UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

SAIED TADAYON 11204 Albermyrtle Road Potomac, Maryland 20854 Tel. (301) 294-0434 and **BIJAN TADAYON** 11204 Albermyrtle Road Potomac, Maryland 20854 Tel. (301) 294-0434, Plaintiffs, v. **LOCAL MOTION, INC.** **d/b/a LOCAL MOTION OF BOSTON** 66B Rocsam Park Road Braintree, MA 02184 Tel. (781) 535-6344, Defendant.	Civil Action No. _____ **COMPLAINT** **JURY DEMANDED**

COMPLAINT FOR PATENT INFRINGEMENT AND DEMAND FOR TRIAL BY JURY

pro se Plaintiffs, Saied Tadayon and Bijan Tadayon, hereby incorporate by reference attached Exhibits A and B and allege as follows:

THE PARTIES

1. pro se Plaintiffs, Saied Tadayon and Bijan Tadayon (hereinafter "we" or "Patentees"), are individuals residing in the State of Maryland, having an address at 11204 Albermyrtle Road, Potomac, Maryland 20854.

2. Saied Tadayon is a registered patent attorney. Bijan Tadayon is a patent agent registered with the United States Patent and Trademark Office (USPTO).

3. Defendant Local Motion, Inc., (hereinafter the "Transportation Company" or "Local Motion"), is organized and existing under the laws of the Commonwealth of Massachusetts, having its principal place of business at 66B Rocsam Park Road, Braintree, MA 02184, and is currently conducting business in several states, including the Commonwealth of Massachusetts.

JURISDICTION AND VENUE

4. This action is for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 271, 281, 283-285. Subject matter jurisdiction is conferred upon this Court under 28 U.S.C. §§ 1331 and 1338(a).

5. Personal jurisdiction over defendant comports with the United States Constitution because the Transportation Company is committing, inducing, and/or contributing to the acts of patent infringement alleged in this Complaint in the Commonwealth of Massachusetts (in this district), as stated below.

6. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b), 1391(c), and 1400(b).

FACTUAL BACKGROUND

I. Asserted Patent

7. On April 18, 2006, United States Patent No. 7,031,657 ("the '657 Patent"), entitled "Safe method and system for mobile or wireless computing or communication devices," was duly and lawfully issued based upon an application filed by the inventor, Mahin Nikmanesh Tehrani. A true and correct copy of the '657 Patent is attached hereto as Exhibit A and incorporated herein by reference.

8. The '657 Patent discloses a novel technology that enables a wireless communication, for example, within a motor vehicle, to access the Internet, while reducing the transmission power, as well as radiation power absorbed by the user.

9. Claims 1, 2, 3, 4, 9, 11, 16, 17, 19, 24, and 25, of the '657 Patent are being asserted against the Transportation Company. Claims 1 and 2 of the '657 Patent are independent claims. Claims 3, 4, 9, 11, 16, 17, 19, 24, and 25 are dependent on Claim 2.

10. Bijan Tadayon, a pro se Plaintiff in this case, drafted and prosecuted the patent application for the '657 Patent in front of the USPTO, and obtained the '657 Patent.

11. We are the owners of the '657 Patent by assignment, and we have the right to sue and recover damages for infringement thereof. Exhibit B lists prior settled and ongoing patent infringement lawsuits under the '657 against commercial passenger transportation companies.

II. Local Motion's Transportation Activities and Advertisement

12. Upon information and belief, Local Motion, a bus charter and group transportation company, is currently conducting business in several States, including the Commonwealth of Massachusetts.

13. Upon information and belief, Local Motion is providing passenger bus transportation in the Commonwealth of Massachusetts, including throughout Boston, and New England.

14. Upon information and belief, Local Motion transports thousands of passengers or travelers each month in the Commonwealth of Massachusetts and New England via its bus charter or group transportation service.

15. Upon information and belief, Local Motion provides bus transportation with routes and stops in and/or through Massachusetts, e.g., Beacon Hill, Cambridge, the North End, and Cape Cod.

16. Upon information and belief, "LOCAL MOTION OF BOSTON" is prominently displayed on some or all buses and other vehicles used by Local Motion to transport passengers.

17. Upon information and belief, Local Motion manages and/or oversights a website at *www.localmotionofboston.com* to offer and sell and/or reserve passenger seats on its buses and other vehicles for its charter or group transportation service.

18. Upon information and belief, *www.localmotionofboston.com* website distinctly advertises "WIFI" on various web pages.

19. Upon information and belief, *www.localmotionofboston.com* website advertises "WIFI" feature for its charter and group transportation service, including for its 55-passenger luxurious Deluxe Motor Coach, its 12-passenger Business Class Vans, and its 23-33 mini-coach buses.

20. Local Motion on its website distinctly provides a video illustrating a passenger using a laptop on board the bus or other vehicles, while announcing "WIFI" feature and accompanied with "WIFI" description.

21. Upon information and belief, *www.localmotionofboston.com* website provides a "Request a Quotation" web form where the potential purchaser or passenger may select the starting and destination locations, dates for travel, number and type of vehicle.

22. The activities of Local Motion in its main office in this district provides for sufficient contacts in this judicial district.

23. Local Motion's activities in and toward the Commonwealth of Massachusetts, including transportation (of thousands of passengers per month), provides for sufficient contacts in this judicial district, for personal jurisdiction.

III. WiFi-Cellular System on Local Motion's Vehicles

24. Upon information and belief, some or all coaches and other vehicles used by Local Motion are equipped with a system that provides Internet access to users on-board the bus or other vehicles via WiFi, and such system uses cellular network to provide access to the Internet.

25. Such system is hereon referred to as "WiFi-Cellular System."

26. Local Motion on its website indicates that it provides "WIFI" feature and WIFI enabled motorcoaches and vans.

27. Local Motion on its website distinctly illustrates a passenger using a laptop on board the bus or other vehicles, in a video announcing "WIFI" feature and having the description "WIFI".

28. Upon information and belief, Local Motion provides its passengers wireless Internet service (or WIFI service) for accessing Internet on-board all or some of their motorcoaches and other vehicles while traveling on their respective routes.

29. Upon information and belief, some of the Local Motion's bus passengers are induced to purchase charter or group transportation services, due to the wireless Internet service advertised and/or offered on Local Motion' buses and other vehicles.

30. Upon information and belief, Local Motion's inducements of passengers and purchasers of charter or group transportation services have caused bus passengers to use the wireless Internet service offered by Local Motion on its buses or other vehicles in several States, including the Commonwealth of Massachusetts.

DESCRIPTION OF INFRINGMENT OF PATENT CLAIMS BY THE TRANSPORTATION COMPANY'S WIFI-CELLULAR SYSTEM ON BUSES OR OTHER VEHICLES

31. Plaintiffs reallege and incorporate herein by reference paragraphs 1-30 into paragraph 31.

32. Upon information and belief, the WiFi-Cellular System on the Transportation Company's buses contains all the elements of **each** of **Claims 1, 2, 3, 4, 9, 11, 16, 17, 19, 24, and 25**, of the '657 Patent that is being asserted against the Transportation Company, as described in the following paragraphs.

33. Upon information and belief, as indicated in the following description within parenthesis, the Transportation Company's WiFi-Cellular System includes all elements of **Claim 1** of the '657 Patent (with claim language appearing in *italic* typeface), notably:

> *A system for mobile or wireless communication or computation* (the Transportation Company's WiFi-Cellular System), *said system comprising: first unit comprising first antenna, wherein said first unit is mobile or wireless* (e.g., WiFi enabled Laptop, smart phone, or PDA)*; last unit comprising last antenna, wherein said last unit is mobile or wireless* (component mentioned in paragraphs 24-28 above, communicating both in the WiFi network and the cellular network)*; and said first unit receives data from said last unit, wherein said data is transmitted from said last antenna to said first antenna* (last unit communicates data with the WiFi enabled laptop in the WiFi network in the bus), *wherein said last unit receives said data from a location outside said system, wherein said data is transmitted from said location outside said system to said last antenna* (cellular tower communicates with last unit in the cellular network), *wherein transmission of said data between said first antenna and said last antenna is done at first frequency* (the communication between the WiFi enabled laptop and last unit is at WiFi frequency), *and transmission of said data between said last antenna and said location outside said system is done at second frequency* (the communication

between last unit and the cellular tower is at cellular frequency), *wherein said second frequency is different than said first frequency* (WiFi frequency is different from Cellular frequency), *wherein said first frequency is chosen from a range of frequency which corresponds to a low radiation power absorption for a specific tissue or part of human body, or which corresponds to a low overall radiation power absorption for whole body of a human or a specific animal* (WiFi frequency is at low radiation power absorption), *and wherein transmission of said data between said first antenna and said last antenna is done at first power* (last unit WiFi power), *and transmission of said data between said last antenna and said location outside said system is done at second power* (Cellular tower power), *wherein said second power is different than said first power, wherein said second power is larger than said first power* (Cellular tower power is larger than last unit WiFi power).

34. Upon information and belief, as indicated in the following description within parenthesis, the Transportation Company's WiFi-Cellular System includes all elements of **Claim 2** of the '657 Patent (with claim language appearing in *italic* typeface), notably:

A system for mobile or wireless communication or computation (the Transportation Company's WiFi-Cellular System), *said system comprising: first unit comprising first antenna, wherein said first unit is mobile or wireless* (e.g., WiFi enabled Laptop, smart phone, or PDA); *last unit comprising last antenna, wherein said last unit is mobile or wireless* (component mentioned in paragraphs 24-28 above, communicating both in the WiFi network and the cellular network); *and said first unit transmits data to said last unit, wherein said data is transmitted*

from said first antenna to said last antenna (the WiFi enabled laptop transmits data to last unit in the WiFi network in the bus), *wherein said last unit transmits said data to a location outside said system, wherein said data is transmitted from said last antenna to said location outside said system* (last unit communicates with cellular tower in the cellular network), *wherein transmission of said data between said first antenna and said last antenna is done at first frequency* (the communication between the WiFi enabled laptop and last unit is at WiFi frequency), *and transmission of said data between said last antenna and said location outside said system is done at second frequency* (the communication between last unit and the cellular tower is at cellular frequency), *wherein said second frequency is different than said first frequency* (WiFi frequency is different from Cellular frequency), *wherein said first frequency is chosen from a range of frequency which corresponds to a low radiation power absorption for a specific tissue or part of human body, or which corresponds to a low overall radiation power absorption for whole body of a human or a specific animal* (WiFi frequency is at low radiation power absorption), *and wherein transmission of said data between said first antenna and said last antenna is done at first power* (the laptop WiFi power), *and transmission of said data between said last antenna and said location outside said system is done at second power* (last unit Cellular power), *wherein said second power is different than said first power, wherein said second power is larger than said first power* (last unit Cellular power is larger than the laptop WiFi power).

35. **Claim 3** is dependent on Claim 2. We reallege and incorporate herein by reference the description related to Claim 2 from paragraph 34. Upon information and belief, the Transportation Company's WiFi-Cellular System includes all elements of Claim 3 of the '657 Patent, notably (with claim language appearing in *italic* typeface):

> *A system as recited in claim 2, wherein the distance between said first unit and a user is shorter than the distance between said last unit and said user* (the user is next to the laptop, while the last unit is further away from the user).

36. **Claim 4** is dependent on Claim 2. We reallege and incorporate herein by reference the description related to Claim 2 from paragraph 34. Upon information and belief, the Transportation Company's WiFi-Cellular System includes all elements of Claim 4 of the '657 Patent, notably (with claim language appearing in *italic* typeface):

> *A system as recited in claim 2, wherein said system is used in a cellular, mobile, satellite-access, remote-access, or wireless phone* (e.g., a mobile smart phone).

37. **Claim 9** is dependent on Claim 2. We reallege and incorporate herein by reference the description related to Claim 2 from paragraph 34. Upon information and belief, the Transportation Company's WiFi-Cellular System includes all elements of Claim 9 of the '657 Patent, notably (with claim language appearing in *italic* typeface):

> *A system as recited in claim 2, wherein said system is used in a car* (e.g., a bus or coach is a type of motor vehicle or car).

38. **Claim 11** is dependent on Claim 2. We reallege and incorporate herein by reference the description related to Claim 2 from paragraph 34. Upon information and belief, the Transportation Company's WiFi-Cellular System includes all elements of Claim 11 of the '657 Patent, notably (with claim language appearing in *italic* typeface):

A system as recited in claim 2, wherein said system is used in at least one of computation device, pager, radio, PDA, computer-game device, e-book reader, music-player, video-player, rendering device, global positioning system, hand-held device, appliance, PC, computer, one-way or two-way communication system, tracking device, broadcasting device, or narrow-casting device (e.g., a two way communication system such as an email system accessed and used through the Transportation Company's WiFi-Cellular System).

39. **Claim 16** is dependent on Claim 2. We reallege and incorporate herein by reference the description related to Claim 2 from paragraph 34. Upon information and belief, the Transportation Company's WiFi-Cellular System includes all elements of Claim 16 of the '657 Patent, notably (with claim language appearing in *italic* typeface):

A system as recited in claim 2, wherein said second frequency is chosen from a range of 800 MHz - 2.4 GHz (Cellular frequency is for example between 800 MHz and 2.4 GHz).

40. **Claim 17** is dependent on Claim 2. We reallege and incorporate herein by reference the description related to Claim 2 from paragraph 34. Upon information and belief, the Transportation Company's WiFi-Cellular System includes all elements of Claim 17 of the '657 Patent, notably (with claim language appearing in *italic* typeface):

A system as recited in claim 2, wherein said data consists of at least one of text, voice, music, financial information, computer codes, executable codes, multimedia, video, Morse codes, encrypted data, unencrypted data, compressed data, uncompressed data, computer commands, or fund transfers (e.g., the type of data communicated through the laptop, for example, when checking e-mail,

browsing the web, downloading or uploading files/images/webpages, or do banking transactions on-line, through the Transportation Company's WiFi-Cellular System).

41. **Claim 19** is dependent on Claim 2. We reallege and incorporate herein by reference the description related to Claim 2 from paragraph 34. Upon information and belief, the Transportation Company's WiFi-Cellular System includes all elements of Claim 19 of the '657 Patent, notably (with claim language appearing in *italic* typeface):

> *A system as recited in claim 2, wherein said first antenna, said last antenna, or both are chosen from at least one of the types of with-extension, outside-of-the-housing, inside-of-housing, straight, curved, zigzag-patterned, square-patterned, circular-patterned, in array-form with multiple antennas, micro-antenna, on-substrate, on-chip, with spring-action, spiral-shaped, ring-shaped, coil-shaped helical-shaped, dish-shaped, directional, non-directional, focused, multi-frequency, on-the-car, in-the-car, inside-the-glass, attached-to-a-balloon, on-a-helmet, on-a-watch, on-a-toy, on-a-robot, on-the-ear, in-the-ear, on-umbrella, on-the belt, on-eyeglasses or on-their-frames, on-another-antenna, inside-the-unit, hidden, in any one-dimensional, two-dimensional, or three-dimensional structures, on any one-dimensional, two-dimensional, or three-dimensional structures, or in the shape of any one-dimensional, two-dimensional, or three-dimensional structures* (e.g., the WiFi enabled Laptop or smart phone having its WiFi antenna inside of its housing).

42. **Claim 24** is dependent on Claim 2. We reallege and incorporate herein by reference the description related to Claim 2 from paragraph 34. Upon information and belief, the

Transportation Company's WiFi-Cellular System includes all elements of Claim 24 of the '657 Patent, notably (with claim language appearing in *italic* typeface):

> *A system as recited in claim 2, wherein said first unit, said last unit, or both include at least one of keypad, keyboard, number pad, mouse, speaker, microphone, display, LCD, or screen* (e.g., a WiFi enabled Laptop having a keyboard).

43. **Claim 25** is dependent on Claim 2. We reallege and incorporate herein by reference the description related to Claim 2 from paragraph 34. Upon information and belief, the Transportation Company's WiFi-Cellular System includes all elements of Claim 25 of the '657 Patent, notably (with claim language appearing in *italic* typeface):

> *A system as recited in claim 2, said system further comprising a security module to authenticate a user or users* (e.g., last unit provides secure WiFi connectivity for protection of accounts or data).

COUNT I
(Infringement of the '657 Patent)

44. Plaintiffs reallege and incorporate herein by reference paragraphs 1-43 into paragraph 44.

45. Upon information and belief, the Transportation Company, directly and/or contributorily infringed, and/or induced infringement of, and are continuing to directly and/or contributorily infringe, and/or induce infringement of, the '657 Patent, in violation of Patent Laws of the United States, as set forth in 35 U.S.C. §§271, by making, selling, offering to sell, and/or using, and/or inducing others to make, use, sell, and/or offer to sell, WiFi-Cellular System that come within the scope of claims 1, 2, 3, 4, 9, 11, 16, 17, 19, 24, and 25, of the '657 Patent (as, for example, described in paragraphs 32 through 43).

46. Upon information and belief, the Transportation Company's WiFi-Cellular System enables data transmission and Internet access via Wi-Fi wireless Internet services within the Transportation Company's buses or other vehicles.

47. Upon information and belief, the Transportation Company makes, retrofits, installs, services, repairs, tests, maintains, operates, or otherwise uses the WiFi-Cellular System on the buses or other vehicles, or has it made, retrofitted, installed, serviced, repaired, tested, maintained, operated or otherwise used, on its behalf.

48. Upon information and belief, the Transportation Company infringes the '657 Patent by making, retrofitting, installing, servicing, repairing, testing, maintaining, operating or otherwise using the WiFi-Cellular System on the buses or other vehicles, or has it made, retrofitted, installed, serviced, repaired, tested, maintained, operated or otherwise used, on its behalf.

49. Upon information and belief, the Transportation Company uses the WiFi-Cellular System on the buses or other vehicles to increase the sales and ridership.

50. Upon information and belief, the Transportation Company uses the WiFi-Cellular System on the buses or other vehicles to increase its profit.

51. Upon information and belief, the Transportation Company actively advertises to, encourages, instructs, directs, or intends passengers or potential passengers to use WiFi-Cellular System on the buses or other vehicles to access the Internet, e.g., via advertisements at its website which it uses to sell its tour, charter, and commuter services to passengers and potential passengers.

52. Upon information and belief, the Transportation Company uses and makes WiFi-Cellular System available to passengers to access the Internet on-board the buses or other vehicles.

53. Upon information and belief, the users of WiFi-Cellular System directly infringe the '657 Patent, as the WiFi-Cellular System includes all the elements of each of the asserted claims of the '657 Patent (as for example, described in paragraphs 32 through 43).

54. Upon information and belief, the Transportation Company induces infringement of the '657 Patent by inducing users to use WiFi-Cellular System to access Internet while on-board the buses or other vehicles.

55. Upon information and belief, the Transportation Company induces infringement of the '657 Patent by inducing others to make or install WiFi-Cellular System on-board the buses or other vehicles.

56. The continued acts of infringement by the Transportation Company with knowledge of the '657 Patent, after serving this complaint on Defendant (or after possible Defendant's earlier knowledge of the '657 Patent, determinable via a reasonable opportunity for further investigation and discovery), would be willful and deliberate. In such a case, this action becomes "exceptional" within the meaning of 35 U.S.C. § 285.

57. Upon information and belief, there is no other substantial use for WiFi-Cellular System on the bus or other vehicles other than to provide Internet access to users on-board the bus via a WiFi network.

58. Upon information and belief, the Transportation Company has regarded its WiFi-Cellular System on the bus as having no other substantial use other than to provide the Internet access to users on-board the bus or other vehicles via a WiFi network, as for example indicated by its references to the system on its website as "WIFI" feature.

59. Patentees have been damaged by the infringement by the Transportation Company and are suffering, and will continue to suffer, irreparable harm and damage as a result of this infringement, unless such infringement is enjoined by this Court.

60. Patentees have no adequate remedy at law.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for the following relief:

A. Declaring that United States Letters Patent No. 7,031,657 was duly and legally issued, is valid and is enforceable;

B. An order adjudging Defendant, Local Motion, Inc., to have infringed the '657 Patent;

C. A preliminary injunction and a permanent injunction enjoining Local Motion, Inc., together with its affiliates, officers, directors, employees, agents, licensees, subsidiaries, successors and assigns, and any and all persons acting in privity or in concert or participation with any of them who receive notice of the injunction, including contractors and customers, from infringing the '657 Patent;

D. An award of damages adequate to compensate Patentees for the infringement of Local Motion, Inc., along with prejudgment and postjudgment interest, but in no event less than a reasonable royalty, such damages to be trebled pursuant to the provisions of 35 U.S.C. § 284;

E. An award of Patentee's reasonable attorney fees and expenses, pursuant to the provisions of 35 U.S.C. § 285;

F. An award of Patentee's costs;

G. An order for Defendant, Local Motion, Inc., to file with the Court within thirty (30) days after entry of final judgment of this cause a written statement under oath setting forth the manner in which Defendant have complied with the final judgment; and

H. Such other and further relief as this honorable Court may deem just and proper.

DEMAND FOR TRIAL BY JURY

Pursuant to Fed. R. Civ. P. 38(b), Patentees hereby respectfully demand trial by jury of all issues raised that are triable by jury in this action.

Respectfully submitted,

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