Peter A. Haas, OSB #020552
Peter A Haas, Esquire LLC
3699 N.W. John Olsen Place
Hillsboro, OR 97124
Telephone: 503-319-3024
Facsimile: 503-482-7418
Email: peterahaas @flatfee-ip.com

Attorney for Plaintiff,
SD Holdings, LLC, a Washington corporation

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

SD HOLDINGS LLC, a Washington corporation, Plaintiff, v. Aircraft Owners and Pilots Association (AOPA), Inc., a Maryland corporation, Defendant	Civil Action No: COMPLAINT FOR PATENT INFRINGEMENT DEMAND FOR JURY TRIAL

I. NATURE OF THE ACTION

1. Plaintiff SD Holdings, LLC ("SD Holdings"), brings this action against Aircraft Owners and Pilots Association, Inc. ("AOPA") for patent infringement under 35 U.S.C. § 101 et seq.

II. JURISDICTION AND VENUE

2. This is an action for patent infringement arising under the Patent Act of the United States, 35 U.S.C. § 101 et seq., including 35 U.S.C. § § 271 and 281. This Court has subject matter jurisdiction over this action under 28 U.S.C. § § 1331 and 1338(a).

3. This court has personal jurisdiction over AOPA under 28 U.S.C. §1331 and the State of Oregon's long arm statute, ORCP 4 L, because AOPA solicits membership from citizens of Oregon, has Oregon citizens who are members and also pay membership dues, advertise to the citizens of Oregon, and provides services to citizens of Oregon and is available in this judicial district by means of a website www.aopa.org and reports on, lobbies for, and otherwise advocates positions on Oregon-based aviation and aircraft policy, issues, laws, rules, and regulations.

4. Moreover, as detailed herein, AOPA has committed acts of patent infringement in this judicial district, by allowing their member pilots access to, via networked computer systems, and continues to commit acts of patent infringement in this judicial district by offering to sell and selling the FlyQ online flight planning system.

5. Venue is proper in this judicial district pursuant to 28 U.S.C. §1400(b) and 28 U.S.C. §1391(c)(2) as AOPA is subject to personal jurisdiction in this judicial district.

III. THE PARTIES

6. SD Holdings is a corporation organized and existing under the laws of the State of Washington and has its principal place of business at 170 S. Lincoln St., Ste. 100, Spokane, WA 99201. SD Holdings has significant contacts with this jurisdiction as the members of this limited liability company are located in the State of Oregon.

7. SD Holdings is assignee of full title and interest to U.S. Patent No. 7,640,098 ("the '098 Patent") and U.S. Patent No. 8,447,512 (the '512 patent).

8. On information and belief, AOPA is a non-profit corporation organized under the laws of the State of Maryland.

9. On information and belief, AOPA's headquarters is located at 421 Aviation Way, Frederick, Maryland 21701.

IV. FACTUAL BACKGROUND

10. SD Holdings is the lawful owner and assignee to the entire title and rights granted under the ‘098 Patent and the ‘512 Patent and these patents are attached as Exhibits 1 and 2.

11. AOPA develops, markets, and supports flight-planning products for pilots, including client software and interactive, online flight planning products.

12. AOPA’s online flight planning product incorporates, delivers to end users, and utilizes Oregon maps, Oregon charts, navigation waypoints in Oregon, and airports in Oregon.

13. AOPA’s flight planning products include an interactive online flight planner. One such product has been licensed for use by pilots by the AOPA (see at www. aopa .org) and is made available to over 400,000 pilots who are members of the AOPA.

14. On information and belief, one such interactive online flight planner product includes AOPA FlyQ Flight Planner 1.2.91 (“The Product”), available at http:// www. aopa .org/ flightplanning/ flyqweb/ .

15. AOPA’s on-line flight planning software is configured to receive program and electronic chart data updates from an online server and is compatible with desktop computers, notebook computers, tablet computers, and mobile devices.

16. Users, including Oregon pilots, interact with AOPA’s on-line flight planning products by selecting desired waypoints and charting flight plans.

17. On information and belief, users, including Oregon pilots, pay a fee to access and use AOPA’s interactive online flight planning products.

18. On August 10, 2010, the inventor, Roger Stenbock, sent a demand letter to the AOPA.

19. On September 1st, 2010 AOPA wrote a response acknowledging the '098 Patent and denying infringement thereof.

20. On information and belief, AOPA has – since at least the dates U.S. Patent No. 7,640,098 ("the '098 Patent") and U.S. Patent No. 8,447,512 (the '512 patent) issued an until present – approximately 400,000 members.

21. On information and belief, AOPA's members have access to and AOPA distributes and offers to its member, and its members in fact use an interactive online flight planner.

22. The retail price for an interactive online flight planner licensed under U.S. Patent No. 7,640,098 ("the '098 Patent") and U.S. Patent No. 8,447,512 (the '512 patent) is $150.00

23. A reasonable royalty for the product of paragraph 22 is 10% or 15.00 per user.

FIRST CAUSE OF ACTION FOR

PATENT INFRINGEMENT OF THE '098 PATENT

24. SD Holdings repeats and realleges, as if set forth in full, paragraphs 1 through 19 of this Complaint.

25. On December 29, 2009, the United States Patent and Trademark Office granted the '098 Patent, entitled "Process for Generating Travel Plans on the Internet".

26. AOPA is infringing at least one of the claims of the '098 Patent, in this judicial district and elsewhere, in that it has, without authority, made, used, offered to sell, sold, or a product that infringes on the '098 patent.

SECOND CAUSE OF ACTION FOR

PATENT INFRINGEMENT OF THE ‘512PATENT

27. SD Holdings repeats and realleges, as if set forth in full, paragraphs 1 through 26 of this Complaint.

28. On May 12, 2013, the United States Patent and Trademark Office granted the ‘512 Patent, entitled "Process for Generating Computer Flight Plans on the internet”.

29. AOPA is infringing at least one of the claims of the ‘512 Patent, in this judicial district and elsewhere, in that it has, without authority, made, used, offered to sell, or sold, a product that infringes on the ‘512 patent.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff SD Holdings seeks for this Court to enter judgment against AOPA as follows:

a) Declaring that AOPA has infringed at least one claim of the '098 Patent by the internet based flight planning product(s) provided by AOPA;

b) Declaring that AOPA has infringed at least one claim of the ‘512 Patent by the internet based flight planning product(s) provided by AOPA;

c) Awarding SD Holdings damages of no less than a reasonable royalty arising from AOPA’s infringement of the '098 Patent and/or the ‘512 patent;

d) Awarding SD Holding no less than $6,000,000 as a reasonable royalty arising from AOPA’s infringement of the ‘098 Patent and/or the ‘512 patent for each year such infringing activity took place;

e) Awarding SD Holdings no less than $60,000,000 as lost profits arising from AOPA's infringement of the '098 Patent and/or the '512 patent for each year such infringing activity took place;

f) Declaring that the AOPA willfully infringed the '098 Patent;

g) Awarding SD Holdings prejudgment and post-judgment interest;

h) Declaring this case to be exceptional and awarding attorney fees and costs to SD Holdings pursuant to 35 U.S.C. § 285 or as otherwise permitted by law;

i) For an order preliminarily and permanently enjoining AOPA, its officers, directors, shareholders, agents, servants, employees and attorneys, and all entities and individuals acting in concert with them or on their behalf, from infringing the '098 Patent and/or the '512 patent; and

j) Awarding such other costs and further relief as the Court may deem just and proper under the circumstances.

Dated: This 29th Day of July in the year 2013

Peter A. Haas
OR Bar 020552

Attorneys for the Plaintiff

DEMAND FOR JURY TRIAL

1. SD Holdings requests a trial by jury.

Dated: This 29th Day of July in the year 2013

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OR Bar 020552

Attorneys for the Plaintiff