

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

SCOTT C. HARRIS and MEMORY)	
CONTROL ENTERPRISE, LLC,)	
)	
Plaintiffs,)	Civil Action No.
)	
v.)	
)	JURY TRIAL DEMANDED
)	FILED: SEPTEMBER 4 , 2008
DASH NAVIGATION, INC., GARMIN)	08CV5061
INTERNATIONAL, INC., LOWRANCE)	JUDGE MORAN
ELECTRONICS, INC., MAGELLAN)	MAGISTRATE JUDGE COX
NAVIGATION, INC., MIO)	NF
TECHNOLOGY USA, NAVIGON INC.,)	
NETROPA CORPORATION, and SONY)	
ELECTRONICS, INC.)	
)	
Defendants.)	

COMPLAINT

Plaintiffs Scott C. Harris and Memory Control Enterprise, LLC complain of defendants Dash Navigation, Inc., Garmin International, Inc., Lowrance Electronics, Inc., Magellan Navigation, Inc., Mio Technology USA, Navigon Inc., Netropa Corporation and Sony Electronics, Inc. as follows:

PARTIES, JURISDICTION AND VENUE

1. This is a claim for patent infringement arising under the patent laws of the United States, including 35 U.S.C. § 271. This Court has exclusive jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331, 1332 and 1338(a). Venue is proper pursuant to 28 U.S.C. §§ 1391(c) and 1400 (b).

2. Plaintiff Memory Control Enterprise, LLC (“MCE”) is an Illinois corporation located at 950 North Michigan, #2406, Chicago, Illinois 60611.

3. Plaintiff Scott C. Harris is an individual residing in Rancho Santa Fe, California. He is the sole inventor of United States Patent No. 6,604,047, entitled “Non Real Time Traffic System For A Navigator” (the “047 Patent”), and United States Patent No. 6,892,136, entitled “Non Real Time Traffic System For A Navigator” (the “136 Patent”).

4. Mr. Harris is a prolific inventor; he made his first invention at the age of 12, and has spent his lifetime in the pursuit of technology innovations. He first attended Duke University and then George Washington University, where he received a degree in electrical engineering. Mr. Harris later worked as an electrical engineer in the communications and software fields and thereafter attended George Washington University Law School to pursue his interest in the patent law where he graduated and became a patent attorney. Mr. Harris has invented many new technologies, and has been awarded 33 issued United States Patents and has pending approximately 80 patent applications in diverse fields of technology.

5. Mr. Harris, at the invitation of respected professionals in the field of intellectual property, has taught various topics in patent law and practice to attorneys and technologists. He has taught basic patent law and has presented a primer class on software patenting to more than 30 companies. He has been invited to present a class on patent cost reduction via outsourcing, and has taught “Patents for Kids,” a program designed to teach young people about intellectual property. Mr. Harris’ patent lectures have taken place throughout the country. Mr. Harris has also been extensively quoted in national and local publications concerning issues involved with patent law. Mr. Harris

was named the top patent prosecuting attorney in the *IP Law & Business* “Patent Hall of Fame” in 2003.

6. Mr. Harris has owned the ‘047 and ‘136 patents throughout the period of the defendants’ infringing acts and still owns the patents.

7. Mr. Harris is an owner of MCE, and MCE is the exclusive licensee of the ‘047 and the ‘136 patents.

8. Plaintiffs have standing to sue for infringement of the ‘047 and ‘136 Patents.

9. Plaintiffs have fully complied with the marking requirements of 35 U.S.C. § 287.

10. The ‘047 Patent relates to Global Positioning Systems (“GPS”), and more specifically to calculating a route on a map by using statistical information about routes.

11. The ‘136 Patent also relates to GPS, and specifically to updating routes based upon actual roadway conditions, allowing the selection of commonly requested destinations, providing an indication when the driver’s speed exceeds the speed limit of the route, and providing an indication of the likelihood that the GPS is correct.

12. Defendant Dash Navigation, Inc. (“Dash”) is located at 888 Ross Drive, Sunnyvale, California 94089. Dash has advertised, sold and offered to sell GPS products throughout the United States, including within this judicial district, that are covered by the claims of the ‘047 and ‘136 Patents.

13. Defendant Garmin International, Inc. (“Garmin”) is located at 1200 E. 151st Street Olathe, Kansas 66062-3426. Garmin is a wholly owned subsidiary of Garmin Ltd., located in the Cayman Islands. Garmin has advertised, sold and offered to

sell GPS products throughout the United States, including within this judicial district, that are covered by the claims of the '136 Patent.

14. Defendant Lowrance Electronics, Inc. ("Lowrance") is located at 12000 East Skelly Drive, Tulsa, Oklahoma 74128. Lowrance is a wholly owned subsidiary of Navico, Inc., located in Oslo, Norway. Lowrance has advertised, sold and offered to sell GPS products throughout the United States, including within this judicial district, that are covered by the claims of the '136 Patent.

15. Defendant Magellan Navigation, Inc. ("Magellan") is located at 471 El Camino Road, Santa Clara, California 95050. Magellan has advertised, sold and offered to sell GPS products throughout the United States, including within this judicial district, that are covered by the claims of the '136 Patent.

16. Defendant Mio Technology USA ("Mio") is located at 47988 Fremont Boulevard, Fremont, California 94538. Mio is a wholly owned subsidiary of Mio Technology Corporation located at 6F, No. 187, Tiding Blvd., Sec. 2, Neihu, Taipei, Taiwan. Mio has advertised, sold and offered to sell GPS products throughout the United States, including within this judicial district, that are covered by the claims of the '136 Patent.

17. Defendant Navigon Inc. ("Navigon") is located at 200 W. Madison Street, Suite 650, Chicago, Illinois 60606. Navigon has advertised, sold and offered to sell GPS products throughout the United States, including within this judicial district, that are covered by the claims of the '136 Patent.

18. Defendant Netropa Corporation ("Netropa") is located at 1499 Huntington Drive, Suite 508, South Pasadena, California 91030. Netropa has advertised, sold and

offered to sell GPS products throughout the United States, including within this judicial district, that are covered by the claims of the '047 and '136 Patents.

19. Defendant Sony Electronics, Inc. ("Sony") is located at 16530 Via Esprillo San Diego, CA 92127. Sony has advertised, sold and offered to sell GPS products throughout the United States, including within this judicial district, that are covered by the claim of the '136 patent.

DEFENDANTS' ACTS OF INFRINGEMENT

20. Dash has advertised, sold and offered to sell its Dash Express GPS product that infringes at least claim 1 of the '047 Patent and at least claim 34 of the '136 Patent.

21. Garmin has advertised, sold and offered to sell its Nuvi 800 Series GPS products (and others) that infringe at least claim 34 of the '136 Patent.

22. Lowrance has advertised, sold and offered to sell its iWay 600C GPS product (and others) that infringes at claim 34 of the '136 Patent.

23. Magellan has advertised, sold and offered to sell its Maestro 5310 GPS product (and others) that infringes at least claim 34 of the '136 Patent.

24. Mio has advertised, sold and offered to sell its Moov 200-Series and Moov 300-Series GPS products (and others) that infringe at least claim 34 of the '136 Patent.

25. Navigon has advertised, sold and offered to sell its 7100 GPS product (and others) that infringes at least claim 34 of the '136 Patent.

26. Netropa has advertised, sold and offered to sell its Intellinav3 GPS product (and others) that infringes at least claim 1 of the '047 Patent and at least claim 34 of the '136 Patent.

27. Sony has advertised, sold and offered to sell its Sony nav-u products that infringe at least claim 34 of the '136 Patent.

WHEREFORE, Plaintiffs MCE and Scott Harris respectfully request judgment against Dash Navigation, Inc., Garmin International, Inc., Lowrance Electronics, Inc., Magellan Navigation, Inc., Mio Technology USA, Navigon Inc., Netropa Corporation and Sony Electronics, Inc., and their parent corporations, subsidiaries and affiliates as follows:

A. A judgment that: (1) Dash infringes the '047 and '136 Patents, (2) Garmin infringes the '136 Patent, (3) Lowrance infringes the '136 Patent, (4) Magellan infringes the '136 Patent, (5) Mio infringes the '136 Patent; (6) Navigon infringes the '136 Patent, (7) Netropa infringes the '047 and the '136 Patents; (8) Sony infringes the '136 Patent;

B. An award of damages adequate to compensate Plaintiff for the infringement, together with prejudgment interest;

C. Any other damages permitted under 35 U.S.C. §§ 284 and 285;

D. An injunction permanently prohibiting: (1) Dash and all persons in active concert or participation with it, from further acts of infringement of the '047 and '136 Patents, (2) Garmin and all persons in active concert or participation with it, from further acts of infringement of the '136 Patent; (3) Lowrance and all persons in active concert or participation with it, from further acts of infringement of the '136 Patent; (4) Magellan and all persons in active concert or participation with it, from further acts of infringement of the '136 Patent; (5) Mio and all persons in active concert or participation with it, from further acts of infringement of the '136 Patent; (6) Navigon and all persons in active concert or participation with it, from further acts of infringement of the '136 Patent; (7)

Netropa and all persons in active concert or participation with it, from further acts of infringement of the '047 and '136 Patents, and (8) Sony and all persons in active concert or participation with it, from further acts of infringement of the '136 Patent; and

E. Such other further relief as this Court or a jury may deem proper.

JURY DEMAND

Plaintiffs demand a trial by jury.

Respectfully submitted,

/s/ Paul K. Vickrey

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