

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

2010 DEC 28 P 1:26

CLEARING HOUSE
ALEXANDRIA, VIRGINIA

TRIANGLE SOFTWARE, LLC,

Plaintiff,

v.

GARMIN INTERNATIONAL, INC.,

TOMTOM, INC.,

VOLKSWAGEN GROUP OF
AMERICA, INC.

and

WESTWOOD ONE, INC.,

Defendants.

Civil Action No. 1:10CV1457

CMH/TCB

JURY TRIAL DEMANDED

TRIANGLE SOFTWARE, LLC'S COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, Triangle Software, LLC ("Triangle"), by counsel, for its Complaint against Defendants Garmin International, Inc.; TomTom, Inc.; Volkswagen Group of America, Inc. and Westwood One, Inc. (the "Defendants") states:

JURISDICTION & VENUE

1. This is an action for patent infringement arising under the patent laws of the United States, including 35 U.S.C. §§ 271, 281, 283, 284 and 285.
2. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1338(a).
3. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b) and 1400(b).

4. This Court has personal jurisdiction over each Defendant under Va. Code Ann. § 8.01-328.1(A)(3) because each Defendant has transacted business in this judicial district and this action arises out of infringing acts committed by each Defendant in this judicial district and elsewhere.

THE PARTIES

5. Triangle is a California limited liability company with its principal place of business located at 2855 Kifer Road, Suite 101, Santa Clara, California, 95051. Triangle is in the business of selling software and services that provide visual geographic information about current traffic conditions and travel routes to selected destinations.

6. Garmin International, Inc. (“Garmin”) is a corporation with its principal place of business at 1200 East 151st Street, Olathe, Kansas, 66062. Upon information and belief, Garmin is in the business of selling, in all fifty states including this district, GPS navigation devices that provide visual geographic information about current traffic conditions and travel routes to selected destinations.

7. Garmin is a subsidiary of Garmin Ltd., which is based in Schaffhausen, Switzerland.

8. TomTom, Inc. (“TomTom”) is a corporation with its principal place of business located at 150 Baker Avenue EXT, Concord, Massachusetts, 01724. Upon information and belief, TomTom is in the business of selling, in all fifty states including this district, GPS navigation devices that provide visual geographic information about current traffic conditions and travel routes to selected destinations.

9. TomTom is a subsidiary of TomTom, NV based in Amsterdam, Netherlands.

10. Volkswagen Group of America, Inc. (“Volkswagen”) is a corporation with its principal place of business located at 2200 Ferdinand Porsche Drive, Herndon, Virginia, 20171. Upon

information and belief, Volkswagen is in the business of selling, in all fifty states including this district, automobiles that include navigation systems that provide visual geographic information about current traffic conditions and travel routes to selected destinations.

11. Volkswagen is a subsidiary of Volkswagen AG, which is based in Wolfsburg, Germany.

12. Westwood One, Inc. (“Westwood One”) is a corporation with its principal place of business at 1166 Avenue of the Americas, Tenth Floor, New York, New York, 10036. Westwood One is in the business of generating traffic reports that include visual geographic information about current traffic conditions, as well as other news reports and programming content, and providing those reports for wider distribution to television and radio stations.

TRIANGLE’S PATENTS

13. On July 7, 2009, the U.S. Patent and Trademark Office duly and legally issued U.S. Patent No. 7,557,730 (the “’730 Patent”), entitled “GPS-Generated Traffic Information,” in the name of Andre Gueziec. A true and correct copy of the ’730 Patent is attached to this Complaint as Exhibit A.

14. On May 22, 2007, the U.S. Patent and Trademark Office duly and legally issued U.S. Patent No. 7,221,287 (the “’287 Patent”), entitled “Three-Dimensional Traffic Report,” in the name of Andre Gueziec, Paul Levy and Glenn Waldron. A true and correct copy of the ’287 Patent is attached to this Complaint as Exhibit B.

15. On May 20, 2008, the U.S. Patent and Trademark Office duly and legally issued U.S. Patent No. 7,375,649 (the “’649 Patent”), entitled “Traffic Routing Based on Segment Travel Time,” in the name of Andre Gueziec. A true and correct copy of the ’649 Patent is attached to this Complaint as Exhibit C.

16. On March 24, 2009, the U.S. Patent and Trademark Office duly and legally issued U.S. Patent 7,508,321 (the "'321 Patent"), entitled "System and Method for Predicting Travel Time for a Travel Route," in the name of Andre Gueziec and Edgar Rojas. A true and correct copy of the '321 Patent is attached to this Complaint as Exhibit D.

17. On April 20, 2010, the U.S. Patent and Trademark Office duly and legally issued U.S. Patent 7,702,452 (the "'452 Patent"), entitled "System and Method for Determining a Prediction of Average Speed for a Segment of Roadway," in the name of Christopher Kantarjiev, Jonathan Hubbard and Jonathan Tash. A true and correct copy of the '452 Patent is attached to this Complaint as Exhibit E.

18. Triangle owns all right, title and interest in and to the '730 Patent, the '287 Patent, the '649 Patent, the '321 Patent and the '452 Patent.

19. At all relevant times, Triangle has provided notice of the '730, '287, '649, '321 and '452 Patents by marking the numbers of those patents on sites that Triangle operates, www.beatthetraffic.com and www.trianglesoftware.com. These sites allow users to purchase Triangle's software and services via download, subscription, or both.

COUNT I – GARMIN'S INFRINGEMENT OF THE '730 PATENT

20. Triangle repeats the allegations in paragraphs 1-19 of this Complaint as if fully set forth herein.

21. Garmin has sold and offered to sell, and continues to sell and offer to sell, within the United States, and has imported and imports into the United States, GPS navigation devices that provide visual geographic information about current traffic conditions and travel routes to selected destinations. Garmin induces end users to use these devices to display such visual

geographic traffic information and induces auto manufacturers to include the devices in automobiles offered and sold in the U.S.

22. Garmin has directly infringed and is directly infringing the '730 Patent under 35 U.S.C. § 271(a) by, *inter alia*, using, selling, and offering for sale and by importing GPS devices, including without limitation, the Garmin Nuvi 205, 205w, 255, 255w, 265T, 265WT, 275T, 285WT, 465T, 500, 550, 755T, 760, 765T, 775T, 780, 785T, 850, 855, 885T, 1200, 1250, 1260T, 1300, 1300LM, 1350, 1350LMT, 1350T, 1370T, 1390LMT, 1390T, 1450, 1450T, 1450LMT, 1490T, 1490LMT, 1690, 2200, 2250, 2250LT, 2300, 2300LM, 2350, 3750, 3760T, 3760LMT, 3790T and 3790LMT, and Garmin Zumo 220, 550, 660 and 665, each of which is encompassed by one or more claims of the '730 Patent.

23. Garmin has indirectly infringed and is indirectly infringing the '730 Patent under 35 U.S.C. § 271(b) by, *inter alia*, inducing its customers within the United States to use its GPS devices, including without limitation the Garmin Nuvi 205, 205w, 255, 255w, 265T, 265WT, 275T, 285WT, 465T, 500, 550, 755T, 760, 765T, 775T, 780, 785T, 850, 855, 885T, 1200, 1250, 1260T, 1300, 1300LM, 1350, 1350LMT, 1350T, 1370T, 1390LMT, 1390T, 1450, 1450T, 1450LMT, 1490T, 1490LMT, 1690, 2200, 2250, 2250LT, 2300, 2300LM, 2350, 3750, 3760T, 3760LMT, 3790T and 3790LMT, and Garmin Zumo 220, 550, 660 and 665, each of which is encompassed by one or more claims of the '730 Patent.

24. Garmin has indirectly infringed and is indirectly infringing the '730 Patent under 35 U.S.C. § 271(b) and 35 U.S.C. § 271(c) by, *inter alia*, inducing automobile manufacturers to sell automobiles within the United States that include GPS devices that Garmin supplies to the manufacturers and that are encompassed by one or more claims of the '730 Patent. The devices

are specially adapted to be used as all or part of the components of the inventions patented in the '730 Patent, and there is no substantial non-infringing use for those devices.

25. Garmin communicated with Triangle concerning a potential purchase of Triangle's patents, including the '730 Patent as well as other Triangle assets, and Garmin is aware of Triangle's '730 Patent. Garmin has reviewed a memorandum that Triangle prepared, which describes the '730 Patent, as well as other Triangle patents.

26. On information and belief, Garmin has been and is intentionally and willfully infringing the '730 patent, and this case is exceptional under 35 U.S.C. § 285.

27. The infringing acts of Garmin have been the actual and proximate cause of damage to Triangle. Triangle has sustained substantial damages and will continue to sustain damages as a result of Garmin's infringement of the '730 patent.

28. Triangle has no adequate remedy at law.

29. Garmin has caused Triangle irreparable harm. Unless enjoined, Garmin's acts will continue to cause Triangle irreparable harm, loss, and injury.

COUNT II – TOMTOM'S INFRINGEMENT OF THE '730 PATENT

30. Triangle repeats the allegations in paragraphs 1-29 of this Complaint as if fully set forth herein.

31. TomTom has sold and offered to sell, and continues to sell and offer to sell, within the United States, and has imported and imports into the United States, GPS navigation devices that provide visual geographic information about current traffic conditions and travel routes to selected destinations. TomTom induces end users to use these devices to display such visual geographic traffic information and induces auto manufacturers to include the devices in automobiles offered and sold in the United States.

32. TomTom has directly infringed and is directly infringing the '730 Patent under 35 U.S.C. § 271(a) by, *inter alia*, using, selling, and offering for sale within the United States and by importing into the United States GPS devices, including without limitation, the TomTom ONE, ONE XL, ONE XLS, GO 720, GO 920, and GO 920T, each of which is encompassed by one or more claims of the '730 Patent.

33. TomTom has indirectly infringed and is indirectly infringing the '730 Patent under 35 U.S.C. § 271(b) by, *inter alia*, inducing its customers within the United States to use its GPS devices, including without limitation, the TomTom ONE, ONE XL, ONE XLS, GO 720, GO 920, and GO 920T, each of which is encompassed by one or more claims of the '730 Patent.

34. TomTom has indirectly infringed and is indirectly infringing the '730 Patent under 35 U.S.C. § 271(b) and 35 U.S.C. § 271(c) by, *inter alia*, inducing automobile manufacturers to sell automobiles within the United States that include its GPS devices that TomTom supplies to the automobile manufacturers and that are encompassed by one or more claims of the '730 Patent. The devices are especially adapted to be used as all or part of the components of the inventions patented in the '730 Patent, and there is no substantial non-infringing use for those devices.

35. TomTom communicated with Triangle concerning a potential purchase of Triangle's patents, including the '730 Patent as well as other Triangle assets, and TomTom is aware of Triangle's '730 Patent. TomTom has reviewed a memorandum that Triangle prepared that describes the '730 Patent, as well as other Triangle patents.

36. On information and belief, TomTom has been and is intentionally and willfully infringing the '730 patent, and this case is exceptional under 35 U.S.C. § 285.

37. The infringing acts of TomTom have been the actual and proximate cause of damage to Triangle. Triangle has sustained substantial damages and will continue to sustain damages as a result of TomTom's infringement of the '730 patent.

38. Triangle has no adequate remedy at law.

39. TomTom has caused Triangle irreparable harm. Unless enjoined, TomTom's acts will continue to cause Triangle irreparable harm, loss, and injury.

COUNT III – VOLKSWAGEN'S INFRINGEMENT OF THE '730 PATENT

40. Triangle repeats the allegations in paragraphs 1-39 of this Complaint as if fully set forth herein.

41. Volkswagen has sold and offered to sell, and continues to sell and offer to sell, within the United States, and has imported and imports into the United States, automobiles that include navigation systems that provide visual geographic information about current traffic conditions and travel routes to selected destinations.

42. Volkswagen has directly infringed and is directly infringing the '730 Patent under 35 U.S.C. § 271(a) by, *inter alia*, making, using, offering and selling within the United States and by importing into the United States automobiles and Sport Utility Vehicles, including without limitation, the Volkswagen Routan, GTI, CC, Eos, Golf, Jetta, Passat and Tiguan, that include GPS devices, including the RNS 310, RNS 510 and RNS 810 navigation systems, each of which is encompassed by one or more claims of the '730 Patent.

43. The infringing acts of Volkswagen have been the actual and proximate cause of damage to Triangle. Triangle has sustained substantial damages and will continue to sustain damages as a result of Volkswagen's infringement of the '730 patent.

COUNT IV – WESTWOOD ONE’S INFRINGEMENT OF THE ’730 PATENT

44. Triangle repeats the allegations in paragraphs 1-43 of this Complaint as if fully set forth herein.
45. Westwood One makes, uses and operates the “Sigalert” mapping system within the United States to generate traffic reports that include visual geographic information about current traffic conditions and to distribute the reports as programming content to television stations within the United States.
46. Westwood One has directly infringed and is directly infringing the ’730 Patent under 35 U.S.C. § 271(a) by, *inter alia*, making and using within the United States the “Sigalert” mapping system to generate visual geographic traffic reports for distribution to television stations within the United States and indirectly infringed under 35 U.S.C. § 271(b) and (c) by, *inter alia*, inducing and/or contributing to direct infringement of such a system by users.
47. Westwood One communicated with Triangle concerning a potential purchase of Triangle’s patents, including the ’730 Patent as well as other Triangle assets, and Westwood One is aware of Triangle’s ’730 Patent. Westwood One has reviewed a memorandum that Triangle prepared that describes the ’730 Patent, as well as other Triangle patents.
48. On information and belief, Westwood One has been and is intentionally and willfully infringing the ’730 patent, and this case is exceptional under 35 U.S.C. § 285.
49. The infringing acts of Westwood One have been the actual and proximate cause of damage to Triangle. Triangle has sustained substantial damages and will continue to sustain damages as a result of Westwood One’s infringement of the ’730 patent.
50. Triangle has no adequate remedy at law.

51. Westwood One has caused Triangle irreparable harm. Unless enjoined, Westwood One's acts will continue to cause Triangle irreparable harm, loss, and injury.

COUNT V – GARMIN'S INFRINGEMENT OF THE '287 PATENT

52. Triangle repeats the allegations in paragraphs 1-51 of this Complaint as if fully set forth herein.

53. Garmin has sold and offered to sell, and continues to sell and offer to sell, within the United States, and has imported and imports into the United States, GPS navigation devices that provide visual geographic information about current traffic conditions and travel routes to selected destinations. Garmin induces end users to use these devices to display such visual geographic traffic information and induces auto manufacturers to include the devices in automobiles offered and sold in the United States.

54. Garmin has directly infringed and is directly infringing the '287 Patent under 35 U.S.C. § 271(a) by, *inter alia*, using, selling, and offering for sale and by importing GPS devices, including without limitation, the Garmin Nuvi 205, 205w, 255, 255w, 265T, 265WT, 275T, 285WT, 465T, 500, 550, 755T, 760, 765T, 775T, 780, 785T, 850, 855, 885T, 1200, 1250, 1260T, 1300, 1300LM, 1350, 1350LMT, 1350T, 1370T, 1390LMT, 1390T, 1450, 1450T, 1450LMT, 1490T, 1490LMT, 1690, 2200, 2250, 2250LT, 2300, 2300LM, 2350, 3750, 3760T, 3760LMT, 3790T and 3790LMT, and Garmin Zumo 220, 550, 660 and 665, each of which is encompassed by one or more claims of the '287 Patent.

55. Garmin has indirectly infringed and is indirectly infringing the '287 Patent under 35 U.S.C. § 271(b) by, *inter alia*, inducing its customers within the United States to use its GPS devices including without limitation, the Garmin Nuvi 205, 205w, 255, 255w, 265T, 265WT, 275T, 285WT, 465T, 500, 550, 755T, 760, 765T, 775T, 780, 785T, 850, 855, 885T, 1200, 1250,

1260T, 1300, 1300LM, 1350, 1350LMT, 1350T, 1370T, 1390LMT, 1390T, 1450, 1450T, 1450LMT, 1490T, 1490LMT, 1690, 2200, 2250, 2250LT, 2300, 2300LM, 2350, 3750, 3760T, 3760LMT, 3790T and 3790LMT, and Garmin Zumo 220, 550, 660 and 665, each of which is encompassed by one or more claims of the '287 Patent.

56. Garmin has indirectly infringed and is indirectly infringing the '287 Patent under 35 U.S.C. § 271(b) and 35 U.S.C. § 271(c) by, *inter alia*, inducing automobile manufacturers to sell automobiles within the United States that include GPS devices that Garmin supplies to the manufacturers and that are encompassed by one or more claims of the '287 Patent. The devices are especially adapted to be used as all or part of the components of the inventions patented in the '287 Patent, and there is no substantial non-infringing use for those devices.

57. Garmin communicated with Triangle concerning a potential purchase of Triangle's patents, including the '287 Patent as well as other Triangle assets, and Garmin is aware of Triangle's '287 Patent. Garmin has reviewed a memorandum that Triangle prepared that describes the '287 Patent, as well as other Triangle patents.

58. On information and belief, Garmin has been and is intentionally and willfully infringing the '287 patent, and this case is exceptional under 35 U.S.C. § 285.

59. The infringing acts of Garmin have been the actual and proximate cause of damage to Triangle. Triangle has sustained substantial damages and will continue to sustain damages as a result of Garmin's infringement of the '287 patent.

60. Triangle has no adequate remedy at law.

61. Garmin has caused Triangle irreparable harm. Unless enjoined, Garmin's acts will continue to cause Triangle irreparable harm, loss, and injury.

COUNT VI – TOMTOM’S INFRINGEMENT OF THE ’287 PATENT

62. Triangle repeats the allegations in paragraphs 1-61 of this Complaint as if fully set forth herein.

63. TomTom has sold and offered to sell, and continues to sell and offer to sell, within the United States, and has imported and imports into the United States, GPS navigation devices that provide visual geographic information about current traffic conditions and travel routes to selected destinations. TomTom induces end users to use these devices to display such visual geographic traffic information and induces auto manufacturers to include the devices in automobiles offered and sold in the United States.

64. TomTom has directly infringed and is directly infringing the ’287 Patent under 35 U.S.C. § 271(a) by, *inter alia*, using, selling, and offering for sale within the United States and by importing into the United States GPS devices, including without limitation, the TomTom ONE, ONE XL, ONE XLS, GO 720, GO 920, and GO 920T, each of which is encompassed by one or more claims of the ’287 Patent.

65. TomTom has indirectly infringed and is indirectly infringing the ’287 Patent under 35 U.S.C. § 271(b) by, *inter alia*, inducing its customers within the United States to use its GPS devices, including without limitation, the TomTom ONE, ONE XL, ONE XLS, GO 720, GO 920, and GO 920T, each of which is encompassed by one or more claims of the ’287 Patent.

66. TomTom has indirectly infringed and is indirectly infringing the ’287 Patent under 35 U.S.C. § 271(b) and 35 U.S.C. § 271(c) by, *inter alia*, inducing automobile manufacturers to sell automobiles within the United States that include its GPS devices that TomTom supplies to the automobile manufacturers and that are encompassed by one or more claims of the ’287 Patent.

The devices are especially adapted to be used as all or part of the components of the inventions patented in the '287 Patent, and there is no substantial non-infringing use for those devices.

67. TomTom communicated with Triangle concerning a potential purchase of Triangle's patents, including the '287 Patent, as well as other Triangle assets, and TomTom is aware of Triangle's '287 Patent. TomTom has reviewed a memorandum that Triangle prepared that describes the '287 Patent, as well as other Triangle patents.

68. On information and belief, TomTom has been and is intentionally and willfully infringing the '287 patent, and this case is exceptional under 35 U.S.C. § 285.

69. The infringing acts of TomTom have been the actual and proximate cause of damage to Triangle. Triangle has sustained substantial damages and will continue to sustain damages as a result of TomTom's infringement of the '287 patent.

70. Triangle has no adequate remedy at law.

71. TomTom has caused Triangle irreparable harm. Unless enjoined, TomTom's acts will continue to cause Triangle irreparable harm, loss, and injury.

COUNT VII – VOLKSWAGEN'S INFRINGEMENT OF THE '287 PATENT

72. Triangle repeats the allegations in paragraphs 1-71 of this Complaint as if fully set forth herein.

73. Volkswagen has sold and offered to sell, and continues to sell and offer to sell, within the United States, and has imported and imports into the United States, automobiles that include navigation systems that provide visual geographic information about current traffic conditions and travel routes to selected destinations.

74. Volkswagen has directly infringed and is directly infringing the '287 Patent under 35 U.S.C. § 271(a) by, *inter alia*, making, using, offering and selling within the United States and

by importing into the United States automobiles and Sport Utility Vehicles, including without limitation, the Volkswagen Routan, GTI, CC, Eos, Golf, Jetta, Passat and Tiguan, that include GPS devices, including the RNS 310, RNS 510 and RNS 810 navigation systems, each of which is encompassed by one or more claims of the '287 Patent.

75. The infringing acts of Volkswagen have been the actual and proximate cause of damage to Triangle. Triangle has sustained substantial damages and will continue to sustain damages as a result of Volkswagen's infringement of the '287 patent.

COUNT VIII – WESTWOOD ONE'S INFRINGEMENT OF THE '287 PATENT

76. Triangle repeats the allegations in paragraphs 1-75 of this Complaint as if fully set forth herein.

77. Westwood One makes, uses and operates the "Sigalert" mapping system within the United States to generate traffic reports that include visual geographic information about current traffic conditions and to distribute the reports as programming content to television stations within the United States.

78. Westwood One has directly infringed and is directly infringing the '287 Patent under 35 U.S.C. § 271(a) by, *inter alia*, making and using within the United States the "Sigalert" mapping system to generate visual geographic traffic reports for distribution to television stations within the United States and indirectly infringed under 35 U.S.C. § 271(b) and (c) by, *inter alia*, inducing and/or contributing to direct infringement of such a system by users.

79. Westwood One communicated with Triangle concerning a potential purchase of Triangle's patents, including the '287 Patent, as well as other Triangle assets, and Westwood One is aware of Triangle's '287 Patent. Westwood One has reviewed a memorandum that Triangle prepared that describes the '287 Patent as well as other Triangle patents.

80. On information and belief, Westwood One has been and is intentionally and willfully infringing the '287 patent, and this case is exceptional under 35 U.S.C. § 285.

81. The infringing acts of Westwood One have been the actual and proximate cause of damage to Triangle. Triangle has sustained substantial damages and will continue to sustain damages as a result of Westwood One's infringement of the '287 patent.

82. Triangle has no adequate remedy at law.

83. Westwood One has caused Triangle irreparable harm. Unless enjoined, Westwood One's acts will continue to cause Triangle irreparable harm, loss, and injury.

COUNT IX – GARMIN'S INFRINGEMENT OF THE '649 PATENT

84. Triangle repeats the allegations in paragraphs 1-83 of this Complaint as if fully set forth herein.

85. Garmin has sold and offered to sell, and continues to sell and offer to sell, within the United States, and has imported and imports into the United States, GPS navigation devices that provide visual geographic information about current traffic conditions and travel routes to selected destinations. Garmin induces end users to use these devices to display such visual geographic traffic information and induces auto manufacturers to include the devices in automobiles offered and sold in the U.S.

86. Garmin has directly infringed and is directly infringing the '649 Patent under 35 U.S.C. § 271(a) by, *inter alia*, using, selling, and offering for sale and by importing GPS devices, including without limitation, the Garmin Nuvi 205, 205w, 255, 255w, 265T, 265WT, 275T, 285WT, 465T, 500, 550, 755T, 760, 765T, 775T, 780, 785T, 850, 855, 885T, 1200, 1250, 1260T, 1300, 1300LM, 1350, 1350LMT, 1350T, 1370T, 1390LMT, 1390T, 1450, 1450T, 1450LMT, 1490T, 1490LMT, 1690, 2200, 2250, 2250LT, 2300, 2300LM, 2350, 3750, 3760T,

3760LMT, 3790T and 3790LMT, and Garmin Zumo 220, 550, 660 and 665, each of which is encompassed by one or more claims of the '649 Patent.

87. Garmin has indirectly infringed and is indirectly infringing the '649 Patent under 35 U.S.C. § 271(b) by, *inter alia*, inducing its customers within the United States to use its GPS devices including without limitation, the Garmin Nuvi 205, 205w, 255, 255w, 265T, 265WT, 275T, 285WT, 465T, 500, 550, 755T, 760, 765T, 775T, 780, 785T, 850, 855, 885T, 1200, 1250, 1260T, 1300, 1300LM, 1350, 1350LMT, 1350T, 1370T, 1390LMT, 1390T, 1450, 1450T, 1450LMT, 1490T, 1490LMT, 1690, 2200, 2250, 2250LT, 2300, 2300LM, 2350, 3750, 3760T, 3760LMT, 3790T and 3790LMT, and Garmin Zumo 220, 550, 660 and 665, each of which is encompassed by one or more claims of the '649 Patent.

88. Garmin has indirectly infringed and is indirectly infringing the '649 Patent under 35 U.S.C. § 271(b) and 35 U.S.C. § 271(c) by, *inter alia*, inducing automobile manufacturers to sell automobiles within the United States that include GPS devices that Garmin supplies to the manufacturers and that are encompassed by one or more claims of the '649 Patent. The devices are especially adapted to be used as all or part of the components of the inventions patented in the '649 Patent, and there is no substantial non-infringing use for those devices.

89. Garmin communicated with Triangle concerning a potential purchase of Triangle's patents, including the '649 Patent, as well as other Triangle assets, and Garmin is aware of Triangle's '649 Patent. Garmin has reviewed a memorandum that Triangle prepared that describes the '649 Patent, as well as other Triangle patents.

90. On information and belief, Garmin has been and is intentionally and willfully infringing the '649 patent, and this case is exceptional under 35 U.S.C. § 285.

91. The infringing acts of Garmin have been the actual and proximate cause of damage to Triangle. Triangle has sustained substantial damages and will continue to sustain damages as a result of Garmin's infringement of the '649 patent.

92. Triangle has no adequate remedy at law.

93. Garmin has caused Triangle irreparable harm. Unless enjoined, Garmin's acts will continue to cause Triangle irreparable harm, loss, and injury.

COUNT X – TOMTOM'S INFRINGEMENT OF THE '649 PATENT

94. Triangle repeats the allegations in paragraphs 1-93 of this Complaint as if fully set forth herein.

95. TomTom has sold and offered to sell, and continues to sell and offer to sell, within the United States, and has imported and imports into the United States, GPS navigation devices that provide visual geographic information about current traffic conditions and travel routes to selected destinations. TomTom induces end users to use these devices to display such visual geographic traffic information and induces auto manufacturers to include the devices in automobiles offered and sold in the United States.

96. TomTom has directly infringed and is directly infringing the '649 Patent under 35 U.S.C. § 271(a) by, *inter alia*, using, selling, and offering for sale within the United States and by importing into the United States GPS devices, including without limitation, the TomTom ONE, ONE XL, ONE XLS, GO 720, GO 920, and GO 920T, each of which is encompassed by one or more claims of the '649 Patent.

97. TomTom has indirectly infringed and is indirectly infringing the '649 Patent under 35 U.S.C. § 271(b) by, *inter alia*, inducing its customers within the United States to use its GPS

devices, including without limitation, the TomTom ONE, ONE XL, ONE XLS, GO 720, GO 920, and GO 920T, each of which is encompassed by one or more claims of the '649 Patent.

98. TomTom has indirectly infringed and is indirectly infringing the '649 Patent under 35 U.S.C. § 271(b) and 35 U.S.C. § 271(c) by, *inter alia*, inducing automobile manufacturers to sell automobiles within the United States that include its GPS devices that TomTom supplies to the automobile manufacturers and that are encompassed by one or more claims of the '649 Patent. The devices are especially adapted to be used as all or part of the components of the inventions patented in the '649 Patent, and there is no substantial non-infringing use for those devices.

99. TomTom communicated with Triangle concerning a potential purchase of Triangle's patents, including the '649 Patent, as well as other Triangle assets, and TomTom is aware of Triangle's '649 Patent. TomTom has reviewed a memorandum that Triangle prepared that describes the '649 Patent, as well as other Triangle patents.

100. On information and belief, TomTom has been and is intentionally and willfully infringing the '649 patent, and this case is exceptional under 35 U.S.C. § 285.

101. The infringing acts of TomTom have been the actual and proximate cause of damage to Triangle. Triangle has sustained substantial damages and will continue to sustain damages as a result of TomTom's infringement of the '649 patent.

102. Triangle has no adequate remedy at law.

103. TomTom has caused Triangle irreparable harm. Unless enjoined, TomTom's acts will continue to cause Triangle irreparable harm, loss, and injury.

COUNT XI – VOLKSWAGEN'S INFRINGEMENT OF THE '649 PATENT

104. Triangle repeats the allegations in paragraphs 1-103 of this Complaint as if fully set forth in his Count.

105. Volkswagen has sold and offered to sell, and continues to sell and offer to sell, within the United States, and has imported and imports into the United States, automobiles that include navigation systems that provide visual geographic information about current traffic conditions and travel routes to selected destinations.

106. Volkswagen has directly infringed and is directly infringing the '649 Patent under 35 U.S.C. § 271(a) by, *inter alia*, making, using, offering and selling within the United States and by importing into the United States automobiles and Sport Utility Vehicles, including without limitation, the Volkswagen Routan, GTI, CC, Eos, Golf, Jetta, Passat and Tiguan, that include GPS devices, including the RNS 310, RNS 510 and RNS 810 navigation systems, each of which is encompassed by one or more claims of the '649 Patent.

107. The infringing acts of Volkswagen have been the actual and proximate cause of damage to Triangle. Triangle has sustained substantial damages and will continue to sustain damages as a result of Volkswagen's infringement of the '649 patent.

COUNT XII – WESTWOOD ONE'S INFRINGEMENT OF THE '649 PATENT

108. Triangle repeats the allegations in paragraphs 1-107 of this Complaint as if fully set forth herein.

109. Westwood One makes, uses and operates the "Sigalert" mapping system within the United States to generate traffic reports that include visual geographic information about current traffic conditions and to distribute the reports as programming content to television stations within the United States.

110. Westwood One has directly infringed and is directly infringing the '649 Patent under 35 U.S.C. § 271(a) by, *inter alia*, making and using within the United States the "Sigalert" mapping system to generate visual geographic traffic reports for distribution to television stations within

the United States and indirectly infringed under 35 U.S.C. § 271(b) and (c) by, *inter alia*, inducing and/or contributing to direct infringement of such a system by users.

111. Westwood One communicated with Triangle concerning a potential purchase of Triangle's patents, including the '649 Patent, as well as other Triangle assets, and Westwood One is aware of Triangle's '649 Patent. Westwood One has reviewed a memorandum that Triangle prepared that describes the '649 Patent, as well as other Triangle patents.

112. On information and belief, Westwood One has been and is intentionally and willfully infringing the '649 patent, and this case is exceptional under 35 U.S.C. § 285.

113. The infringing acts of Westwood One have been the actual and proximate cause of damage to Triangle. Triangle has sustained substantial damages and will continue to sustain damages as a result of Westwood One's infringement of the '649 patent.

114. Triangle has no adequate remedy at law.

115. Westwood One has caused Triangle irreparable harm. Unless enjoined, Westwood One's acts will continue to cause Triangle irreparable harm, loss, and injury.

COUNT XIII – GARMIN'S INFRINGEMENT OF THE '321 PATENT

116. Triangle repeats the allegations in paragraphs 1-115 of this Complaint as if fully set forth herein.

117. Garmin has sold and offered to sell, and continues to sell and offer to sell, within the United States, and has imported and imports into the United States, GPS navigation devices that provide visual geographic information about current traffic conditions and travel routes to selected destinations. Garmin induces end users to use these devices to display such visual geographic traffic information and induces auto manufacturers to include the devices in automobiles offered and sold in the United States.

118. Garmin has directly infringed and is directly infringing the '321 Patent under 35 U.S.C. § 271(a) by, *inter alia*, selling, and offering for sale and by importing GPS devices, including without limitation, the Garmin Nuvi 205, 205w, 255, 255w, 265T, 265WT, 275T, 285WT, 465T, 500, 550, 755T, 760, 765T, 775T, 780, 785T, 850, 855, 885T, 1200, 1250, 1260T, 1300, 1300LM, 1350, 1350LMT, 1350T, 1370T, 1390LMT, 1390T, 1450, 1450T, 1450LMT, 1490T, 1490LMT, 1690, 2200, 2250, 2250LT, 2300, 2300LM, 2350, 3750, 3760T, 3760LMT, 3790T and 3790LMT, and Garmin Zumo 220, 550, 660 and 665, each of which is encompassed by one or more claims of the '321 Patent.

119. Garmin has indirectly infringed and is indirectly infringing the '321 Patent under 35 U.S.C. § 271(b) by, *inter alia*, inducing its customers within the United States to use its GPS devices including without limitation, the Garmin Nuvi 205, 205w, 255, 255w, 265T, 265WT, 275T, 285WT, 465T, 500, 550, 755T, 760, 765T, 775T, 780, 785T, 850, 855, 885T, 1200, 1250, 1260T, 1300, 1300LM, 1350, 1350LMT, 1350T, 1370T, 1390LMT, 1390T, 1450, 1450T, 1450LMT, 1490T, 1490LMT, 1690, 2200, 2250, 2250LT, 2300, 2300LM, 2350, 3750, 3760T, 3760LMT, 3790T and 3790LMT, and Garmin Zumo 220, 550, 660 and 665, each of which is encompassed by one or more claims of the '321 Patent.

120. Garmin has indirectly infringed and is indirectly infringing the '321 Patent under 35 U.S.C. § 271(b) and 35 U.S.C. § 271(c) by, *inter alia*, inducing automobile manufacturers to sell automobiles within the United States that include GPS devices that Garmin supplies to the manufacturers and that are encompassed by one or more claims of the '321 Patent. The devices are especially adapted to be used as all or part of the components of the inventions patented in the '321 Patent, and there is no substantial non-infringing use for those devices.

121. Garmin communicated with Triangle concerning a potential purchase of Triangle's patents, including the '321 Patent, as well as other Triangle assets, and Garmin is aware of Triangle's '321 Patent. Garmin has reviewed a memorandum that Triangle prepared that describes the '321 Patent, as well as other Triangle patents.

122. On information and belief, Garmin has been and is intentionally and willfully infringing the '321 patent, and this case is exceptional under 35 U.S.C. § 285.

123. The infringing acts of Garmin have been the actual and proximate cause of damage to Triangle. Triangle has sustained substantial damages and will continue to sustain damages as a result of Garmin's infringement of the '321 patent.

124. Triangle has no adequate remedy at law.

125. Garmin has caused Triangle irreparable harm. Unless enjoined, Garmin's acts will continue to cause Triangle irreparable harm, loss, and injury.

COUNT XIV – TOMTOM'S INFRINGEMENT OF THE '321 PATENT

126. Triangle repeats the allegations in paragraphs 1-125 of this Complaint as if fully set forth herein.

127. TomTom has sold and offered to sell, and continues to sell and offer to sell, within the United States, and has imported and imports into the United States, GPS navigation devices that provide visual geographic information about current traffic conditions and travel routes to selected destinations. TomTom induces end users to use these devices to display such visual geographic traffic information and induces auto manufacturers to include the devices in automobiles offered and sold in the United States.

128. TomTom has directly infringed and is directly infringing the '321 Patent under 35 U.S.C. § 271(a) by, *inter alia*, using, selling, and offering for sale within the United States and by

importing into the United States GPS devices, including without limitation, the TomTom ONE, ONE XL, ONE XLS, GO 720, GO 920, and GO 920T, each of which is encompassed by one or more claims of the '321 Patent.

129. TomTom has indirectly infringed and is indirectly infringing the '321 Patent under 35 U.S.C. § 271(b) by, *inter alia*, inducing its customers within the United States to use its GPS devices, including without limitation, the TomTom ONE, ONE XL, ONE XLS, GO 720, GO 920, and GO 920T, each of which is encompassed by one or more claims of the '321 Patent.

130. TomTom has indirectly infringed and is indirectly infringing the '321 Patent under 35 U.S.C. § 271(b) and 35 U.S.C. § 271(c) by, *inter alia*, inducing automobile manufacturers to sell automobiles within the United States that include its GPS devices that TomTom supplies to the automobile manufacturers and that are encompassed by one or more claims of the '321 Patent. The devices are especially adapted to be used as all or part of the components of the inventions patented in the '321 Patent, and there is no substantial non-infringing use for those devices.

131. TomTom communicated with Triangle concerning a potential purchase of Triangle's patents, including the '321 Patent, as well as other Triangle assets, and TomTom is aware of Triangle's '321 Patent. TomTom has reviewed a memorandum that Triangle prepared that describes the '321 Patent, as well as other Triangle patents.

132. On information and belief, TomTom has been and is intentionally and willfully infringing the '321 patent, and this case is exceptional under 35 U.S.C. § 285.

133. The infringing acts of TomTom have been the actual and proximate cause of damage to Triangle. Triangle has sustained substantial damages and will continue to sustain damages as a result of TomTom's infringement of the '321 patent.

134. Triangle has no adequate remedy at law.

135. TomTom has caused Triangle irreparable harm. Unless enjoined, TomTom's acts will continue to cause Triangle irreparable harm, loss, and injury.

COUNT XV – VOLKSWAGEN'S INFRINGEMENT OF THE '321 PATENT

136. Triangle repeats the allegations in paragraphs 1-135 of this Complaint as if fully set forth herein.

137. Volkswagen has sold and offered to sell, and continues to sell and offer to sell, within the United States, and has imported and imports into the United States, automobiles that include navigation systems that provide visual geographic information about current traffic conditions and travel routes to selected destinations.

138. Volkswagen has directly infringed and is directly infringing the '321 Patent under 35 U.S.C. § 271(a) by, *inter alia*, making, using, offering and selling within the United States and by importing into the United States automobiles and Sport Utility Vehicles, including without limitation, the Volkswagen Routan, GTI, CC, Eos, Golf, Jetta, Passat and Tiguan, that include GPS devices, including the RNS 310, RNS 510 and RNS 810 navigation devices, each of which is encompassed by one or more claims of the '321 Patent.

139. The infringing acts of Volkswagen have been the actual and proximate cause of damage to Triangle. Triangle has sustained substantial damages and will continue to sustain damages as a result of Volkswagen's infringement of the '321 patent.

COUNT XVI – WESTWOOD ONE'S INFRINGEMENT OF THE '321 PATENT

140. Triangle repeats the allegations in paragraphs 1-139 of this Complaint as if fully set forth herein.

141. Westwood One makes, uses and operates the "Sigalert" mapping system within the United States to generate traffic reports that include visual geographic information about current

traffic conditions and to distribute the reports as programming content to television stations within the United States.

142. Westwood One has directly infringed and is directly infringing the '321 Patent under 35 U.S.C. § 271(a) by, *inter alia*, making and using within the United States the "Sigalert" mapping system to generate visual geographic traffic reports for distribution to television stations within the U.S. and indirectly infringed under 35 U.S.C. § 271(b) and (c) by, *inter alia*, inducing and/or contributing to direct infringement of such a system by users.

143. Westwood One communicated with Triangle concerning a potential purchase of Triangle's patents, including the '321 Patent, as well as other Triangle assets, and Westwood One is aware of Triangle's '321 Patent. Westwood One has reviewed a memorandum that Triangle prepared that describes the '321 Patent as well as other Triangle patents.

144. On information and belief, Westwood One has been and is intentionally and willfully infringing the '321 patent, and this case is exceptional under 35 U.S.C. § 285.

145. The infringing acts of Westwood One have been the actual and proximate cause of damage to Triangle. Triangle has sustained substantial damages and will continue to sustain damages as a result of Westwood One's infringement of the '321 patent.

146. Triangle has no adequate remedy at law.

147. Westwood One has caused Triangle irreparable harm. Unless enjoined, Westwood One's acts will continue to cause Triangle irreparable harm, loss, and injury.

COUNT XVII – GARMIN’S INFRINGEMENT OF THE ’452 PATENT

148. Triangle repeats the allegations in paragraphs 1-147 of this Complaint as if fully set forth herein.

149. Garmin has sold and offered to sell, and continues to sell and offer to sell, within the United States, and has imported and imports into the United States, GPS navigation devices that provide visual geographic information about current traffic conditions and travel routes to selected destinations. Garmin induces end users to use these devices to display such visual geographic traffic information and induces auto manufacturers to include the devices in automobiles offered and sold in the United States.

150. Garmin has directly infringed and is directly infringing the ’452 Patent under 35 U.S.C. § 271(a) by, *inter alia*, using, selling, and offering for sale and by importing GPS devices, including without limitation, the Garmin Nuvi 205, 205w, 255, 255w, 265T, 265WT, 275T, 285WT, 465T, 500, 550, 755T, 760, 765T, 775T, 780, 785T, 850, 855, 885T, 1200, 1250, 1260T, 1300, 1300LM, 1350, 1350LMT, 1350T, 1370T, 1390LMT, 1390T, 1450, 1450T, 1450LMT, 1490T, 1490LMT, 1690, 2200, 2250, 2250LT, 2300, 2300LM, 2350, 3750, 3760T, 3760LMT, 3790T and 3790LMT, and Garmin Zumo 220, 550, 660 and 665, each of which is encompassed by one or more claims of the ’452 Patent.

151. Garmin has indirectly infringed and is indirectly infringing the ’452 Patent under 35 U.S.C. § 271(b) by, *inter alia*, inducing its customers within the United States to use its GPS devices including without limitation, the Garmin Nuvi 205, 205w, 255, 255w, 265T, 265WT, 275T, 285WT, 465T, 500, 550, 755T, 760, 765T, 775T, 780, 785T, 850, 855, 885T, 1200, 1250, 1260T, 1300, 1300LM, 1350, 1350LMT, 1350T, 1370T, 1390LMT, 1390T, 1450, 1450T, 1450LMT, 1490T, 1490LMT, 1690, 2200, 2250, 2250LT, 2300, 2300LM, 2350, 3750, 3760T,

3760LMT, 3790T and 3790LMT, and Garmin Zumo 220, 550, 660 and 665, each of which is encompassed by one or more claims of the '452 Patent.

152. Garmin has indirectly infringed and is indirectly infringing the '452 Patent under 35 U.S.C. § 271(b) and 35 U.S.C. § 271(c) by, *inter alia*, inducing automobile manufacturers to sell automobiles within the United States that include GPS devices that Garmin supplies to the manufacturers and that are encompassed by one or more claims of the '452 Patent. The devices are especially adapted to be used as all or part of the components of the inventions patented in the '452 Patent, and there is no substantial non-infringing use for those devices.

153. Garmin communicated with Triangle concerning a potential purchase of Triangle's patents, including the '452 Patent, as well as other Triangle assets, and Garmin is aware of Triangle's '452 Patent. Garmin has reviewed a memorandum that Triangle prepared that describes the '452 Patent, as well as other Triangle patents.

154. On information and belief, Garmin has been and is intentionally and willfully infringing the '452 patent, and this case is exceptional under 35 U.S.C. § 285.

155. The infringing acts of Garmin have been the actual and proximate cause of damage to Triangle. Triangle has sustained substantial damages and will continue to sustain damages as a result of Garmin's infringement of the '452 patent.

156. Triangle has no adequate remedy at law.

157. Garmin has caused Triangle irreparable harm. Unless enjoined, Garmin's acts will continue to cause Triangle irreparable harm, loss, and injury.

COUNT XVIII – TOMTOM'S INFRINGEMENT OF THE '452 PATENT

158. Triangle repeats the allegations in paragraphs 1-157 of this Complaint as if fully set forth herein.

159. TomTom has sold and offered to sell, and continues to sell and offer to sell, within the United States, and has imported and imports into the United States, GPS navigation devices that provide visual geographic information about current traffic conditions and travel routes to selected destinations. TomTom induces end users to use these devices to display such visual geographic traffic information and induces auto manufacturers to include the devices in automobiles offered and sold in the United States.

160. TomTom has directly infringed and is directly infringing the '452 Patent under 35 U.S.C. § 271(a) by, *inter alia*, using, selling, and offering for sale within the United States and by importing into the United States GPS devices, including without limitation, the TomTom ONE, ONE XL, ONE XLS, GO 720, GO 920, and GO 920T, each of which is encompassed by one or more claims of the '452 Patent.

161. TomTom has indirectly infringed and is indirectly infringing the '452 Patent under 35 U.S.C. § 271(b) by, *inter alia*, inducing its customers within the United States to use its GPS devices, including without limitation, the TomTom ONE, ONE XL, ONE XLS, GO 720, GO 920, and GO 920T, each of which is encompassed by one or more claims of the '452 Patent.

162. TomTom has indirectly infringed and is indirectly infringing the '452 Patent under 35 U.S.C. § 271(b) and 35 U.S.C. § 271(c) by, *inter alia*, inducing automobile manufacturers to sell automobiles within the United States that include its GPS devices, which TomTom supplies to the automobile manufacturers and are encompassed by one or more claims of the '452 Patent. The devices are especially adapted to be used as all or part of the components of the inventions patented in the '452 Patent, and there is no substantial non-infringing use for those devices.

163. TomTom communicated with Triangle concerning a potential purchase of Triangle's patents, including the '452 Patent, as well as other Triangle assets, and TomTom is aware of

Triangle's '452 Patent. TomTom has reviewed a memorandum that Triangle prepared that describes the '452 Patent, as well as other Triangle patents.

164. On information and belief, TomTom has been and is intentionally and willfully infringing the '452 patent, and this case is exceptional under 35 U.S.C. § 285.

165. The infringing acts of TomTom have been the actual and proximate cause of damage to Triangle. Triangle has sustained substantial damages and will continue to sustain damages as a result of TomTom's infringement of the '452 patent.

166. Triangle has no adequate remedy at law.

167. TomTom has caused Triangle irreparable harm. Unless enjoined, TomTom's acts will continue to cause Triangle irreparable harm, loss, and injury.

COUNT XIX – VOLKSWAGEN'S INFRINGEMENT OF THE '452 PATENT

168. Triangle repeats the allegations in paragraphs 1-167 of this Complaint as if fully set forth in his Count.

169. Volkswagen has sold and offered to sell, and continues to sell and offer to sell, within the United States, and has imported and imports into the United States, automobiles that include navigation systems that provide visual geographic information about current traffic conditions and travel routes to selected destinations.

170. Volkswagen has directly infringed and is directly infringing the '452 Patent under 35 U.S.C. § 271(a) by, *inter alia*, making, using, offering and selling within the United States and by importing into the United States automobiles and Sport Utility Vehicles, including without limitation, the Volkswagen Routan, GTI, CC, Eos, Golf, Jetta, Passat and Tiguan, that include GPS devices, including the RNS 310, RNS 510 and RNS 810 navigation systems, each of which is encompassed by one or more claims of the '452 Patent.

171. The infringing acts of Volkswagen have been the actual and proximate cause of damage to Triangle. Triangle has sustained substantial damages and will continue to sustain damages as a result of Volkswagen's infringement of the '452 patent.

COUNT XX – WESTWOOD ONE'S INFRINGEMENT OF THE '452 PATENT

172. Triangle repeats the allegations in paragraphs 1-171 of this Complaint as if fully set forth herein.

173. Westwood One makes, uses and operates the "Sigalert" mapping system within the United States to generate traffic reports that include visual geographic information about current traffic conditions and to distribute the reports as programming content to television stations within the United States.

174. Westwood One has directly infringed and is directly infringing the '452 Patent under 35 U.S.C. § 271(a) by, *inter alia*, making and using within the United States the "Sigalert" mapping system to generate visual geographic traffic reports for distribution to television stations within the United States and indirectly infringed under 35 U.S.C. § 271(b) and (c) by, *inter alia*, inducing and/or contributing to direct infringement of such a system by users.

175. Westwood One communicated with Triangle concerning a potential purchase of Triangle's patents, including the '452 Patent, as well as other Triangle assets, and Westwood One is aware of Triangle's '452 Patent. Westwood One has reviewed a memorandum that Triangle prepared that describes the '452 Patent, as well as other Triangle patents.

176. On information and belief, Westwood One has been and is intentionally and willfully infringing the '452 patent, and this case is exceptional under 35 U.S.C. § 285.

177. The infringing acts of Westwood One have been the actual and proximate cause of damage to Triangle. Triangle has sustained substantial damages and will continue to sustain damages as a result of Westwood One's infringement of the '452 patent.

178. Triangle has no adequate remedy at law.

179. Westwood One has caused Triangle irreparable harm. Unless enjoined, Westwood One's acts will continue to cause Triangle irreparable harm, loss, and injury.

JURY DEMAND

180. Plaintiff Triangle demands a trial by jury.

PRAYER FOR RELIEF

Wherefore, Triangle requests that the Court enter judgment:

A. permanently enjoining the Defendants, and those in active concert with them, from further infringement of the '730 Patent, '287 Patent, '649 Patent, '321 Patent and '452 Patent;

B. declaring that Garmin, TomTom, Volkswagen and Westwood One have directly infringed and are directly infringing the '730 Patent, '287 Patent, '649 Patent, '321 Patent and '452 Patent;

C. declaring that Garmin and TomTom have indirectly infringed and are indirectly infringing the '730 Patent, '287 Patent, '649 Patent, '321 Patent and '452 Patent;

D. awarding Triangle damages adequate to compensate Triangle for Defendants' direct and indirect infringement, but in no event less than a reasonable royalty for the Defendants' use of the patented inventions, together with prejudgment and post-judgment interest and costs, as fixed by the Court and as provided by 35 U.S.C. § 284;

E. declaring that Garmin's, TomTom's and Westwood One's infringement is intentional and willful;

F. finding that, as to Defendants Garmin, TomTom and Westwood One, this is an exceptional case under 35 U.S.C. § 285;

G. awarding treble damages against Defendants Garmin, TomTom and Westwood One for their willful infringement of Triangle's patents, as provided by 35 U.S.C. § 284;

H. awarding Triangle its attorneys' fees incurred in prosecuting this action against Defendants Garmin, TomTom, and Westwood One, as provided by 35 U.S.C. § 285; and

I. awarding Triangle such other relief as the Court deems just and proper.

Dated: December 28, 2010

Respectfully submitted,

TRIANGLE SOFTWARE, LLC,

By Counsel



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