

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

PARKING WORLD WIDE LLC,	)	
A Missouri Limited Liability Company,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No.
	)	
CITY OF CLAYTON,	)	JURY TRIAL DEMANDED
A Missouri Municipality,	)	
	)	
Defendant.	)	

**COMPLAINT**

(1) That Plaintiff is a single member Missouri Limited Liability Company with the member being a citizen of the State of Missouri.

(2) That the City of Clayton is a municipality in the State of Missouri and a citizen of the State of Missouri.

(3) Venue is proper in this court as the patented method in question was developed in this district and patented while in this district. 28 USC § 1338.

(4) That on or about October 8, 2019, Mr. Gil Bashani was awarded US Patent 10,438,421 (“Patent”); subsequently, the patent was assigned to Plaintiff, Parking World Wide, LLC, on or about November 7, 2019.

(5) The patented method is a parking status system that overlays images of a street, a lot, or a garage with representations of parked vehicles the status of any parking space shown in the image and uses same for enforcement of parking laws.

(6) The patented method transforms parking space, payment, and subscriber data into parking space status shown in real time to a user.

(7) Claim 1 of the Patent includes, inter alia, assembling a database upon a computer of parking spaces including their geographic locations and updating a database upon a computer of subscribers.

(8) Claim 5 of the Patent includes, inter alia, assembling a database upon a computer server of parking spaces including their geographic locations and updating a database upon a computer of subscribers.

**COUNT I**  
**DIRECT - INFRINGEMENT OF CLAIM 1 OF PATENT**

(9) Plaintiff re-alleges and incorporates herein all previous paragraphs of its Complaint.

(10) The City of Clayton infringes on Plaintiff's Patent by using demand responsive pricing and parking control software with a database of metered parking spaces that copies Plaintiff's patented method and as such is an infringement of claim 1 of Plaintiff's Patent pursuant to 35 U.S.C. § 271(a). Such infringement, includes, but is not limited to:

(a) The City of Clayton parking website ("Website")<sup>1</sup> reflects a "downtown hourly parking guide map" which reflects that the City of Clayton's parking system is assembling a database of parking spaces;

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<sup>1</sup> <https://www.claytonmo.gov/government/public-works/parking> referencing its third-party provider, Passport Parking.

(b) the Website reflects “way to pay for parking,” which reflects a database of subscribers;

(c) the Website reflects a “with your mobile phone” which reflects calculating the location of a parking user:

(d) the Website reflects “paying parking tickets” which suggests comparing spaces, parking users and/or subscribers, and expired parking spaces to locate parking users that have not paid or the time period for paid parking has expired:

(e) the Website reflects “parking tickets” which suggests that a list/compilation of unpaid spaces is sent to law enforcement; and

(f) the Website reflects “parking tickets” which suggests a law enforcement official has a list of spaces and images of said spaces on an electronic device.

(11) The actions of Defendant City of Clayton have caused and is causing Plaintiff to suffer monetary damages.

(12) Further actions by Defendant City of Clayton will cause continued harm to Plaintiff and as such must be ordered to immediately stop infringing on Plaintiff’s patent.

**COUNT II**  
**DIRECT - INFRINGEMENT OF CLAIM 5 OF PATENT**

(13) Plaintiff re-alleges and incorporates herein all previous paragraphs of its Complaint.

(14) The City of Clayton infringes on Plaintiff’s Patent by using demand responsive pricing and parking control software with a database of metered parking spaces that copies Plaintiff’s patented method and as such is an infringement of claim 5

of the Patent pursuant to 35 U.S.C. § 271(a). Such infringement, includes, but is not limited to:

(a) The Website reflects “downtown hourly parking guide map” which reflects that the Defendant City of Clayton’s parking system is assembling a database of parking spaces;

(b) the Website reflects “way to pay for parking” which reflects a database of subscribers;

(c) the Website reflects “with your mobile phone” which reflects calculating a location of a parking user;

(d) the Website reflects “paying parking tickets” which suggests comparing spaces, parking users and/or subscribers, and expired parking spaces to locate parking users that have not paid or the time period for paid parking has expired;

(e) the Website reflects “parking tickets,” which suggests that a list/compilation of unpaid spaces is sent to law enforcement; and

(f) the Website reflects “parking tickets,” which suggests a law enforcement official has a list of spaces and images of said spaces on a computer server.

(15) The actions of Defendant City of Clayton have caused and is causing Plaintiff to suffer monetary damages.

(16) Further actions by Defendant will cause continued harm to Plaintiff and as such must be ordered to immediately stop infringing on Plaintiff’s patent.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for a judgment against the Defendant City of Clayton and in favor of Plaintiff as follows:

(a) That the City of Clayton has infringed, and unless enjoined will continue to infringe upon Plaintiff's patent;

(b) that the City of Clayton willfully infringed and is infringing on Plaintiff's patent;

(c) that Defendant City of Clayton pay Plaintiff damages adequate to compensate Plaintiff for Defendant's infringement of each of Plaintiff's claims under 35 U.S.C. § 284;

(d) that Defendant be ordered to pay prejudgment and post-judgment interest on the damages assessed;

(e) that Defendant be enjoined from infringing on Plaintiff's patent, or if infringement is not enjoined, that Defendant be ordered to pay ongoing royalties to Plaintiff for any post-judgment infringement;

(f) that Plaintiff be awarded attorneys' fee and costs of this action; and

(g) that Plaintiff be awarded such other relief as the court deems necessary and proper.

### **DEMAND FOR JURY TRIAL**

Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiff demands a trial by jury on issues triable by a jury.

SWIECICKI & MUSKETT, LLC

By:           /s/ Christopher S. Swiecicki          

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