

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

**INNOVATIVE DISPLAY
TECHNOLOGIES LLC**

Plaintiff,

V.

**MERCEDES-BENZ U.S.
INTERNATIONAL, INC. AND
MERCEDES-BENZ USA, LLC,**

Defendants.

[illegible]

C.A. No. _____

JURY TRIAL DEMANDED

PLAINTIFF'S COMPLAINT

Innovative Display Technologies LLC (“Plaintiff”) by and through its undersigned counsel, files this Complaint against Mercedes-Benz U.S. International, Inc. and Mercedes-Benz USA, LLC (collectively, “Defendants”).

THE PARTIES

1. Innovative Display Technologies LLC (“IDT”) is a Texas limited liability company with its principal place of business located at 2400 Dallas Parkway, Suite 200, Plano, Texas 75093.

2. Upon information and belief, Mercedes-Benz U.S. International, Inc. is an Alabama corporation with its principal place of business at 1 Mercedes Drive, Vance, AL 35490.

3. Upon information and belief, Mercedes-Benz USA, LLC is a Delaware corporation with its principle place of business at One Mercedes Drive, Montvale, NJ 07645.

4. Upon information and belief, Defendants have conducted and regularly conduct business within this District, have purposefully availed themselves of the privileges of conducting business in this District, and have sought protection and benefit from the laws of the State of Texas.

JURISDICTION AND VENUE

5. This action arises under the Patent Laws of the United States, 35 U.S.C. § 1, *et seq.*, including 35 U.S.C. §§ 271, 281, 283, 284, and 285. This Court has subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

6. As further detailed herein, this Court has personal jurisdiction over Defendants. Defendants are amenable to service of summons for this action. Furthermore, personal jurisdiction over Defendants in this action comports with due process. Defendants have conducted and regularly conduct business within the United States and this District. Defendants have purposefully availed themselves of the privileges of conducting business in the United States and, more specifically, in this District. Defendants have sought protection and benefit from the laws of the State of Texas by, either directly or through intermediaries, regularly selling products and services in this District and manufacturing products intended to be sold and in fact sold in this District. IDT's causes of action arise directly from Defendants' business contacts and other activities in this District.

7. Defendants – directly or through intermediaries (including distributors, retailers, and others), subsidiaries, alter egos, and/or agents – ships, distributes, offers for sale, and/or sells their products in the United States and this District. Defendants have purposefully and voluntarily placed one or more infringing products, as described below, into the stream of commerce with the expectation and/or knowledge that they will be purchased by consumers in this District. Defendants knowingly and purposefully ship infringing products into and within this District through an established distribution channel. These infringing products have been and continue to be purchased by consumers in this District. Upon information and belief, Defendants have committed the tort of patent infringement in this District and/or has induced others to commit patent infringement in this District.

8. Venue is proper in this Court under 28 U.S.C. §§ 1391(b), (c), and (d), as well as 28 U.S.C. § 1400(b). One or more of IDT's witnesses reside in this District. Defendants are subject to personal jurisdiction in this District, and therefore is deemed to reside in this District for purposes of venue, and, upon information and belief, Defendants have committed acts within this judicial District giving rise to this action and do business in this District, including but not limited to making sales in this District, providing service and support to their respective customers in this District, and/or operating interactive websites that are available to persons in this District, which websites advertise, market, and/or offer for sale infringing products.

THE PATENTS IN SUIT

9. U.S. Patent No. 6,508,563 titled "Light Emitting Panel Assemblies For Use In Automotive Applications And The Like" ("the '563 patent") was duly and legally issued by the U.S Patent and Trademark Office on January 21, 2003, after full and fair examination. Jeffery R. Parker, Mark D. Miller, and Thomas A. Hough are the inventors listed on the '563 patent. A true and correct copy of the '563 patent is attached as **Exhibit A** and made a part hereof.

10. U.S. Patent No. 6,755,547 titled "Light Emitting Panel Assemblies" ("the '547 patent") was duly and legally issued by the U.S. Patent and Trademark Office on June 29, 2004, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '547 patent. A true and correct copy of the '547 patent is attached as **Exhibit B** and made a part hereof.

11. U.S. Patent No. 6,886,956 titled "Light Emitting Panel Assemblies For Use In Automotive Applications And The Like" ("the '956 patent") was duly and legally issued by the U.S Patent and Trademark Office on May 3, 2005, after full and fair examination. Jeffery R. Parker, Mark D. Miller, and Thomas A. Hough are the inventors listed on the '956 patent. A true and correct copy of the '956 patent is attached as **Exhibit C** and made a part hereof.

12. U.S. Patent No. 7,300,194 titled “Light Emitting Panel Assemblies” (“the ’194 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on November 27, 2007, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’194 patent. A true and correct copy of the ’194 patent is attached as **Exhibit D** and made a part hereof.

13. U.S. Patent No. 7,384,177 titled “Light Emitting Panel Assemblies” (“the ’177 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on June 10, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’177 patent. A true and correct copy of the ’177 patent is attached as **Exhibit E** and made a part hereof.

14. U.S. Patent No. 7,404,660 titled “Light Emitting Panel Assemblies” (“the ’660 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on July 29, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’660 patent. A true and correct copy of the ’660 patent is attached as **Exhibit F** and made a part hereof.

15. U.S. Patent No. 7,434,974 titled “Light Emitting Panel Assemblies” (“the ’974 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on October 14, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’974 patent. A true and correct copy of the ’974 patent is attached as **Exhibit G** and made a part hereof.

16. U.S. Patent No. 8,215,816 titled “Light Emitting Panel Assemblies” (“the ’816 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on July 10, 2012, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’816 patent. A true and correct copy of the ’816 patent is attached as **Exhibit H** and made a part hereof.

17. The ’563 patent, the ’547 patent, the ’956 patent, the ’194 patent, the ’177 patent, the ’660 patent, the ’974 patent, and the ’816 patent are collectively referred to as the “IDT patents” or the “patents-in-suit.”

18. IDT owns all of the right, title, and interest in the IDT patents, including the exclusive right to sue and collect for its own use and benefit all claims for damages by reason of past infringement or use of the IDT patents.

COUNT I

Patent Infringement of U.S. Patent No. 6,508,563

19. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-18 as though fully set forth herein

20. The '563 patent is valid and enforceable.

21. Defendants have never been licensed, either expressly or impliedly, under the '563 patent.

22. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Defendants of their alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '563 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '563 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

23. Upon information and belief, Defendants have been and are directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '563 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, vehicles (including but not limited to various model years of Mercedes-Benz's M-class models) having lights (including

but not limited to the tail light) that include all of the limitations of one or more claims of the '563 patent, their light components, and/or other products made, used, sold, offered for sale, or imported by Defendants that include all of the limitations of one or more claims of the '563 patent. To the extent that Defendants have not otherwise been put on notice of their infringement of the '563 patent, the filing of this complaint is notice of Defendants' infringement of the '563 patent.

24. Upon information and belief, distributors and consumers that purchase Defendants' vehicles (including but not limited to various model years of Mercedes-Benz's M-class models) having lights (including but not limited to the tail light) that include all of the limitations of one or more claims of the '563 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '563 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing products.

25. Upon information and belief, the third-party manufacturers, distributors, and importers that sell products to Defendants that include all of the limitations of one or more claims of the '563 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '563 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

26. Upon information and belief, since at least the filing of this complaint, Defendants actively induce, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell vehicles (including but not limited to various model years of Mercedes-Benz's M-class models) having lights (including but not limited to the tail light) that

include all of the limitations of one or more claims of the '563 patent, to directly infringe one or more claims of the '563 patent. Since at least the filing of this complaint, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '563 patent.

27. Upon information and belief, Defendants intend to cause, and take affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

28. Plaintiff intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement or post-suit infringement of the '563 patent.

29. As a direct and proximate result of these acts of patent infringement, Defendants have encroached on the exclusive rights of IDT and its licensees to practice the '563 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT II

Patent Infringement of U.S. Patent No. 6,755,547

30. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-29 as though fully set forth herein.

31. The '547 patent is valid and enforceable.

32. Defendants have never been licensed, either expressly or impliedly, under the '547 patent.

33. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Defendants of their alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '547 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '547 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

34. Upon information and belief, Defendants have been and are directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '547 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, vehicles having displays (including but not limited to the A2C30083500 in-dash display) that include all of the limitations of one or more claims of the '547 patent, their display components, and/or other products made, used, sold, offered for sale, or imported by Defendants that include all of the limitations of one or more claims of the '547 patent. To the extent that Defendants have not otherwise been put on notice of their infringement of the '547 patent, the filing of this complaint is notice of Defendants' infringement of the '547 patent.

35. Upon information and belief, distributors and consumers that purchase Defendants' vehicles having displays (including but not limited to the A2C30083500 in-dash display) that

include all of the limitations of one or more claims of the '547 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '547 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

36. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Defendants that include all of the limitations of one or more claims of the '547 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '547 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

37. Upon information and belief, since at least the filing of this complaint, Defendants actively induce, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell vehicles having displays (including but not limited to the A2C30083500 in-dash display) that include all of the limitations of one or more claims of the '547 patent, to directly infringe one or more claims of the '547 patent. Since at least the filing of this complaint, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '547 patent.

38. Upon information and belief, Defendants intend to cause, and take affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and

regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

39. Plaintiff intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement or post-suit infringement of the '547 patent.

40. As a direct and proximate result of these acts of patent infringement, Defendants have encroached on the exclusive rights of IDT and its licensees to practice the '547 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT III

Patent Infringement of U.S. Patent No. 6,886,956

41. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-40 as though fully set forth herein

42. The '956 patent is valid and enforceable.

43. Defendants have never been licensed, either expressly or impliedly, under the '956 patent.

44. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Defendants of their alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '956 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '956 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

45. Upon information and belief, Defendants have been and are directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '956 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, vehicles (including but not limited to various model years of Mercedes-Benz's M-class models) having lights (including but not limited to the tail light) that include all of the limitations of one or more claims of the '956 patent, their light components, and/or other products made, used, sold, offered for sale, or imported by Defendants that include all of the limitations of one or more claims of the '956 patent. To the extent that Defendants have not otherwise been put on notice of their infringement of the '956 patent, the filing of this complaint is notice of Defendants' infringement of the '956 patent.

46. Upon information and belief, distributors and consumers that purchase Defendants' vehicles (including but not limited to various model years of Mercedes-Benz's M-class models) having lights (including but not limited to the tail light) that include all of the limitations of one or more claims of the '956 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '956 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing products.

47. Upon information and belief, the third-party manufacturers, distributors, and importers that sell products to Defendants that include all of the limitations of one or more claims of the '956 patent, also directly infringe, either literally or under the doctrine of equivalents, under

35 U.S.C. § 271(a), the '956 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

48. Upon information and belief, since at least the filing of this complaint, Defendants actively induce, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell vehicles (including but not limited to various model years of Mercedes-Benz's M-class models) having lights (including but not limited to the tail light) that include all of the limitations of one or more claims of the '956 patent, to directly infringe one or more claims of the '956 patent. Since at least the filing of this complaint, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '956 patent.

49. Upon information and belief, Defendants intend to cause, and take affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

50. Plaintiff intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement or post-suit infringement of the '956 patent.

51. As a direct and proximate result of these acts of patent infringement, Defendants have encroached on the exclusive rights of IDT and its licensees to practice the '956 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT IV

Patent Infringement of U.S. Patent No. 7,300,194

52. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-51 as though fully set forth herein

53. The '194 patent is valid and enforceable.

54. Defendants have never been licensed, either expressly or impliedly, under the '194 patent.

55. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Defendants of their alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '194 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '194 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

56. Upon information and belief, Defendants have been and are directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '194 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, vehicles having displays (including but not limited to the A2C30083500 in-dash display) that include all of the limitations

of one or more claims of the '194 patent, their display components, and/or other products made, used, sold, offered for sale, or imported by Defendants that include all of the limitations of one or more claims of the '194 patent. To the extent that Defendants have not otherwise been put on notice of their infringement of the '194 patent, the filing of this complaint is notice of Defendants' infringement of the '194 patent.

57. Upon information and belief, distributors and consumers that purchase Defendants' vehicles having displays (including but not limited to the A2C30083500 in-dash display) that include all of the limitations of one or more claims of the '194 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '194 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing products.

58. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Defendants that include all of the limitations of one or more claims of the '194 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '194 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

59. Upon information and belief, since at least the filing of this complaint, Defendants' actively induce, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell vehicles having displays (including but not limited to the A2C30083500 in-dash display) that include all of the limitations of one or more claims of the '194 patent, to directly infringe one or more claims of the '194 patent. Since at least the filing of this

complaint, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '194 patent.

60. Upon information and belief, Defendants intend to cause, and take affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

61. Plaintiff intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement or post-suit infringement of the '194 patent.

62. As a direct and proximate result of these acts of patent infringement, Defendants have encroached on the exclusive rights of IDT and its licensees to practice the '194 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT V

Patent Infringement of U.S. Patent No. 7,384,177

63. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-62 as though fully set forth herein.

64. The '177 patent is valid and enforceable.

65. Defendants have never been licensed, either expressly or impliedly, under the '177 patent.

66. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Defendants of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '177 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '177 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

67. Upon information and belief, Defendants have been and are directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '177 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, vehicles having displays (including but not limited to the A2C30083500 in-dash display) that include all of the limitations of one or more claims of the '177 patent, their display components, and/or other products made, used, sold, offered for sale, or imported by Defendants that include all of the limitations of one or more claims of the '177 patent. To the extent that Defendants have not otherwise been put on notice of their infringement of the '177 patent, the filing of this complaint is notice of Defendants' infringement of the '177 patent.

68. Upon information and belief, distributors and consumers that purchase Defendants' vehicles having displays (including but not limited to the A2C30083500 in-dash display) that include all of the limitations of one or more claims of the '177 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '177 patent by using,

offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing products.

69. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Defendants that include all of the limitations of one or more claims of the '177 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '177 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

70. Upon information and belief, since at least the filing of this complaint, Defendants actively induce, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell vehicles having displays (including but not limited to the A2C30083500 in-dash display) that include all of the limitations of one or more claims of the '177 patent, to directly infringe one or more claims of the '177 patent. Since at least the filing of this complaint, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '177 patent.

71. Upon information and belief, Defendants intend to cause, and take affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to

purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

72. Plaintiff intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement or post-suit infringement of the '177 patent.

73. As a direct and proximate result of these acts of patent infringement, Defendants have encroached on the exclusive rights of IDT and its licensees to practice the '177 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT VI

Patent Infringement of U.S. Patent No. 7,404,660

74. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-73 as though fully set forth herein.

75. The '660 patent is valid and enforceable.

76. Defendants have never been licensed, either expressly or impliedly, under the '660 patent.

77. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Defendants of their alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '660 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '660 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

78. Upon information and belief, Defendants have been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing,

by way of inducement with specific intent under 35 U.S.C. § 271(b), the '660 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, vehicles having displays (including but not limited to the A2C30083500 in-dash display) that include all of the limitations of one or more claims of the '660 patent, their display components, and/or other products made, used, sold, offered for sale, or imported by Defendants that include all of the limitations of one or more claims of the '660 patent. To the extent that Defendants have not otherwise been put on notice of their infringement of the '660 patent, the filing of this complaint is notice of Defendants' infringement of the '660 patent.

79. Upon information and belief, distributors and consumers that purchase Defendants' vehicles having displays (including but not limited to the A2C30083500 in-dash display) that include all of the limitations of one or more claims of the '660 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '660 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing products.

80. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Defendants that include all of the limitations of one or more claims of the '660 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '660 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

81. Upon information and belief, since at least the filing of this complaint, Defendants have actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell vehicles having displays (including but not limited to the A2C30083500 in-dash display) that include all of the limitations of one or more claims of the '660 patent, to directly infringe one or more claims of the '660 patent. Since at least the filing of this complaint, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '660 patent.

82. Upon information and belief, Defendants intend to cause, and take affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

83. Plaintiff intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement or post-suit infringement of the '660 patent.

84. As a direct and proximate result of these acts of patent infringement, Defendants have encroached on the exclusive rights of IDT and its licensees to practice the '660 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT VII

Patent Infringement of U.S. Patent No. 7,434,974

85. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-84 as though fully set forth herein.

86. The '974 patent is valid and enforceable.

87. Defendants have never been licensed, either expressly or impliedly, under the '974 patent.

88. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Defendants of their alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '974 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '974 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

89. Upon information and belief, Defendants have been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '974 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, vehicles having displays (including but not limited to the A2C30083500 in-dash display) that include all of the limitations of one or more claims of the '974 patent, and/or other products made, used, sold, offered for sale, or imported by Defendants that include all of the limitations of one or more claims of the '974 patent. To the

extent that Defendants have not otherwise been put on notice of their infringement of the '974 patent, the filing of this complaint is notice of Defendants' infringement of the '974 patent.

90. Upon information and belief, distributors and consumers that purchase Defendants' vehicles having displays (including but not limited to the A2C30083500 in-dash display) that include all of the limitations of one or more claims of the '974 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '974 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

91. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Defendants that include all of the limitations of one or more claims of the '974 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '974 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

92. Upon information and belief, since at least the filing of this complaint, Defendants actively induce, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell vehicles having displays (including but not limited to the A2C30083500 in-dash display) that include all of the limitations of one or more claims of the '974 patent, to directly infringe one or more claims of the '974 patent. Since at least the filing of this complaint, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '974 patent.

93. Upon information and belief, Defendants intend to cause, and take affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

94. Plaintiff intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement or post-suit infringement of the '974 patent.

95. As a direct and proximate result of these acts of patent infringement, Defendants have encroached on the exclusive rights of IDT and its licensees to practice the '974 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT VIII

Patent Infringement of U.S. Patent No. 8,215,816

96. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-95 as though fully set forth herein.

97. The '816 patent is valid and enforceable.

98. Defendants have never been licensed, either expressly or impliedly, under the '816 patent.

99. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Defendants of their alleged infringement. Upon information and belief, IDT

surmises that any express licensees of the '816 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '816 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

100. Upon information and belief, Defendants have been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '816 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, vehicles having displays (including but not limited to the A2C30083500 in-dash display) that include all of the limitations of one or more claims of the '816 patent, their display components, and/or other products made, used, sold, offered for sale, or imported by Defendants that include all of the limitations of one or more claims of the '816 patent. To the extent that Defendants have not otherwise been put on notice of their infringement of the '816 patent, the filing of this complaint is notice of Defendants' infringement of the '816 patent.

101. Upon information and belief, distributors and consumers that purchase Defendants' vehicles having displays (including but not limited to the A2C30083500 in-dash display) that include all of the limitations of one or more claims of the '816 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '816 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing products.

102. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Defendants that include all of the limitations of one or more claims of the '816 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '816 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

103. Upon information and belief, since at least the filing of this complaint, Defendants actively induce, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell vehicles having displays (including but not limited to the A2C30083500 in-dash display) that include all of the limitations of one or more claims of the '816 patent, to directly infringe one or more claims of the '816 patent. Since at least the filing of this complaint, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '816 patent.

104. Upon information and belief, Defendants intend to cause, and take affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

105. Plaintiff intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement or post-suit infringement of the '816 patent.

106. As a direct and proximate result of these acts of patent infringement, Defendants have encroached on the exclusive rights of IDT and its licensees to practice the '816 patent, for which IDT is entitled to at least a reasonable royalty.

CONCLUSION

107. Plaintiff is entitled to recover from Defendants the damages sustained by Plaintiff as a result of Defendants' wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court.

108. Plaintiff has incurred and will incur attorneys' fees, costs, and expenses in the prosecution of this action. The circumstances of this dispute create an exceptional case within the meaning of 35 U.S.C. § 285, and Plaintiff is entitled to recover its reasonable and necessary attorneys' fees, costs, and expenses.

JURY DEMAND

109. Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

110. Plaintiff respectfully requests that the Court find in its favor and against Defendants, and that the Court grant Plaintiff the following relief:

- A. A judgment that Defendants have infringed the patents-in-suit as alleged herein, directly and/or indirectly by way of inducing infringement of such patents;

- B. A judgment for an accounting of all damages sustained by Plaintiff as a result of the acts of infringement by Defendants;
- C. A judgment and order requiring Defendants to pay Plaintiff damages under 35 U.S.C. § 284, and any royalties determined to be appropriate;
- D. A permanent injunction enjoining Defendants and their officers, directors, agents, servants, employees, affiliates, divisions, branches, subsidiaries, parents and all others acting in concert or privity with them from direct and/or indirect infringement of the patents-in-suit pursuant to 35 U.S.C. § 283;
- E. A judgment and order requiring Defendants to pay Plaintiff pre-judgment and post-judgment interest on the damages awarded;
- F. A judgment and order finding this to be an exceptional case and requiring Defendants to pay the costs of this action (including all disbursements) and attorneys' fees as provided by 35 U.S.C. § 285; and
- G. Such other and further relief as the Court deems just and equitable.

Dated: April 24, 2014

Respectfully submitted,

/s/ Jeffrey R. Bragalone

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