

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

LOGANTREE LP

Plaintiff,

v.

GARMIN INTERNATIONAL, INC.,
GARMIN USA, INC., and GARMIN, LTD.

Defendants.

CIVIL ACTION NO. 5:17-cv-98

JURY DEMAND

PLAINTIFF'S ORIGINAL COMPLAINT

1. Plaintiff LoganTree LP (“LoganTree”) files this, its Original Complaint for patent infringement. Plaintiff asserts claims for patent infringement of U.S. Patent No. 6,059,576 (“the ‘576 Patent”), as reexamined, against Defendants Garmin International, Inc. (“Garmin Int’l”), Garmin USA, Inc. (“Garmin USA”), and Garmin, Ltd. (collectively, “Garmin”), under 35 U.S.C. § 271, *et seq.* In support thereof, LoganTree would respectfully show the Court the following:

PARTIES

2. Plaintiff LoganTree LP (“Plaintiff” or LoganTree”) is a partnership organized under the laws of the state of Nevada. LoganTree’s sole general partner is Gulfstream Ventures, LLC (“Gulfstream”), a limited liability company organized under the laws of the state of Nevada. Theodore and Anne Brann are the owners and sole managing members of Gulfstream, and they reside at P.O. Box 2345, Boerne, Texas 78006.

3. Upon information and belief, Defendant Garmin Int'l is a corporation organized and existing under the laws of the State of Kansas, with its principal place of business at 1200 East 151st Street, Olathe, Kansas 66062. Garmin Int'l may be served through its registered agent, David Ayres, at 1200 East 151st Street, Olathe, Kansas 66062.

4. Upon information and belief, Defendant Garmin USA is a corporation organized and existing under the laws of the State of Kansas, with its principal place of business at 1200 East 151st Street, Olathe, Kansas 66062. Garmin Int'l may be served through its registered agent, David Ayres, at 1200 East 151st Street, Olathe, Kansas 66062.

5. Upon information and belief, Defendant Garmin Ltd. is a company organized and existing under the laws of Switzerland with its principal place of business at Muhlenstalstrasse 2, 8200 Schaffhausen, Switzerland, and can be served at that address.

6. Upon information and belief, Garmin Int'l and Garmin USA are wholly-owned subsidiaries of Garmin Ltd.

7. Upon information and belief, Garmin sells and offers to sell products and services throughout the United States, including in this judicial district, and introduces products and services into the stream of commerce that incorporate infringing technology knowing that they would be sold in this judicial district and elsewhere in the United States.

JURISDICTION AND VENUE

8. This is an action for patent infringement arising under the patent laws of the United States, Title 35, United States Code. This Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338(a).

9. On information and belief, this Court has general and specific personal jurisdiction over each of the Defendants because each Defendant is present within and/or has

sufficient minimum contacts with the State of Texas and the Western District of Texas pursuant to the Due Process Clause of the United States Constitution and Sections 17.041-117.045 of the Texas Civil Practice & Remedies Code; each Defendant has purposefully availed itself of the privileges of conducting business in the State of Texas and in the Western District of Texas; each Defendant has sought protection and benefit from the laws of the State of Texas; each Defendant regularly conducts business within the State of Texas and within the Western District of Texas; each Defendant has purposefully and voluntarily placed infringing products in the stream of commerce with the expectation that its products will be purchased by end users in the State of Texas and in the Western District of Texas; each Defendant has committed the tort of patent infringement within the State of Texas and within the Western District of Texas; and Plaintiff's causes of action arise directly from the Defendants' business contacts and other activities in the State of Texas and in the Eastern District of Texas.

10. More specifically, Garmin directly and/or through intermediaries (including distributors, retailers, and others) ships, distributes, offers for sale, sells, and/or advertises its products in the United States, the State of Texas, and the Western District of Texas, including but not limited to the Accused Products identified below. Garmin solicits customers in the State of Texas and in the Western District of Texas. Garmin has customers who are residents of the State of Texas and the Western District of Texas and who use Garmin's products and services, including the Accused Products, in the State of Texas and in the Western District of Texas. Garmin derives substantial revenue from goods and service provided to individuals in Texas and in the Western District of Texas.

11. Venue is proper in the Western District of Texas under 28 U.S.C. §§ 1391(b) and 1400. On information and belief, Garmin has transacted business in this district, and has directly and/or indirectly committed and/or induced acts of patent infringement in this district.

THE PATENT-IN-SUIT

12. On May 9, 2000, the United States Patent and Trademark Office (“PTO”) duly and lawfully issued the ‘576 Patent, entitled “Training and Safety Device, System and Method to Aid in Proper Movement During Physical Activity,” after a full and fair examination. A true and correct copy of the ‘576 Patent is attached hereto as Exhibit A.

13. On March 17, 2015, following a reexamination requested by LoganTree, the PTO issued a reexamination certificate for the ‘576 Patent, bearing U.S. Patent No. 6,059,576 C1 (“the ‘576 Reexamination Certificate”). A true and correct copy of the ‘576 Reexamination Certificate is attached hereto as Exhibit B. The ‘576 Patent as reexamined is referred to as the “Reexamined ‘576 Patent.”

14. The named inventor of the ‘576 Patent is Theodore Brann.

15. Mr. Brann assigned all right, title, and interest in the ‘576 Patent to LoganTree.

16. LoganTree possess all rights of recovery under the ‘576 Patent and the Reexamined ‘576 Patent, including the exclusive right to sue for infringement and recover past damages.

17. The ‘576 Patent generally relates to systems and methods for monitoring movement of body parts during physical activity using a movement sensor, in which a user-defined event can be detected and event information related to the detected user-defined event can be stored along with time stamp information reflecting a time at which the user-defined event occurred. The ‘576 summarizes the invention as follows:

An electronic device, system, and method to monitor and train an individual on proper motion during physical movement. The system employs an electronic device which tracks and monitors an individual's motion through the use of an accelerometer capable of measuring parameters associated with the individual's movement. The device also employs a user-programmable microprocessor which receives, interprets, stores and responds to data relating to the movement parameters The downloadable, self-contained device can be worn at various positions along the torso or appendages being monitored depending on the specific physical task being performed. The device also detects the speed of movements made while the device is being worn

18. The Reexamined '576 Patent sets forth 185 separate claims, of which three are independent claims.

19. Claim 1 (the "Device Claim") of the Reexamined '576 Patent is for: "A portable, self-contained device for monitoring movement of body parts during physical activity, said device comprising:

- a. A movement sensor capable of measuring data associated with unrestrained movement in any direction and generating signals indicative of said movement;
- b. A power source;
- c. A microprocessor connected to said movement sensor and to said power source, said microprocessor capable of receiving, interpreting, storing and responding to said movement data based on user-defined operational parameters, detecting a first user-defined event based on the movement data and at least one of the user-defined operational parameters regarding the movement data, and storing first event information related to the selected first user-defined event along with the first time stamp information reflecting a time at which the movement data causing the first user-defined event occurred;

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