delaware corporation with its principal place of business at 13873 Park Center Road, Herndon, Virginia 20171. Skyline has had its principal place of business in Virginia since 2003. Skyline currently has 23 employees, 15 of whom work in the Herndon, Virginia facility, and four of whom are located at client sites in Virginia.

3. Skyline is in the business of designing, developing, marketing and selling software tools for enabling three-dimensional geospatial applications, including

SkylineGlobe. Skyline conducts these activities in and from its Herndon, Virginia facility. As a technology company with substantial sales, Skyline depends on innovation and the protection of the patent system to succeed in the marketplace.

4. As a result of its innovations, Skyline has obtained numerous patents, including United States Patent No. 7,551,172, entitled, "Sending Three-Dimensional Images Over A Network" (hereinafter "the '172 patent") and United States Patent No. 8,237,713, also entitled, "Sending Three-Dimensional Images Over A Network" (hereinafter "the '713 patent").

5. Skyline owns all right, title and interest in, and has standing to sue for infringement of, the '172 and '713 patents.

6. Apple is a California corporation with its principal place of business at 1 Infinite Loop, Cupertino, California 95014. Apple has conducted business in this judicial district, has purposefully availed itself of the privilege of conducting business with residents of this judicial district including end users of the products accused of infringement, has established at least minimal contacts with the Commonwealth of Virginia such that it should reasonably and fairly anticipate being brought into court in Virginia and has purposefully reached out to residents of Virginia through its marketing, provision and sale of products, including the products accused of infringement.

7. Apple has committed acts of infringement in this judicial district, and regularly transacts business in this judicial district, including marketing, providing and selling the products accused of infringement. Direct infringers of the '172 and '713 patents also reside in and practice the claimed inventions in this judicial district.

8. This Court has personal jurisdiction over Apple by virtue of its tortious acts

of patent infringement which have been committed in the Commonwealth of Virginia and in this judicial district, and by virtue of Apple's transaction of business in the Commonwealth of Virginia.

### **VENUE**

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

### **APPLE'S ACTS OF PATENT INFRINGEMENT**

10. Apple has made iO6 products in the United States that include the iO6 Apple Maps application with the Flyover feature.

11. Apple has offered to sell iO6 products in the United States that include the iO6 Apple Maps application with the Flyover feature.

12. Apple has imported into the United States iO6 products that include the iO6 Apple Maps application with the Flyover feature.

13. Apple has sold iO6 products in the United States that include the iO6 Apple Maps application with the Flyover feature.

14. Apple has generated revenue and profits from its sale of iO6 products that include the iO6 Apple Maps application with the Flyover feature.

15. The Flyover feature in the iO6 Apple Maps application is available on iPhone 4S, iPhone 5, iPad 2 or later, iPad Mini and iPod Touch (5<sup>th</sup> Generation).

16. Apple has made in the United States iPhone, iPad, iPad Mini and iPad Touch products that include the Flyover feature.

17. Apple has offered for sale in the United States iPhone, iPad, iPad Mini and iPod Touch products that include the Flyover feature.

18. Apple has sold in the United States iPhone, iPad, iPad Mini and iPod Touch products that include the Flyover feature.

19. Apple has provided software updates that enable the installation of iO6 Apple Maps with the Flyover feature on Apple products.

20. Third parties have used Apple's software updates to install iO6 Apple Maps with the Flyover feature on Apple products.

21. The Flyover feature of the iO6 Apple Maps application provides photo-realistic, interactive 3D views of cities.

22. Purchasers of iO6 devices have used the iO6 Apple Maps application to request photo-realistic, 3D views of cities.

23. Purchasers of iO6 devices have used the iO6 Apple Maps application to obtain photo-realistic, 3D views of cities.

24. The Flyover feature of the iO6 Apple Maps application enables users of compatible devices to explore cities in high resolution as they zoom, pan, tilt and rotate around cities and their landmarks.

25. Purchasers of compatible iO6 devices have used the Flyover feature of the iO6 Apple Maps application to zoom, pan, tilt and rotate around cities and their landmarks.

26. Apple has provided photo-realistic, 3D views of cities to users of the iO6 Apple Maps application on compatible devices.

27. Apple operates one or more servers that provide information representing features of 3D surfaces to iO6 products running the iO6 Apple Maps application.

28. Apple has infringed at least claims 29, 31, 32, 34, 35, 38-41 and 63-65 of

the '172 patent under 35 U.S.C. § 271(a) by making, using, offering for sale, selling and importing products that run the iO6 Apple Maps application. Apple iO6 devices running the iO6 Apple Maps application are the claimed "apparatus for providing information representing physical features of a portion of a three dimensional surface, the information having a hierarchical structure which includes sets of information at a plurality of different resolution levels."

29. Apple has actively induced infringement of at least claims 2, 4, 5, 6, 9, 16, 17, 19, 29, 31, 32, 34, 38-41, 49-52, 57-59, 63-65 and 69-71 of the '172 patent under 35 U.S.C. § 271(b) by providing, and encouraging and aiding others to use, products that run the iO6 Apple Maps application. Such direct infringers include purchasers of Apple iO6 devices that run the iO6 Apple Maps application. Apple had actual notice of its infringement of the '172 patent before this suit was filed, and has acted with the specific intent to induce infringement.

30. Apple has infringed at least claims 15-19 of the '713 patent under 35 U.S.C. § 271(a) by making, using, offering for sale, selling and importing products that run the iO6 Apple Maps application. Apple iO6 devices running the iO6 Apple Maps application are the claimed "apparatus for providing information representing physical features of a portion of a three dimensional surface."

31. Apple has actively induced infringement of claims 1-7 and 9-20 of the '713 patent by providing, and encouraging and aiding others to use, products that run the iO6 Apple Maps application. Such direct infringers include purchasers of Apple iO6 devices that run the iO6 Apple Maps application. Apple had actual notice of its infringement of the '713 patent before this suit was filed, and has acted with the specific intent to induce

infringement.

32. Skyline has complied with the marking and notice requirements of 35 U.S.C. § 287; indeed, Skyline has discussed the issues of patent infringement with Apple well before this lawsuit was initiated.

33. Apple's infringement has injured, and continues to injure, Skyline.

34. Skyline is entitled to recover damages adequate to compensate it for such infringement in an amount no less than a reasonable royalty, under 35 U.S.C. § 284.

35. Further, Skyline will continue to be injured unless and until this Court enters an injunction prohibiting further infringement and inducement of infringement.

#### **PRAYER FOR RELIEF**

WHEREFORE, Skyline, asks this Court to enter judgment against Apple and its subsidiaries, affiliates, agents, servants, employees and all persons in active concert or participation with them, granting the following relief:

A. An award of damages adequate to compensate Skyline for the infringement that has occurred, together with prejudgment interest from the date infringement of the '172 patent began;

B. An award of damages adequate to compensate Skyline for the infringement that has occurred, together with prejudgment interest from the date infringement of the '713 patent began;

C. An award to Skyline of all remedies available under 35 U.S.C. § 284;

D. An award to Skyline of all remedies available under 35 U.S.C. § 285;

E. A permanent injunction prohibiting further infringement and inducement of infringement of the '172 patent;

F. A permanent injunction prohibiting further infringement and inducement of infringement of the '713 patent; and,

G. Such other and further relief as this Court or a jury may deem proper and just.

**JURY DEMAND**

Skyline demands a trial by jury on all issues so triable.

Respectfully submitted:

Date: January 28, 2013



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