

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

NEVER-SEARCH, INC.,

Plaintiff,

v.

SYSTEM1 OPCO, LLC AND
MAPQUEST HOLDINGS, LLC

Defendant.

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Case No. 1:24-cv-02198

Jury Trial Demanded

PLAINTIFF’S ORIGINAL COMPLAINT

Plaintiff Never-Search, Inc. (“Never-Search”) files this suit against Defendants System1 OpCo, LLC and MapQuest Holdings, LLC (collectively, “MapQuest” or “Defendants”) for infringement of United States Patent Nos. 11,086,910, 9,177,330, 7,388,519, and 9,152,981 (the “Asserted Patents”); and alleges, with personal knowledge as to its own actions and on information and belief as to the actions of others, as follows:

THE PARTIES

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

2. Defendant System1 OpCo, LLC (“System1”) is a corporation incorporated in Delaware with a regular and established place of business at 3601 Walnut St., Denver, Colorado 80205. System1 can be served with process by serving their registered agent Corporation Service Company at 1900 W Littleton Blvd, Littleton, CO 80120, United States.

3. Defendant MapQuest Holdings, LLC is a subsidiary of Defendant System1 and is a corporation incorporated in Delaware with its principal place of business at 3601 Walnut St., Denver, Colorado 80205. MapQuest Holdings, LLC can be served with process at its principal place of business or can be served with process by serving System1's registered agent Corporation Service Company at 1900 W Littleton Blvd, Littleton, CO 80120 which is reasonably calculated to provide MapQuest Holdings, LLC with actual notice of this action.

4. MapQuest 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 & VENUE

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

6. This Court has personal jurisdiction over MapQuest because MapQuest has committed the infringement complained of in this District and throughout the state of Colorado, and regularly conducts business and/or solicits business in this District including selling, using, and offering to sale products and services that infringe Never-Search's Asserted Patents. This Court also has personal jurisdiction over MapQuest because MapQuest has placed infringing products and services into the stream of commerce, with the expectation they will be purchased and used by customers and Colorado and in this District, such that said customers have purchased and used, and continue to purchase and use, MapQuest's infringing products and services, which has allowed MapQuest to derive substantial benefits from infringing acts in this District and in Colorado.

7. Venue is proper in this District pursuant to 28 U.S.C. §§1391 and 1400(b). Venue is also proper in this District because System1 and MapQuest Holdings, LLC, as alleged above, maintain a regular and established place of business in this District.

FACTUAL BACKGROUND

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

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

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

11. Mr. Keith Kreft, an inventor and avid golfer, began to encounter issues finding information related to golf courses while traveling as part of his job. In the early 2000s, Mr. Kreft began envisioning a technological mapping architecture that incorporates qualitative information

for golf courses without requiring the consumer to constantly switch between querying the internet for a golf course's qualitative information and returning to the traditional geographic map for directions. Moreover, as Mr. Kreft's travels frequently took him to unfamiliar areas, he began to develop a mapping architecture that also included helpful information related to other points of interest, such as coffee shops, hotels, restaurants, etc.

12. In 2003, Mr. Kreft began filing for patents that embodied the innovations that resulted from his extensive work on integrating points of interest with qualitative information into a geographical map. He also started a company, Never-Search, which owned the patents that the USPTO issued covering his inventions. These include United States Patent Nos. 7,388,519, 8,219,318 9,152,981, 9,177,330, 9,599,479, 10,509,810, 11,086,910, and 11,372,903.

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

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

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

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

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

18. MapQuest has commercialized a suite of web-based map and navigation products and services (hereafter the “Accused Products”) which practice the technology invented and patented by Mr. Kreft and Never-Search.

19. MapQuest has never licensed or acquired rights to Never-Search’s patents. Instead, MapQuest has made, used, sold, and/or offered for sale the Accused Products without license or other right to do so, and continue to conduct such infringement, as set forth below:

CAUSES OF ACTION

Count I: Infringement of U.S. Patent No. 11,086,910 (“’910 Patent”)

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

21. The USPTO duly and legally issued the ’910 Patent to Mr. Keith Kreft as the named inventor, who assigned all rights, titles, and interests in the ’910 Patent to Never-Search.

22. The ’910 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

23. MapQuest has directly infringed and continues to directly infringe, literally and/or under the doctrine of equivalents, the '910 Patent. The infringing acts include, but are not limited to, the make, use, sale, and/or offer to sale of the Accused Products to practice the claimed invention of the '910 Patent. For example, Claim 1 of the '910 Patent recites:

A method, comprising:

displaying two or more points of interest as part of an Internet enabled geographical map rendered on a graphical display device; and

concurrently displaying, in association with the displayed two or more points of interest, an advertisement rendered on the graphical display device and the advertisement is displayed on the Internet enabled geographical map.

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

24. MapQuest committed these infringing activities without license from Never-Search. MapQuest's acts of infringement have damaged Never-Search as owner of the '910 Patent. Never-Search is entitled to recover from MapQuest the damages it has sustained as a result of MapQuest's wrongful acts in an amount subject to proof at trial. The infringement of the '910 Patent by MapQuest has damaged and will continue to damage Plaintiff.

Count II: Infringement of U.S. Patent No. 9,177,330 (“’330 Patent”)

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

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

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

28. MapQuest has directly infringed and continues to directly infringe, literally and/or under the doctrine of equivalents, the '330 Patent. The infringing acts include, but are not limited

to, the make, use, sale, and/or offer to sale of the Accused Products to practice the claimed invention of the '330 Patent. For example, Claim 1 of the '330 Patent recites:

A method comprising:

providing first and second point of interest data sets

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

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

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

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

29. MapQuest committed these infringing activities without license from Never-Search. MapQuest's acts of infringement have damaged Never-Search as owner of the '910 Patent. Never-Search is entitled to recover from MapQuest the damages it has sustained as a result of MapQuest's wrongful acts in an amount subject to proof at trial. The infringement of the '910 Patent by MapQuest has damaged and will continue to damage Plaintiff.

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

30. All preceding factual allegations above are incorporated as if fully set forth herein.

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

32. The '519 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

33. MapQuest has directly infringed and continues to directly infringe the '519 Patent. The infringing acts include, but are not limited to, the make, use, sale, and/or offer to sale of the

Accused Products to practice the claimed invention of the '519 Patent. For example, Claim 1 of the '519 Patent recites:-

A method, comprising the computer-implemented steps of:

displaying a graphical map;

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

concurrently displaying, over the map, for each of the two or more points of interest at different geographical locations, particular qualitative information associated with the associated point of interest;

wherein all the qualitative information for all the points of interest is concurrently displayed in the map;

displaying, over the map, for each of the points of interest, an information box comprising the qualitative information for the associated point of interest, a first control which when selected causes displaying a higher level of information in the information box, and a second control which when selected causes displaying a lower level of information in the information box;

wherein each of the points of interest is associated with one or more datasets, and

wherein different qualitative information is displayed for different datasets.

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

34. MapQuest committed these infringing activities without license from Never-Search. MapQuest's acts of infringement have damaged Never-Search as owner of the '519 Patent. Never-Search is entitled to recover from MapQuest the damages it has sustained as a result of MapQuest's wrongful acts in an amount subject to proof at trial. The infringement of the '519 Patent by MapQuest has damaged and will continue to damage Plaintiff.

Count IV: Infringement of U.S. Patent No. 9,152,981 (“’981 Patent”)

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

36. The USPTO duly and legally issued the '981 Patent to Mr. Keith Kreft as the named inventor, who assigned all rights, titles, and interests in the '910 Patent to Never-Search.

37. The '981 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

38. MapQuest has directly infringed and continues to directly infringe, literally and/or under the doctrine of equivalents, the '981 Patent. The infringing acts include, but are not limited to, the make, use, sale, and/or offer to sale of the Accused Products to practice the claimed invention of the '981 Patent. For example, Claim 9 of the '981 Patent recites:

A method, comprising:

displaying a geographical map on a computer display wherein the geographical map includes a plurality of selectable points of interest; and

based on a selection of one of the selectable of said plurality of points of interest, displaying on said computer display a list of advertisements associated with the selected one of the plurality of points of interest.

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

39. MapQuest committed these infringing activities without license from Never-Search. MapQuest's acts of infringement have damaged Never-Search as owner of the '981 Patent. Never-Search is entitled to recover from MapQuest the damages it has sustained as a result of MapQuest's wrongful acts in an amount subject to proof at trial. The infringement of the '981 Patent by MapQuest has damaged and will continue to damage Plaintiff.

JURY DEMAND

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

PRAYER

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

2. A judgment in favor of Never-Search that MapQuest has infringed and is infringing, either literally and/or under the doctrine of equivalents, the Asserted Patent;

3. An award of damages in favor of Never-Search adequate to compensate Never-Search for MapQuest's infringement of the Asserted Patents which shall in no event be less than a reasonable royalty, together with interest and cost as fixed by the court pursuant to 35 U.S.C. § 284;

4. An award of an ongoing royalty for MapQuest's post-judgment infringement in the event a permanent injunction is not granted;

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

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

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

Dated: August 8, 2024

Respectfully submitted,

/s/ Jason S. McManis

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