

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

EARTHCOMBER LLC

Plaintiff,

vs.

MITAC DIGITAL CORPORATION

Defendant.

Case No.: 10-cv-7217

DEMAND FOR JURY TRIAL

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Earthcomber LLC (“Earthcomber” or “Plaintiff”), by and through their undersigned attorneys, for their complaint against defendant MiTAC Digital Corporation (“MiTAC” or “Defendant”) hereby allege as follows:

NATURE OF LAWSUIT

1. This action involves claims for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code. This Court has exclusive jurisdiction over the subject matter of the Complaint under 28 U.S.C. § 1338(a).

THE PARTIES

2. Plaintiff Earthcomber, LLC (“Earthcomber”) is an Illinois limited liability company with its principal place of business at 7777 Lake Street, River Forest, IL 60305.

3. Earthcomber owns all right, title and interest in, and has standing to sue for infringement of United States Patent No. 7,071,842 (“the ‘842 patent”), entitled “System and method for locating and notifying a user of a person, place or thing having attributes matching the user's stated preferences” issued July 4, 2006. A copy of the ‘842 patent is annexed hereto as Exhibit A.

4. Earthcomber owns all right, title and interest in, and has standing to sue for infringement of United States Patent No. 7,589,628 (“the ‘628 patent”), entitled “System and method for providing location-based information to mobile customers” issued September 15, 2009. A copy of the ‘628 patent is annexed hereto as Exhibit B.

5. Defendant MiTAC is a California Corporation with a place of business at 471 El Camino Real, Santa Clara, California 95050. MiTAC transacts business and has, at a minimum, offered to provide and/or provided in this judicial district and throughout the State of Illinois services that infringe claims of the ‘842 and ‘628 patents.

6. Venue is proper in this District under 28 U.S.C. §§ 1391 and 1400(b).

DEFENDANT MITAC’S ACTS OF PATENT INFRINGEMENT

7. Defendant MiTAC has infringed claims of the ‘842 and ‘628 patents through, among other activities, the use of MiTAC’s Magellan navigation systems that include the Magellan Maestro and Magellan RoadMate systems.

8. Defendant MiTAC’s infringement has injured and will continue to injure Earthcomber unless and until this Court enters an injunction prohibiting further infringement and, specifically, enjoining further use of methods and systems that come within the scope of the ‘842 and ‘628 patents.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs ask this Court to enter judgment against the Defendant, and against their 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 Earthcomber for the infringement that has occurred, together with prejudgment interest from the date that Defendant's infringement of the Earthcomber patents began;
- B. Increased damages as permitted under 35 U.S.C. § 284;
- C. A finding that this case is exceptional and an award to Earthcomber of its attorneys' fees and costs as provided by 35 U.S.C. § 285;
- D. A permanent injunction prohibiting further infringement, inducement and contributory infringement of the Earthcomber patents; and
- E. Such other and further relief as this Court or a jury may deem proper and just.

JURY DEMAND

Earthcomber demands a trial by jury on all issues presented in this Complaint.

Dated: November 9, 2010

Respectfully submitted,

/s/ Anthony E. Dowell
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