

1 Mateo Z. Fowler (CA Bar No. 241295)
2 mateofowler@mzflaw.com
3 MZF LAW FIRM, PLLC
4 12121 Wilshire Blvd. Suite 805
5 Los Angeles, CA 90025
6 Telephone: (281) 546-5172

Jason S. McManis (Pending *pro hac vice*)
jmcm manis@azalaw.com
AHMAD, ZAVITSANOS & MENSING,
PLLC
1221 McKinney Street, Suite 2500
Houston, Texas 77010
Telephone: (713) 655-1101

Weining Bai (Pending *pro hac vice*)
wbai@azalaw.com
AHMAD, ZAVITSANOS & MENSING,
PLLC
1221 McKinney Street, Suite 2500
Houston, Texas 77010
Telephone: (713) 655-1101

10 *Attorneys For Plaintiff, Never-Search, Inc.*

11
12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**

15 NEVER-SEARCH, INC.,

16 Plaintiff,

17 v.

18 APPLE, INC.,

19 Defendant.

Case No. 4:24-cv-03945

**ORIGINAL COMPLAINT FOR PATENT
INFRINGEMENT**

JURY TRIAL DEMANDED

1 Plaintiff Never-Search, Inc. (“Never-Search”) files this suit against Defendant Apple, Inc.
2 (“Apple” or “Defendant”) for infringement of United States Patent Nos. 7,388,519, 8,219,318
3 9,177,330, 9,599,479, 10,509,810, and 11,372,903 (collectively, the “Asserted Patents”); and alleges,
4 with personal knowledge as to its own actions and on information and belief as to the actions of
5 others, as follows:

6 **THE PARTIES**

7 1. Plaintiff Never-Search, Inc. (“Never-Search”) is a California corporation that holds
8 all rights, titles, and interests in the Asserted Patents. Never-Search has a principal place of business
9 at 10843 Wilkinson Ave., Cupertino, California.

10 2. Defendant Apple, Inc. is a corporation incorporated in California, with its principal
11 place of business at One Apple Park Way, Cupertino, California 95014. Apple can be served with
12 process by serving their registered agent 1505 Corporation, CT Corporation System at 330 N. Brand
13 Blvd., Glendale, California 91203.

14 3. Apple sells and offers to sell products and services throughout the United States,
15 including in this judicial district, and introduces products and services into the stream of commerce
16 that incorporate infringing technology knowing that they would be sold in this judicial district and
17 elsewhere in the United States.

18 **JURISDICTION AND VENUE**

19 4. This Court has subject matter jurisdiction over this patent infringement action
20 pursuant to 28 U.S.C. §§ 1331 and 1338(a).

21 5. This Court has personal jurisdiction over Apple because Apple has its corporate
22 headquarters in this District, has committed the infringement complained of in this District and
23 throughout the state of California, and regularly conducts business and/or solicits business in this
24 District including selling, using, and offering to sale products and services that infringe Never-
25 Search’s Asserted Patents. This Court also has personal jurisdiction over Apple because Apple has
26 placed infringing products and services into the stream of commerce, with the expectation they will
27 be purchased and used by customers and California and in this District, such that said customers
28 have purchased and used, and continue to purchase and use, Apple’s infringing products and

1 services, which has allowed Apple to derive substantial benefits from infringing acts in this District
2 and in California.

3 6. Venue is proper in this District pursuant to 28 U.S.C. §§1391 and 1400(b). Venue is
4 also proper in this District because Apple, as alleged above, maintains a regular and established
5 place of business in this District.

6 **FACTUAL BACKGROUND**

7 **Never-Search's Patented Innovations**

8 7. Physical geographical maps and their electronic adaptations have historically been
9 the bedrock of mapping technology. That is until Never-Search revolutionized mapping
10 technology by integrating qualitative information associated with nearby points of interest into
11 these traditional geographical maps.

12 8. Integrating points of interest into mapping technology allows the consumer to
13 digest both geographic mapping information and qualitative information associated to points of
14 interest simultaneously. These points of interest may include any user-inputted or business-
15 inputted locations such as restaurants, gas stations, golf courses, etc. This evolution in mapping
16 technology allowed consumers to rely on a single platform to take care of its traditional
17 geographic mapping needs while concurrently being exposed to qualitative information for each
18 point of interest listed on the map, such as the point of interest's operating hours, available
19 services, costs of services, amenities, ratings, etc. in addition to the business address, phone
20 number, etc.

21 9. Prior to the recent proliferation of mapping technology that integrates qualitative
22 information for points of interest, Never-Search began developing potential solutions to allow
23 consumers the ability to access qualitative and geographic information concurrently within a
24 single mapping platform.

25 10. Mr. Keith Kreft, an inventor and avid golfer, began to encounter issues finding
26 information related to golf courses while traveling as part of his job. In the early 2000s, Mr. Kreft
27 began envisioning a technological mapping architecture that incorporates qualitative information
28 for golf courses without requiring the consumer to constantly switch between querying the internet

1 for a golf course's qualitative information and returning to the traditional geographic map for
2 directions. Moreover, as Mr. Kreft's travels frequently took him to unfamiliar areas, he began to
3 develop a mapping architecture that also included helpful information related to other points of
4 interest, such as coffee shops, hotels, restaurants, etc.

5 11. In 2003, Mr. Kreft began filing for patents that embodied the innovations that
6 resulted from his extensive work on integrating points of interest with qualitative information into
7 a geographical map. He also started a company, Never-Search, which owned the patents that the
8 USPTO issued covering his inventions. These include the Asserted Patents.

9 12. These patents embodied Mr. Kreft's novel solution by which graphical maps would
10 associate and display qualitative information with points of interest.

11 13. Specifically, Mr. Kreft's inventions provide for displaying on a map icons
12 identifying one or more points of interest corresponding to geographical locations of those points
13 of interest while also concurrently displaying qualitative information associated with each point of
14 interest.

15 14. Along with graphical maps that display and associate qualitative information with
16 points of interest, the Asserted Patents also embody Mr. Kreft's inventions of methods, systems,
17 and applications for updating, enhancing, organizing, and utilizing those maps. The Asserted
18 Patents further disclose organizing and updating the information displayed on the graphical maps
19 through a variety of different means including, for example, updating point of interest information
20 through the participation of business owners or updating the maps by eliciting user-inputted
21 manual updates such as moving point of interest icons.

22 15. Mr. Kreft was not an inventor in theory alone – he also channeled his revolutionary
23 innovation into the Never-Search for Golf mapping product which garnered praise by the Wall
24 Street Journal, the Florida Golf Magazine, and multiple other publications. In 2008, the Never-
25 Search for Golf travel maps gained national attention in 2008 for accurately mapping all 18,475
26 golf courses in the nation with detailed information on each, along with driving ranges, golf stores,
27 and instructors. The travel maps also included important information on other points of interest for
28 travelers, such as nearby coffee shops, airports, hotels, and restaurants.

1 16. Never-Search complied with all applicable marking requirements under 35 U.S.C.
2 §287 by properly marking all, or at least substantially all, travel map products sold by Never-Search
3 with applicable patent numbers.

4 **Apple’s Willful Infringement**

5 17. Apple has commercialized a suite of web-based mapping products and services
6 under the brand Apple Maps (hereafter the “Accused Products”) which practice the technology
7 invented and patented by Mr. Kreft and Never-Search.

8 18. Beginning around 2015, representatives of Never-Search began contacting Apple
9 regarding potential license or purchase of the Never-Search patents by Apple. But, despite good-
10 faith efforts from Never-Search, Apple never licensed or acquired rights to Never-Search’s
11 patents.

12 19. Instead, Apple has continued to make, use, sell, and/or offer for sale the Accused
13 Products without license or other right to do so, as set forth below:

14 **CAUSES OF ACTION**

15 **Count I: Infringement of U.S. Patent No. 7,388,519 (“’519 Patent”)**

16 20. All preceding factual allegations are incorporated as if fully set forth herein.

17 21. The USPTO duly and legally issued the ’519 Patent to Mr. Keith Kreft as the
18 named inventor, who assigned all rights, titles, and interests in the ’519 Patent to Never-Search.

19 22. The ’519 Patent is valid, enforceable, and was duly issued in full compliance with
20 Title 35 of the United States Code.

21 23. Apple has directly infringed and continues to directly infringe, literally and/or
22 under the doctrine of equivalents, the ’519 Patent. The infringing acts include, but are not limited
23 to, the make, use, sale, and/or offer to sale of Accused Products that practice the claimed invention
24 of the ’519 Patent. For example, Claim 1 of the ’519 Patent recites:

25 A method, comprising the computer-implemented steps of:

26 displaying a graphical map;

27 displaying in the map, concurrently, icons identifying two or more points of interest
28 at graphical locations in the map corresponding to geographical locations of the

1 points of interest;
2 concurrently displaying, over the map, for each of the two or more points of
3 interest at different geographical locations, particular qualitative information
4 associated with the associated point of interest;
5 wherein all the qualitative information for all the points of interest is concurrently
6 displayed in the map;
7 displaying, over the map, for each of the points of interest, an information box
8 comprising the qualitative information for the associated point of interest, a first
9 control which when selected causes displaying a higher level of information in the
10 information box, and a second control which when selected causes displaying a
11 lower level of information in the information box;
12 wherein each of the points of interest is associated with one or more datasets, and
13 wherein different qualitative information is displayed for different datasets.

14 Apple's Accused Products meet the recited elements of the invention claimed above, as shown in
15 the claim chart attached as Ex. 1.

16 24. Apple committed these infringing activities without license from Never-Search.
17 Apple's acts of infringement have damaged Never-Search as owner of the '519 Patent. Never-
18 Search is entitled to recover from Apple the damages it has sustained due to Apple's wrongful acts
19 in an amount subject to proof at trial. The infringement of the '519 Patent by Apple has damaged
20 and will continue to damage Plaintiff.

21 25. Apple's infringement of the '519 Patent has been willful, and continues to be
22 willful. In addition, or in the alternative, Apple's infringement of the '519 Patent is willful at least
23 of the date of the service of this Complaint.

24 **Count II: Infringement of U.S. Patent No. 8,219,318 ("318 Patent")**

25 26. All preceding factual allegations are incorporated as if fully set forth herein.

26 27. The USPTO duly and legally issued the '318 Patent to Mr. Keith Kreft as the
27 named inventor and Never-Search as the proper assignee, who holds all rights, titles, and interests
28 in the '318 Patent.

29 28. The '318 Patent is valid, enforceable, and was duly issued in full compliance with
30 Title 35 of the United States Code.

1 29. Apple has directly infringed and continues to directly infringe, literally and/or
2 under the doctrine of equivalents, the '318 Patent. The infringing acts include, but are not limited
3 to, the make, use, sale, and/or offer to sale of the Accused Products to practice the claimed
4 invention of the '318 Patent. For example, Claim 1 of the '318 Patent recites:

5 A method, comprising:

6 storing, in a database communicatively coupled to a data network, a point of
7 interest associated with first location on a geographical map, and information
8 identifying a manager of the point of interest;

9 receiving map location information associated with the point of interest;

10 causing to be displayed, based on the map location information, a portion of the
11 geographical map that includes the point of interest, on a computer display
12 associated with the manager;

13 receiving, from a computer associated with the manager and coupled to the
14 database over the data network, location data that indicates a second location,
15 specified by the manager on the point of the geographical map, of the point of
16 interest;

17 wherein the second location is different than the first location;

18 updating, in the database, based on the second location, coordinate data associated
19 with the first location of the point of interest.

20 Apple's Accused Products meet the recited elements of the invention claimed above, as shown in
21 the claim chart attached as Ex. 2.

22 30. Apple committed these infringing activities without license from Never-Search.
23 Apple's acts of infringement have damaged Never-Search as owner of the '318 Patent. Never-
24 Search is entitled to recover from Apple the damages it has sustained due to Apple's wrongful acts
25 in an amount subject to proof at trial. The infringement of the '318 Patent by Apple has damaged
26 and will continue to damage Plaintiff.

27 31. Apple's infringement of the '318 Patent has been willful, and continues to be
28 willful. In addition, or in the alternative, Apple's infringement of the '318 Patent is willful at least
of the date of the service of this Complaint.

Count III: Infringement of U.S. Patent No. 9,177,330 ("330 Patent")

1 32. All preceding factual allegations are incorporated as if fully set forth herein.

2 33. The USPTO duly and legally issued the '330 Patent to Mr. Keith Kreft as the
3 named inventor, who assigned all rights, titles, and interests in the '330 Patent to Never-Search.

4 34. The '330 Patent is valid, enforceable, and was duly issued in full compliance with
5 Title 35 of the United States Code.

6 35. Apple has directly infringed and continues to directly infringe, literally and/or
7 under the doctrine of equivalents, the '330 Patent. The infringing acts include, but are not limited
8 to, the make, use, sale, and/or offer to sale of Accused Products that practice the claimed invention
9 of the '330 Patent. For example, Claim 1 of the '330 Patent recites:

10 A method comprising:

11 providing first and second point of interest data sets

12 receiving update data with respect to said first and second point of interest data sets
13 to create first and second updated point of interest data sets;

14 selectively providing, through the Internet, for display on a plurality of maps, to a
15 plurality of map display programs, said first or second updated point of interest
16 data sets:

16 wherein the method is performed by one or more computing devices.

17 Apple's Accused Products meet the recited elements of the invention claimed above, as shown in
18 the claim chart attached as Ex. 3.

19 36. Apple committed these infringing activities without license from Never-Search.
20 Apple's acts of infringement have damaged Never-Search as owner of the '330 Patent. Never-
21 Search is entitled to recover from Apple the damages it has sustained due to Apple's wrongful acts
22 in an amount subject to proof at trial. The infringement of the '330 Patent by Apple has damaged
23 and will continue to damage Plaintiff.

24 37. Apple's infringement of the '330 Patent has been willful, and continues to be
25 willful. In addition, or in the alternative, Apple's infringement of the '330 Patent is willful at least
26 of the date of the service of this Complaint.

27 **Count IV: Infringement of U.S. Patent No. 9,599,479 ("479 Patent")**

28 38. All preceding factual allegations are incorporated as if fully set forth herein.

1 39. The USPTO duly and legally issued the '479 Patent to Mr. Keith Kreft as the
2 named inventor, who assigned all rights, titles, and interests in the '479 Patent to Never-Search.

3 40. The '479 Patent is valid, enforceable, and was duly issued in full compliance with
4 Title 35 of the United States Code.

5 41. Apple has directly infringed and continues to directly infringe, literally and/or
6 under the doctrine of equivalents, the '479 Patent. The infringing acts include, but are not limited
7 to, the make, use, sale, and/or offer to sale of Accused Products that practice the claimed invention
8 of the '479 Patent. For example, Claim 1 of the '479 Patent recites:

9 A method, comprising:

10 causing a point of interest icon to be displayed at a first location on a geographical
11 map on a computer display;

12 after movement of the icon on the displayed geographical map by a user and an
13 indication by the user that indicates that the moved icon is now located at a second
14 more representative location for the point of interest, receiving geo-coordinate data
15 of the second more representative location for the point of interest;

16 storing said geo-coordinate data of the second location of the point of interest as a
17 database entry that is associated with said point of interest; and,

18 thereafter, providing the second location geo-coordinate data of the point of interest
19 through the internet to a plurality of map display programs for display on a
20 plurality of displays associated with a plurality of computers.

21 Apple's Accused Products meet the recited elements of the invention claimed above, as shown in
22 the claim chart attached as Ex. 4.

23 42. Apple committed these infringing activities without license from Never-Search.
24 Apple's acts of infringement have damaged Never-Search as owner of the '479 Patent. Never-
25 Search is entitled to recover from Apple the damages it has sustained due to Apple's wrongful acts
26 in an amount subject to proof at trial. The infringement of the '479 Patent by Apple has damaged
27 and will continue to damage Plaintiff.

28 43. Apple's infringement of the '479 Patent has been willful, and continues to be
willful. In addition, or in the alternative, Apple's infringement of the '479 Patent is willful at least
of the date of the service of this Complaint.

1 **Count V: Infringement of U.S. Patent No. 10,509,810 (“’810 Patent”)**

2 44. All preceding factual allegations are incorporated as if fully set forth herein.

3 45. The USPTO duly and legally issued the ’810 Patent to Mr. Keith Kreft as the
4 named inventor, who assigned all rights, titles, and interests in the ’810 Patent to Never-Search.

5 46. The ’810 Patent is valid, enforceable, and was duly issued in full compliance with
6 Title 35 of the United States Code.

7 47. Apple has directly infringed and continues to directly infringe, literally and/or
8 under the doctrine of equivalents, the ’810 Patent. The infringing acts include, but are not limited
9 to, the make, use, sale, and/or offer to sale of Accused Products that practice the claimed invention
10 of the ’810 Patent. For example, Claim 11 of the ’810 Patent recites:

11 A method of updating map information, the method comprising:

12 causing a point of interest icon to be displayed at a first location on a geographical
13 map on a computer display;

14 after movement of the icon on the displayed geographical map responsive to input
15 from a user and an indication by the user that indicates that the moved icon is now
16 located at a second more representative location for the point of interest, receiving
17 geo-coordinate data of the second more representative location for the point of
18 interest;

19 storing said geo-coordinate data of the second location of the point of interest as a
20 database entry that is associated with said point of interest and also storing a date
21 stamp value in association with the received geocoordinate data indicating when
22 the storing occurred; and

23 thereafter, providing the second location geo-coordinate data of the point of interest
24 through a communication channel to a plurality of map display programs for
25 display on a plurality of displays associated with a plurality of computers.

26 Apple’s Accused Products meet the recited elements of the invention claimed above, as shown in
27 the claim chart attached as Ex. 5.

28 48. Apple committed these infringing activities without license from Never-Search.

Apple’s acts of infringement have damaged Never-Search as owner of the ’810 Patent. Never-
Search is entitled to recover from Apple the damages it has sustained due to Apple’s wrongful acts
in an amount subject to proof at trial. The infringement of the ’810 Patent by Apple has damaged

1 and will continue to damage Plaintiff.

2 49. Apple's infringement of the '810 Patent has been willful, and continues to be
3 willful. In addition, or in the alternative, Apple's infringement of the '810 Patent is willful at least
4 of the date of the service of this Complaint.

5 **Count VI: Infringement of U.S. Patent No. 11,372,903 ("903 Patent")**

6 50. All preceding factual allegations are incorporated as if fully set forth herein.

7 51. The USPTO duly and legally issued the '903 Patent to Mr. Keith Kreft as the
8 named inventor, who assigned all rights, titles, and interests in the '903 Patent to Never-Search.

9 52. The '903 Patent is valid, enforceable, and was duly issued in full compliance with
10 Title 35 of the United States Code.

11 53. Apple has directly infringed and continues to directly infringe, literally and/or
12 under the doctrine of equivalents, the '903 Patent. The infringing acts include, but are not limited
13 to, the make, use, sale, and/or offer to sale of Accused Products that practice the claimed invention
14 of the '903 Patent. For example, Claim 1 of the '903 Patent recites:

15 A mapping system for providing mapping information to a plurality of users with a
16 plurality of computing devices over the Internet, comprising:

17 one or more databases storing said mapping information for displaying a map, said
18 mapping information comprising: map layer information, points of interest
information, and qualitative information related to said points of interest; and

19 at least one server storing computer instructions configured to:

20 create an account on said mapping system for at least one of said plurality
21 of users having at least one of said plurality of computing devices;

22 store personalized points of interest selected by said at least one of said
23 plurality of users;

24 display said personalized points of interest within said map;

25 import an imported address from at least one of: a customer relationship
26 management (CRM) application; and a contact application;

27 display said imported address on said map;

28 store said imported address as a personalized point of interest by said at

1 least one of said plurality of users; and

2 allow said at least one of said plurality of users to select one of a plurality of
3 levels of details for displaying qualitative information related to the points of
interest;

4 wherein said mapping information is configured to be accessible by said
5 plurality of users with said plurality of computing devices, each of said plurality of
6 computing devices comprising a graphical user interface (GUI) provided by an
internet browser or a mapping application.

7 Apple's Accused Products meet the recited elements of the invention claimed above, as shown in
8 the claim chart attached as Ex. 6.

9 54. Apple committed these infringing activities without license from Never-Search.
10 Apple's acts of infringement have damaged Never-Search as owner of the '903 Patent. Never-
11 Search is entitled to recover from Apple the damages it has sustained due to Apple's wrongful acts
12 in an amount subject to proof at trial. The infringement of the '903 Patent by Apple has damaged
13 and will continue to damage Plaintiff.

14 55. Apple's infringement of the '903 Patent has been willful, and continues to be
15 willful. In addition, or in the alternative, Apple's infringement of the '903 Patent is willful at least
16 of the date of the service of this Complaint

17 **JURY DEMAND**

18 56. Never-Search hereby demands a trial by jury on all issues.

19 **PRAYER**

20 Wherefore, Never-Search prays for entry of judgment as follows:

21 57. Wherefore, Never-Search prays for entry of judgment as follows:

22 58. A judgment in favor of Never-Search that Apple has infringed and is infringing,
23 either literally and/or under the doctrine of equivalents, the Asserted Patents;

24 59. A judgment in favor of Never-Search that Apple's infringement has been and
25 continues to be willful; in the alternative, a judgment in favor of Never-Search that Apple's
26 infringement is willful and continues to be willful as of the date of this Complaint;

27 60. An award of damages in favor of Never-Search adequate to compensate Never-
28 Search for Apple's infringement of the Asserted Patents which shall in no event be less than a

1 reasonable royalty, together with interest and cost as fixed by the court pursuant to 35 U.S.C. §
2 284;

3 61. An award of enhanced damages in favor of Never-Search against Apple for up to
4 three times the award of actual damages for Apple’s willful infringement of the Asserted Patents
5 pursuant to 35 U.S.C. § 284;

6 62. An award of an ongoing royalty for Apple’s post-judgment infringement in the
7 event a permanent injunction is not granted;

8 63. An award of attorneys’ fees pursuant to 35 U.S.C. § 285 or as otherwise permitted
9 by law in an amount deemed just and appropriate by the Court;

10 64. An award of costs and expenses as deemed appropriate by the Court; and

11 65. Any other legal or equitable relief to which Never-Search is justly entitled.

12

13

Dated: July 1, 2024

14

Respectfully submitted,

15

/s/

Mateo Z. Fowler (CA Bar No. 241295)
MZF Law Firm, PLLC
12121 Wilshire Blvd. Suite 805
Los Angeles, CA 90025
Telephone: (281) 546-5172

16

17

18

19

/s/

Jason S. McManis
(pending pro hac vice)
Weining Bai
(pending pro hac vice)
AHMAD, ZAVITSANOS & MENSING, PLLC
1221 McKinney Street, Suite 2500
Houston, Texas 77010
(713) 655-1101
jmcmanis@azalaw.com
wbai@azalaw.com

20

21

22

23

24

Attorneys for Plaintiff Never-Search, Inc.

25

26

27

28