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WEST VIEW RESEARCH, LLC
8

9 UNITED STATES DISTRICT COURT
10 SOUTHERN DISTRICT OF CALIFORNIA
11

12 WEST VIEW RESEARCH, LLC, a
13 California corporation,

14 Plaintiff,

15 v.

16 HYUNDAI MOTOR COMPANY,
LTD., a South Korean corporation;
17 HYUNDAI MOTOR AMERICA,
INC., a California corporation; and
18 HYUNDAI MOTOR
MANUFACTURING ALABAMA,
19 LLC, a Delaware corporation,

20 Defendants.
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CASE NO. 14-CV-2675 CAB WVG

**FIRST AMENDED COMPLAINT
FOR PATENT INFRINGEMENT**

JURY TRIAL DEMANDED

Judge: Hon. Cathy Ann Bencivengo
Ctrm: 4C

1 This is an action for patent infringement in which Plaintiff West View
2 Research, LLC (“West View Research” or “Plaintiff”) makes the following
3 allegations against Defendants HYUNDAI MOTOR COMPANY, LTD.,
4 HYUNDAI MOTOR AMERICA, INC. and HYUNDAI MOTOR
5 MANUFACTURING ALABAMA, LLC (collectively “HYUNDAI” or
6 “Defendants”) as follows:

7 **THE PARTIES**

8 1. Plaintiff West View Research is a limited liability company organized
9 under the laws of the State of California with a principal place of business at 16644
10 West Bernardo Drive, Suite 201-A, San Diego, California 92127.

11 2. Upon information and belief, Defendant HYUNDAI MOTOR
12 COMPANY, LTD. is a corporation organized under the laws of South Korea, with
13 its principal place of business at 231 Yangjae-Dong, Seocho-Gu, Seoul, 137-938,
14 South Korea.

15 3. Upon information and belief, Defendant HYUNDAI MOTOR
16 AMERICA, INC. is a corporation organized under the laws of California, with its
17 principal place of business at 10550 Talbert Avenue, Fountain Valley, California
18 92708 and a registered agent at National Registered Agents, Inc., 818 West Seventh
19 Street, Los Angeles, California 90017.

20 4. Upon information and belief, Defendant HYUNDAI MOTOR
21 MANUFACTURING ALABAMA, LLC is a corporation organized under the laws
22 of Delaware, with its principal place of business at 700 Hyundai Boulevard,
23 Montgomery, Alabama 36105 and a registered agent at The Corporation Trust
24 Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware
25 19801.

26 **JURISDICTION AND VENUE**

27 5. This is an action for patent infringement arising under the patent laws
28 of the United States, 35 U.S.C. § 1, *et seq.*, including 35 U.S.C. § 271. This Court

1 has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

2 6. This Court has personal jurisdiction over Defendants at least because
3 Defendants are present within or have ongoing and systematic contacts with the
4 United States, the State of California, and the Southern District of California.
5 Defendants have purposefully and regularly availed themselves of the privileges of
6 conducting business in the State of California and in the Southern District of
7 California. Plaintiff's causes of action arise directly from Defendants' business
8 contacts and other activities in the State of California and in the Southern District of
9 California. Defendants have committed acts of patent infringement in this District,
10 and have harmed and continue to harm West View Research in this District, by,
11 among other things, using, selling, offering for sale, and/or importing infringing
12 products and/or services into this District.

13 **BACKGROUND**

14 7. West View Research owns all right, title, and interest in U.S. Patent
15 No. 8,719,038 (the "'038 patent"), U.S. Patent No. 8,719,037 (the "'037 patent"),
16 U.S. Patent No. 8,682,673 (the "'673 patent"), U.S. Patent No. 8,296,146 (the "'146
17 patent"), U.S. Patent No. 8,290,778 (the "'778 patent"), and U.S. Patent No.
18 8,706,504 (the "'504 patent") (collectively, the "Patents-in-Suit").

19 8. Each of the Patents-in-Suit is valid and enforceable.

20 9. West View Research is in compliance with the marking requirements
21 under 35 U.S.C. § 287 in that it has no duty to mark or to give notice in lieu thereof
22 because it has no products to mark.

23 10. The '038 patent, entitled "Computerized Information and Display
24 Apparatus," was duly and legally issued by the United States Patent and Trademark
25 Office on May 6, 2014, after a full and fair examination. A copy of the '038 patent
26 is attached hereto as Exhibit A.

27 11. The '037 patent, entitled "Transport Apparatus with Computerized
28 Information and Display Apparatus," was duly and legally issued by the United

1 States Patent and Trademark Office on May 6, 2014, after a full and fair
2 examination. A copy of the '037 patent is attached hereto as Exhibit B.

3 12. The '673 patent, entitled "Computerized Information and Display
4 Apparatus," was duly and legally issued by the United States Patent and Trademark
5 Office on March 25, 2014, after a full and fair examination. A copy of the '673
6 patent is attached hereto as Exhibit C.

7 13. The '146 patent, entitled "Computerized Information Presentation
8 Apparatus," was duly and legally issued by the United States Patent and Trademark
9 Office on October 23, 2012, after a full and fair examination. A copy of the '146
10 patent is attached hereto as Exhibit D.

11 14. The '778 patent, entitled "Computerized Information Presentation
12 Apparatus," was duly and legally issued by the United States Patent and Trademark
13 Office on October 16, 2012 after a full and fair examination. A copy of the '778
14 patent is attached hereto as Exhibit E.

15 15. The '504 patent, entitled "Computerized Information and Display
16 Apparatus," was duly and legally issued by the United States Patent and Trademark
17 Office on April 22, 2014, after a full and fair examination. A true and correct copy
18 of the '504 patent is attached hereto as Exhibit F.

19 **LITIGATION HISTORY**

20 16. Plaintiff originally filed this action on November 10, 2014 ("Original
21 Complaint") in the U.S. District Court for the Southern District of California. On or
22 about November 17, 2014, HYUNDAI MOTOR AMERICA, INC. and November
23 19, 2014, HYUNDAI MOTOR MANUFACTURING ALABAMA, LLC were,
24 respectively served with the Original Complaint.

25 17. On or about December 10, 2014 HYUNDAI MOTOR COMPANY,
26 LTD. agreed to waive service of the Summons and Complaint. (Docket No. 15.)
27 On or around February 9, 2015, Defendants filed an Answer to the Original
28 Complaint. (Docket No. 19.)

1 18. On May 14, 2015, West View Research sought leave of Court to
2 amend its complaint in this action. (Docket No. 35) The Court granted in part, and
3 denied in part West View Research’s Motion for Leave to Amend its Complaint on
4 June 10, 2015. (Docket No. 42.)

5 19. On information and belief, Defendants have had knowledge of the
6 Patents-in-Suit as early as December 10, 2014, the date Defendant HYUNDAI
7 MOTOR COMPANY, was served with the Original Complaint, and perhaps as
8 early as November 10, 2014, the date of filing of the Original Complaint in this
9 action and the related actions filed at or about the same time (i.e., Case Nos. 14-
10 CV-2668-CAB (WVG), 14-CV-2670-CAB (WV), 14-CV-2675-CAB (WVG), 14-
11 CV-2677-CAB (WVG), 14-CV-2679-CAB (WVG)) (hereinafter, “Related
12 Actions”).”

13 **DEFENDANTS’ RELEVANT TECHNOLOGY**

14 20. Upon information and belief, Defendants make, use, sell, offer for sale,
15 distribute, import, and/or advertise (including the provision of an interactive
16 website) their infringing products, namely vehicles that include but are not limited
17 to vehicles including smartphone-enabled telematics systems (Android® or
18 Windows® only), such as the mid-2015 Hyundai Sonata and other vehicles
19 containing Android Auto™ or similar technology, including those with the Hyundai
20 “Display Audio System,” as well as vehicles such as the 2015 Hyundai Genesis and
21 Sonata with Touchscreen Navigation, and/or Hyundai vehicles equipped with Blue
22 Link, and/or Navigation Systems.

23 21. Upon information and belief, West View is aware of the following
24 types of infringing products, grouped into the following categories:

- 25 (1) 2012 and later (as applicable) Hyundai vehicles with “Blue Link” (First
26 Generation, or “Gen 1”) technology, infotainment technology, and/or
27 navigation systems (hereinafter, “Blue Link/Navigation (Gen 1)
28 Products”);

1 (2) 2012 and later (as applicable) Hyundai vehicles with “Blue Link” (Second
2 Generation, or “Gen 2”) technology, infotainment technology, and/or
3 navigation systems (hereinafter, “Blue Link/Navigation (Gen 2)
4 Products”);

5 (3) 2012 and later (as applicable) Hyundai vehicles with “Blue Link”
6 technology and infotainment technology without navigation systems (aka
7 “Audio System”) (hereinafter, “Blue Link without Navigation Products”);

8 (4) 2015 and later (as applicable) Hyundai vehicles, which include but are not
9 limited to those with Android Auto™-enabled telematics systems (e.g.,
10 2015 Sonata vehicles, including those with the Hyundai “Display Audio
11 System”) (hereinafter “Android Auto™ Products”);

12 (5) 2015 and later (as applicable) Hyundai vehicles with enhanced
13 smartphone integration for navigation, music, etc. (Android®/Windows®
14 only), which include but are not limited to those with the Hyundai
15 “Display Audio System,” and those with MirrorLink® capability
16 (hereinafter “Enhanced Smartphone Products”); and

17 (6) 2015 and later (as applicable) Hyundai vehicles with Hard Drive- or SD-
18 based navigation systems with voice control and touchscreen technology
19 (hereinafter, “Hard Drive Navigation Products”).

20 22. Blue Link/Navigation (Gen 1) Products, Blue Link/Navigation (Gen 2)
21 Products, Blue Link without Navigation Products, Android Auto™ Products,
22 Enhanced Smartphone Products, and Hard Drive Navigation Products may be
23 collectively referred to herein as the “Accused Products.”

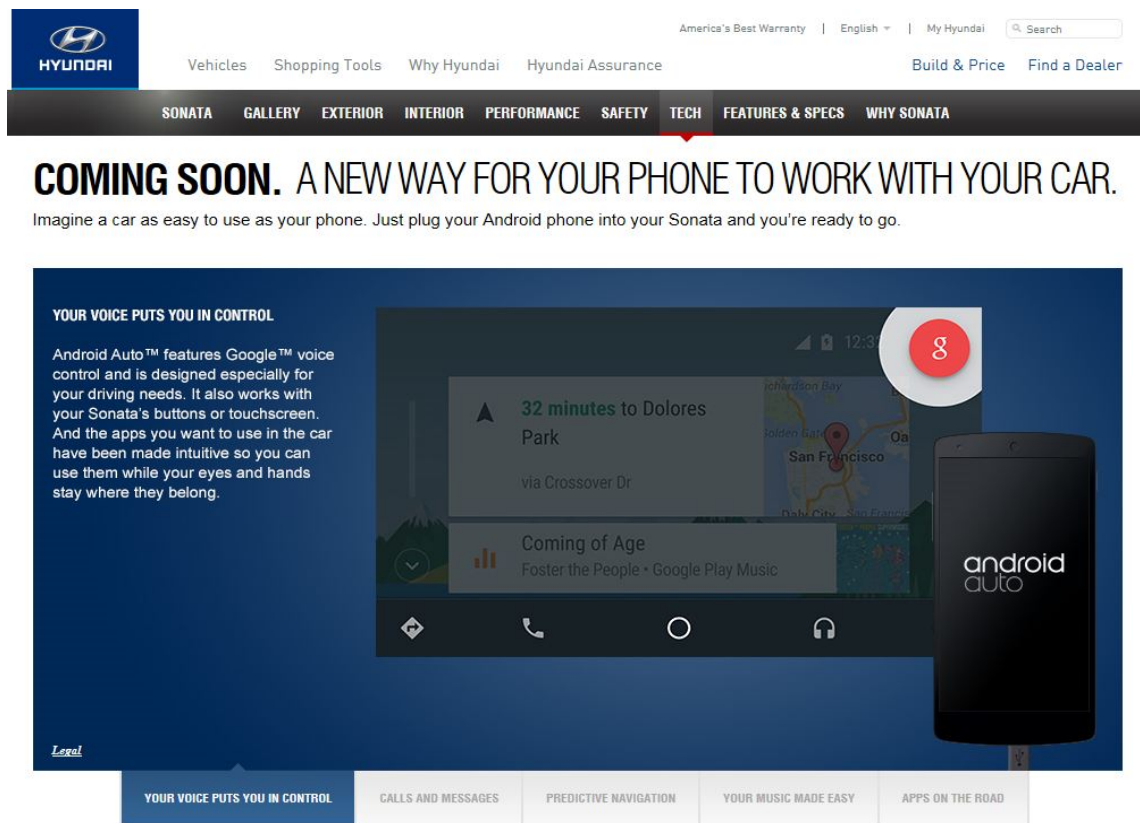
24 23. The Accused Products directly infringe the Patents-in-Suit in violation
25 of 5 U.S.C. § 271(a).

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24. Upon information and belief, Defendants own, operate, and/or control the Internet website located at the URL address <http://www.hyundaiusa.com>, and therefore manage and/or control the contents displayed thereon. Further, according to Defendants' own description posted on the Internet website located at the URL address <http://www.hyundaiusa.com/sonata/technology.aspx>: "Imagine a car as easy to use as your phone. Just plug your Android phone into your Sonata and you're ready to go.... Android Auto™ features Google™ voice control and is designed especially for your driving needs. It also works with your Sonata's buttons or touchscreen." (*See* screenshot below, taken May 1, 2015.)



25. Further, on information and belief, Defendants now offers for sale in the United States vehicles with smartphone-enabled telematics systems (Android Auto™ only), which Defendants also previously used and promoted in the United States. *See, e.g.:*

- 1 • Hyundai showcased its “Display Audio” system in at least one of its
2 vehicles during the January 2015 Consumer Electronics Show, in Las
3 Vegas, where the smartphone integration and touchscreen system won
4 the “2015 CES Editors’ Choice Award.” https://www.hyundaiusa.com/about-hyundai/news/Corporate_HYUNDAIS_DISPLAY_AUDIO_SYSTEM_WINS_2015_CONSUMER_ELECTRONICS_SHOW_EDITORS_CHOICE_AWARD_FRO-20150107.aspx A true and correct
5 copy of relevant portions of this webpage is attached hereto as Exhibit
6 G);
7 • https://www.hyundaiusa.com/about-hyundai/news/Corporate_HYUNDAI_TO_DEBUT_DISPLAY_AUDIO_SYSTEM_AT_2015_CONSUMER_ELECTRONICS_SHOW-20141217.aspx (A true and
8 correct copy of relevant portions of this webpage is attached hereto as
9 Exhibit H);
10 • <http://www.consumerreports.org/cro/news/2014/11/will-android-auto-match-apple-carplays-cool-connectivity/index.htm> (A true and correct
11 copy of relevant portions of this webpage is attached hereto as Exhibit
12 I); and
13 • <https://www.youtube.com/watch?v=KNPTbRnYH0M> (A true and
14 correct screenshot of this webpage is attached hereto as Exhibit J).

15 26. Upon information and belief, Defendants advertise, entice, encourage,
16 instruct, enable and otherwise aid and abet third parties, including but not limited to
17 Defendants’ customers and sales personnel and Defendants’ agents, owners, and/or
18 drivers of the Accused Products, through the publication and dissemination of
19 marketing materials, detailed operational manuals, on-line instructional videos,
20 and/or technical assistance in a manner that directly infringes the Patents-in-Suit,
21 including the ’038 patent, ’037 patent, ’673 patent, ’146 patent, ’778 patent, and
22 ’504 patent.

1 30. Defendants have directly infringed, and continue to directly infringe,
2 either literally and/or under the doctrine of equivalents, in violation of 35 U.S.C. §
3 271(a), by making, using, selling, offering for sale, and/or importing in or into the
4 United States, without authority products that infringe at least claims 1 through 20,
5 22 through 45, 47 through 62, and 64 through 68 of the '038 patent, which products
6 include but may not be limited to Blue Link/Navigation (Gen 1) Products, Blue
7 Link/Navigation (Gen 2) Products, Android Auto™ Products, Enhanced
8 Smartphone Products, and Hard Drive Navigation Products, and/or other Accused
9 Products (the "'038 Accused Products") sold or offered for sale on or after May 6,
10 2014.

11 31. Third parties, including but not limited to Defendants' customers and
12 sales personnel, Defendants' agents, owners, and/or drivers, have directly infringed,
13 and continue to directly infringe, either literally and/or under the doctrine of
14 equivalents, in violation of 35 U.S.C. § 271(a), by using, selling, and or offering for
15 sale in the United States, and/or importing into the United States, products supplied
16 by Defendants that infringe at least claims 1 through 20, 22 through 45, 47 through
17 62, and 64 through 68 of the '038 patent, which products include but may not be
18 limited to the '038 Accused Products used, sold or offered for sale after May 6,
19 2014.

20 32. Upon information and belief, based on the information presently
21 available to West View Research absent discovery, in addition to and/or in the
22 alternative to direct infringement, West View Research alleges Defendants have,
23 since receiving notice of the filing and/or service of the Original Complaint,
24 induced infringement and continue to induce infringement of at least claims 1
25 through 20, 22 through 45, 47 through 62, and 64 through 68 of the '038 patent
26 under 35 U.S.C. § 271(b).

27 33. Upon information and belief, Defendant' have, since receiving notice
28 of the filing of the Original Complaint since at least as early as November 17, 2014

1 (and possibly as early as November 10, 2014), actively, knowingly, and
2 intentionally induced, and continue to actively, knowingly, and intentionally
3 induce, infringement of the '038 patent by making, using, selling, offering for sale,
4 importing, and/or otherwise supplying products including the '038 Accused
5 Products to third parties, with the knowledge and specific intent that such third
6 parties will use, sell, offer for sale, and/or import, products supplied by Defendants,
7 including the '038 Accused Products to directly infringe the '038 patent.

8 34. Upon information and belief, despite Defendants' knowledge of the
9 existence of the '038 patent since at least as early as November 17, 2014 (and
10 possibly as early as November 10, 2014), Defendants continue to encourage,
11 instruct, enable and otherwise aid and abet third parties, including but not limited to
12 Defendants' customers and sales personnel, Defendants' agents, owners, and/or
13 drivers of the '038 Accused Products to use such products in a manner that directly
14 infringes the '038 patent.

15 35. Upon information and belief, Defendants specifically intended that
16 their customers and sales personnel, agents, owners, and/or drivers use the '038
17 Accused Products in such a way that directly infringes the '038 patent by, at a
18 minimum, advertising, enticing, encouraging, instructing, and aiding and abetting
19 their customers, owners, and/or drivers, through the publication and dissemination
20 of marketing materials, detailed operational manuals, on-line instructional videos,
21 and/or technical assistance related to the '038 Accused Products, to use, sell, offer
22 for sale, and/or import, products supplied by Defendants, including the '038
23 Accused Products, to directly infringe the '038 patent.

24 36. Upon information and belief, Defendants knew and know that their
25 actions, including but not limited to providing detailed operating manuals, press
26 releases, instructional on-line videos, and other literature, in relation to the '038
27 Accused Products, would induce, have induced, and continues to induce direct
28 infringement of the '038 patent by third parties, including but not limited to

1 Defendants' customers and sales personnel, Defendants' agents, owners, and/or
2 drivers.

3 37. West View Research has no adequate remedy at law against these acts
4 of patent infringement. Defendants' actions complained of herein are causing
5 irreparable harm and damages to West View Research and will continue to do so
6 unless and until Defendants are permanently enjoined by the Court.

7 38. As a direct and proximate result of the acts of patent infringement by
8 Defendants, West View Research has been damaged and continues to be damaged
9 in an amount not presently known.

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

14 **COUNT II**

15 **INFRINGEMENT OF THE '037 PATENT**

16 40. West View Research incorporates paragraphs 1 through 39 by
17 reference as if fully stated herein.

18 41. Defendants have been and are directly infringing literally and/or under
19 the doctrine of equivalents, at least claims 1 through 13 and 15 through 77 of the
20 '037 patent.

21 42. Defendants have directly infringed, and continue to directly infringe,
22 either literally and/or under the doctrine of equivalents, in violation of 35 U.S.C. §
23 271(a), by making, using, selling, offering for sale, and/or importing in or into the
24 United States, without authority products that infringe at least claims 1 through 13
25 and 15 through 77 of the '037 patent, which products include but may not be
26 limited to the Blue Link/Navigation (Gen 1) Products, Blue Link/Navigation (Gen
27 2) Products, Blue Link without Navigation Products, Android Auto™ Products, and
28 Enhanced Smartphone Products, including those both with navigation systems and

1 those without, and/or other Accused Products (the “’037 Accused Products”) used,
2 sold or offered for sale after May 6, 2014.

3 43. Third parties, including but not limited to Defendants’ customers and
4 sales personnel, Defendants’ agents, owners, and/or drivers, have directly infringed,
5 and continue to directly infringe, either literally and/or under the doctrine of
6 equivalents, in violation of 35 U.S.C. § 271(a), by using, selling, and or offering for
7 sale in the United States, and/or importing into the United States, products supplied
8 by Defendants that infringe at least claims 1 through 13 and 15 through 77 of the
9 ’037 patent, including the ’037 Accused Products, used, sold or offered for sale
10 after May 6, 2014.

11 44. Upon information and belief, based on the information presently
12 available to West View Research absent discovery, in addition to and/or in the
13 alternative to direct infringement, West View Research alleges Defendants have,
14 since receiving notice of the filing and/or service of the Original Complaint,
15 induced infringement and continue to induce infringement of at least claims 1
16 through 13 and 15 through 77 of the ’037 patent under 35 U.S.C. § 271(b).

17 45. Upon information and belief, Defendant’ have, since receiving notice
18 of the filing of the Original Complaint since at least as early as November 17, 2014
19 (and possibly as early as November 10, 2014), actively, knowingly, and
20 intentionally induced, and continue to actively, knowingly, and intentionally
21 induce, infringement of the ’037 patent by making, using, selling, offering for sale,
22 importing, and/or otherwise supplying products including the ’037 Accused
23 Products to third parties, with the knowledge and specific intent that such third
24 parties will use, sell, offer for sale, and/or import, products supplied by Defendants,
25 including the ’037 Accused Products to directly infringe the ’037 patent.

26 46. Upon information and belief, despite Defendants’ knowledge of the
27 existence of the ’037 patent since at least as early as November 17, 2014 (and
28 possibly as early as November 10, 2014), Defendants continue to encourage,

1 instruct, enable and otherwise aid and abet third parties, including but not limited to
2 Defendants' customers and sales personnel, Defendants' agents, owners, and/or
3 drivers of the '037 Accused Products in a manner that directly infringes the '037
4 patent.

5 47. Upon information and belief, Defendants specifically intended that
6 their customers and sales personnel, agents, owners, and/or drivers use the '037
7 Accused Products in such a way that directly infringes the '037 patent by, at a
8 minimum, advertising, enticing, encouraging, instructing, and aiding and abetting
9 their customers, owners, and/or drivers, through the publication and dissemination
10 of marketing materials, detailed operational manuals, on-line instructional videos,
11 and/or technical assistance related to the '037 Accused Products, to directly infringe
12 the '037 patent.

13 48. Upon information and belief, Defendants knew and know that their
14 actions, including but not limited to providing detailed operating manuals, press
15 releases, instructional on-line videos, and other literature, in relation to the '037
16 Accused Products, would induce, have induced, and continues to induce direct
17 infringement of the '037 patent by third parties, including but not limited to
18 Defendants' customers and sales personnel, Defendants' agents, owners, and/or
19 drivers.

20 49. Defendants' West View Research has no adequate remedy at law
21 against these acts of patent infringement. Defendants' actions complained of herein
22 are causing irreparable harm and damages to West View Research and will
23 continue to do so unless and until Defendants are permanently enjoined by the
24 Court.

25 50. As a direct and proximate result of the acts of patent infringement by
26 Defendants, West View Research has been damaged and continues to be damaged
27 in an amount not presently known.

28 ///

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

5 **COUNT III**
6 **FOR INFRINGEMENT OF THE '673 PATENT**

7 52. West View Research incorporates paragraphs 1 through 51 by
8 reference as if fully stated herein.

9 53. Defendants have been and are directly infringing literally and/or under
10 the doctrine of equivalents, at least claims 1 through 24 and 26 through 30 of the
11 '673 patent.

12 54. Defendants have directly infringed, and continue to directly infringe,
13 either literally and/or under the doctrine of equivalents, in violation of 35 U.S.C. §
14 271(a), by making, using, selling, offering for sale, and/or importing in or into the
15 United States, without authority products that infringe at least claims 1 through 24
16 and 26 through 30 of the '673 patent, which products include but may not be
17 limited to the Blue Link/Navigation (Gen 1) Products, Blue Link/Navigation (Gen
18 2) Products, Blue Link without Navigation Products, Android Auto™ Products, and
19 Enhanced Smartphone Products, and/or other Accused Products (the "'673 Accused
20 Products") sold or offered for sale on or after March 25, 2014.

21 55. Third parties, including but not limited to Defendants' customers and
22 sales or technical personnel, Defendants' agents, owners, and/or drivers, have
23 directly infringed, and continue to directly infringe, either literally and/or under the
24 doctrine of equivalents, in violation of 35 U.S.C. § 271(a), by using, selling, and or
25 offering for sale in the United States, and/or importing into the United States,
26 products supplied by Defendants that infringe at least claims 1 through 22, 24, and
27 26 through 30 of the '673 patent, which products include but may not be limited to
28 the '673 Accused Products used, sold or offered for sale after March 25, 2014.

1 56. Upon information and belief, based on the information presently
2 available to West View Research absent discovery, in addition to and/or in the
3 alternative to direct infringement, West View Research alleges Defendants have,
4 since receiving notice of the filing and/or service of the Original Complaint,
5 induced infringement and continue to induce infringement of at least claims 1
6 through 22, 24, and 26 through 30 of the '673 patent under 35 U.S.C. § 271(b).

7 57. Upon information and belief, Defendants have, since receiving notice
8 of the filing of the Original Complaint since at least as early as November 17, 2014
9 (and possibly as early as November 10, 2014), actively, knowingly, and
10 intentionally induced, and continue to actively, knowingly, and intentionally
11 induce, infringement of the '673 patent by making, using, selling, offering for sale,
12 importing, and/or otherwise supplying products including the '673 Accused
13 Products to third parties, with the knowledge and specific intent that such third
14 parties will use, sell, offer for sale, and/or import, products supplied by Defendants,
15 including the '673 Accused Products to directly infringe the '673 patent.

16 58. Upon information and belief, despite Defendants' knowledge of the
17 existence of the '673 patent since at least as early as November 17, 2014 (and
18 possibly as early as November 10, 2014), Defendants continue to encourage,
19 instruct, enable and otherwise aid and abet third parties, including but not limited to
20 Defendants' customers and sales or technical personnel, Defendants' agents,
21 owners, and/or drivers of the '673 Accused Products to use the '673 Accused
22 Products in a manner that directly infringes the '673 patent.

23 59. Upon information and belief, Defendants specifically intended that
24 their customers and sales or technical personnel, Defendants' agents, owners,
25 and/or drivers use the '673 Accused Products in such a way that directly infringes
26 the '673 patent by, at a minimum, advertising, enticing, encouraging, instructing,
27 and aiding and abetting their customers, owners, and/or drivers, through the
28 publication and dissemination of marketing materials, detailed operational manuals,

1 on-line instructional videos, and/or technical assistance related to the '673 Accused
2 Products, to use, sell, offer for sale, and/or import, products supplied by
3 Defendants, including the '673 Accused Products, to directly infringe the '673
4 patent.

5 60. Upon information and belief, Defendants knew and know that their
6 actions, including but not limited to providing detailed operating manuals, press
7 releases, instructional on-line videos, and other literature, in relation to the '673
8 Accused Products, would induce, have induced, and continues to induce direct
9 infringement of the '673 patent by third parties, including but not limited to
10 Defendants' customers and sales or technical personnel, Defendants' agents,
11 owners, and/or drivers.

12 61. Defendants' West View Research has no adequate remedy at law
13 against these acts of patent infringement. Defendants' actions complained of herein
14 are causing irreparable harm and damages to West View Research and will
15 continue to do so unless and until Defendants are permanently enjoined by the
16 Court.

17 62. As a direct and proximate result of the acts of patent infringement by
18 Defendants, West View Research has been damaged and continues to be damaged
19 in an amount not presently known.

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

24 **COUNT IV**

25 **FOR INFRINGEMENT OF THE '146 PATENT**

26 64. West View Research incorporates paragraphs 1 through 63 by
27 reference as if fully stated herein.

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1 65. Defendants have been and are directly infringing literally and/or under
2 the doctrine of equivalents, at least claims 1 through 29 and 31 through 34 of the
3 '146 patent.

4 66. Defendants have directly infringed, and continue to directly infringe,
5 either literally and/or under the doctrine of equivalents, in violation of 35 U.S.C. §
6 271(a), by making, using, selling, offering for sale, and/or importing in or into the
7 United States, without authority products that infringe at least claims 1 through 29
8 and 31 through 34 of the '146 patent, which products include but may not be
9 limited to the Blue Link/Navigation (Gen 1) Products, Blue Link/Navigation (Gen
10 2) Products, Blue Link without Navigation Products, Android Auto™ Products, and
11 Enhanced Smartphone Products, and/or other Accused Products (the "'146 Accused
12 Products") sold or offered for sale on or after October 23, 2012.

13 67. Third parties, including but not limited to Defendants' customers and
14 sales or technical personnel, Defendants' agents, owners, and/or drivers, have
15 directly infringed, and continue to directly infringe, either literally and/or under the
16 doctrine of equivalents, in violation of 35 U.S.C. § 271(a), by using, selling, and or
17 offering for sale in the United States, and/or importing into the United States,
18 products supplied by Defendants that infringe at least claims 1 through 29 and 31
19 through 34 of the '146 patent, which products include but may not be limited to the
20 '146 Accused Products used, sold or offered for sale after October 23, 2012.

21 68. Upon information and belief, based on the information presently
22 available to West View Research absent discovery, in addition to and/or in the
23 alternative to direct infringement, West View Research alleges Defendants have,
24 since receiving notice of the filing and/or service of the Original Complaint,
25 induced infringement and continue to induce infringement of at least claims 1
26 through 29 and 31 through 34 of the '146 patent under 35 U.S.C. § 271(b).

27 69. Upon information and belief, Defendants have, since receiving notice
28 of the filing of the Original Complaint since at least as early as November 17, 2014

1 (and possibly as early as November 10, 2014), actively, knowingly, and
2 intentionally induced, and continue to actively, knowingly, and intentionally
3 induce, infringement of the '146 patent by making, using, selling, offering for sale,
4 importing, and/or otherwise supplying products including the '146 Accused
5 Products to third parties, with the knowledge and specific intent that such third
6 parties will use, sell, offer for sale, and/or import, products supplied by Defendants,
7 including the '146 Accused Products to directly infringe the '146 patent.

8 70. Upon information and belief, despite Defendants' knowledge of the
9 existence of the '146 patent since at least as early as November 17, 2014 (and
10 possibly as early as November 10, 2014), Defendants continue to encourage,
11 instruct, enable and otherwise aid and abet third parties, including but not limited to
12 Defendants' customers and sales or technical personnel, Defendants' agents,
13 owners, and/or drivers of the '146 Accused Products to use the '146 Accused
14 Products in a manner that directly infringes the '146 patent.

15 71. Upon information and belief, Defendants specifically intended that
16 their customers and sales or technical personnel, Defendants' agents, owners ,
17 and/or drivers use the '146 Accused Products in such a way that directly infringes
18 the '146 patent by, at a minimum, advertising, enticing, encouraging, instructing,
19 and aiding and abetting their customers, owners, and/or drivers, through the
20 publication and dissemination of marketing materials, detailed operational manuals,
21 on-line instructional videos, and/or technical assistance related to the '146 Accused
22 Products, to use, sell, offer for sale, and/or import, products supplied by
23 Defendants, including the '146 Accused Products, to directly infringe the '146
24 patent.

25 72. Upon information and belief, Defendants knew and know that their
26 actions, including but not limited to providing detailed operating manuals, press
27 releases, instructional on-line videos, and other literature, in relation to the '146
28 Accused Products, would induce, have induced, and continues to induce direct

1 infringement of the '146 patent by third parties, including but not limited to
2 Defendants' customers and sales or technical personnel, Defendants' agents,
3 owners, and/or drivers.

4 73. Defendants' West View Research has no adequate remedy at law
5 against these acts of patent infringement. Defendants' actions complained of herein
6 are causing irreparable harm and damages to West View Research and will
7 continue to do so unless and until Defendants are permanently enjoined by the
8 Court.

9 74. As a direct and proximate result of the acts of patent infringement by
10 Defendants, West View Research has been damaged and continues to be damaged
11 in an amount not presently known.

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

16 **COUNT V**
17 **FOR INFRINGEMENT OF THE '778 PATENT**

18 76. West View Research incorporates paragraphs 1 through 75 by
19 reference as if fully stated herein.

20 77. Defendants have been and are directly infringing literally and/or under
21 the doctrine of equivalents, at least claims 1 through 30 of the '778 patent.

22 78. Defendants have directly infringed, and continue to directly infringe,
23 either literally and/or under the doctrine of equivalents, in violation of 35 U.S.C. §
24 271(a), by making, using, selling, offering for sale, and/or importing in or into the
25 United States, without authority products that infringe at least claims 1 through 30
26 of the '778 patent, which products include but may not be limited to the Blue
27 Link/Navigation (Gen 1) Products, Blue Link/Navigation (Gen 2) Products,
28 Android Auto™ Products, Enhanced Smartphone Products, and Hard Drive

1 Navigation Products, and/or other Accused Products (the “’778 Accused Products”)
2 sold or offered for sale on or after October 16, 2012.

3 79. Third parties, including but not limited to Defendants’ customers and
4 sales or technical personnel, Defendants’ agents, owners , and/or drivers, have
5 directly infringed, and continue to directly infringe, either literally and/or under the
6 doctrine of equivalents, in violation of 35 U.S.C. § 271(a), by using, selling, and or
7 offering for sale in the United States, and/or importing into the United States,
8 products supplied by Defendants that infringe at least claims 1 through 22, 24, 25,
9 and 27 through 30 of the ’778 patent, which products include but may not be
10 limited to the ’778 Accused Products, used, sold or offered for sale after October
11 16, 2012.

12 80. Upon information and belief, based on the information presently
13 available to West View Research absent discovery, in addition to and/or in the
14 alternative to direct infringement, West View Research alleges Defendants have,
15 since receiving notice of the filing and/or service of the Original Complaint,
16 induced infringement and continue to induce infringement of at least claims 1
17 through 22, 24, 25, and 27 through 30 of the ’778 patent under 35 U.S.C. § 271(b).

18 81. Upon information and belief, Defendants have, since receiving notice
19 of the filing of the Original Complaint since at least as early as November 17, 2014
20 (and possibly as early as November 10, 2014), actively, knowingly, and
21 intentionally induced, and continue to actively, knowingly, and intentionally
22 induce, infringement of the ’778 patent by making, using, selling, offering for sale,
23 importing, and/or otherwise supplying products including the ’778 Accused
24 Products to third parties, with the knowledge and specific intent that such third
25 parties will use, sell, offer for sale, and/or import, products supplied by Defendants,
26 including the ’778 Accused Products to directly infringe the ’778 patent.

27 82. Upon information and belief, despite Defendants’ knowledge of the
28 existence of the ’778 patent since at least as early as November 17, 2014 (and

1 possibly as early as November 10, 2014), Defendants continue to encourage,
2 instruct, enable and otherwise aid and abet third parties, including but not limited to
3 Defendants' customers and sales or technical personnel, Defendants' agents,
4 owners, and/or drivers of the '778 Accused Products to use the '778 Accused
5 Products in a manner that directly infringes the '778 patent.

6 83. Upon information and belief, Defendants specifically intended that
7 their customers and sales or technical personnel, Defendants' agents, owners,
8 and/or drivers use the '778 Accused Products in such a way that directly infringes
9 the '778 patent by, at a minimum, advertising, enticing, encouraging, instructing,
10 and aiding and abetting their customers, owners, and/or drivers, through the
11 publication and dissemination of marketing materials, detailed operational manuals,
12 on-line instructional videos, and/or technical assistance related to the '778 Accused
13 Products, to use, sell, offer for sale, and/or import, products supplied by
14 Defendants, including the '778 Accused Products, to directly infringe the '778
15 patent.

16 84. Upon information and belief, Defendants knew and know that their
17 actions, including but not limited to providing detailed operating manuals, press
18 releases, instructional on-line videos, and other literature, in relation to the '778
19 Accused Products, would induce, have induced, and continues to induce direct
20 infringement of the '778 patent by third parties, including but not limited to
21 Defendants' customers and sales or technical personnel, Defendants' agents,
22 owners, and/or drivers.

23 85. Defendants' West View Research has no adequate remedy at law
24 against these acts of patent infringement. Defendants' actions complained of herein
25 are causing irreparable harm and damages to West View Research and will
26 continue to do so unless and until Defendants are permanently enjoined by the
27 Court.

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1 86. As a direct and proximate result of the acts of patent infringement by
2 Defendants, West View Research has been damaged and continues to be damaged
3 in an amount not presently known.

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

8 **COUNT VI**
9 **FOR INFRINGEMENT OF THE '504 PATENT**

10 88. West View Research incorporates paragraphs 1 through 87 by
11 reference as if fully stated herein.

12 89. Defendants have been and are directly infringing literally and/or under
13 the doctrine of equivalents, at least claims 1 through 11, 13, 16, 18 through 31, 33,
14 and 35 through 48 of the '504 patent.

15 90. Defendants have directly infringed, and continue to directly infringe,
16 either literally and/or under the doctrine of equivalents, in violation of 35 U.S.C. §
17 271(a), by making, using, selling, offering for sale, and/or importing in or into the
18 United States, without authority products that infringe at least claims 1 through 11,
19 13, 16, 18 through 31, 33, and 35 through 48 of the '504 patent, which products
20 include but may not be limited to the Blue Link/Navigation (Gen 1) Products, Blue
21 Link/Navigation (Gen 2) Products, Blue Link without Navigation Products,
22 Android Auto™ Products, and Enhanced Smartphone® Products, and/or other
23 Accused Products (the "'504 Accused Products") used, sold or offered for sale on
24 or after January 6, 2015.

25 91. Third parties, including but not limited to Defendants' customers and
26 sales or technical personnel, Defendants' agents, owners, and/or drivers, have
27 directly infringed, and continue to directly infringe, either literally and/or under the
28 doctrine of equivalents, in violation of 35 U.S.C. § 271(a), by using, selling, and or

1 offering for sale in the United States, and/or importing into the United States,
2 products supplied by Defendants that infringe at least claims 1 through 11, 13, 16,
3 18 through 31, 33, and 35 through 48 of the '504 patent, which products include but
4 may not be limited to the '504 Accused Products used, sold or offered for sale on or
5 after January 6, 2015.

6 92. Upon information and belief, based on the information presently
7 available to West View Research absent discovery, in addition to and/or in the
8 alternative to direct infringement, West View Research alleges Defendants have,
9 since receiving notice of the filing and/or service of the original Complaints in the
10 Related Actions, induced infringement and continue to induce infringement of at
11 least claims 1 through 11, 13, 16, 18 through 31, 33, and 35 through 48 of the '504
12 patent under 35 U.S.C. § 271(b).

13 93. Upon information and belief, Defendants have, since receiving notice
14 of the filing and/or service of the original Complaints in the Related Actions,
15 actively, knowingly, and intentionally induced, and continue to actively,
16 knowingly, and intentionally induce, infringement of the '504 patent by making,
17 using, selling, offering for sale, importing, and/or otherwise supplying products
18 including the '504 Accused Products to third parties, with the knowledge and
19 specific intent that such third parties will use, sell, offer for sale, and/or import,
20 products supplied by Defendants, including the '504 Accused Products to directly
21 infringe the '504 patent.

22 94. Upon information and belief, despite Defendants' knowledge of the
23 existence of the '504 patent since receiving notice of the filing and/or service of the
24 original Complaints in the Related Actions, Defendants continue to encourage,
25 instruct, enable and otherwise aid and abet third parties, including but not limited to
26 Defendants' customers and sales or technical personnel, Defendants' agents,
27 owners, and/or drivers of the '504 Accused Products to use such products in a
28 manner that directly infringes the '504 patent.

1 95. Upon information and belief, Defendants specifically intended that
2 their customers and sales or technical personnel, Defendants' agents, owners,
3 and/or drivers use the '504 Accused Products in such a way that directly infringes
4 the '504 patent by, at a minimum, advertising, enticing, encouraging, instructing,
5 and aiding and abetting their customers, owners, and/or drivers, through the
6 publication and dissemination of marketing materials, detailed operational manuals,
7 on-line instructional videos, and/or technical assistance related to the '504 Accused
8 Products, to use, sell, offer for sale, and/or import, products supplied by
9 Defendants, including the '504 Accused Products, to directly infringe the '504
10 patent.

11 96. Upon information and belief, Defendants knew and know that their
12 actions, including but not limited to providing detailed operating manuals, press
13 releases, instructional on-line videos, and other literature, in relation to the '504
14 Accused Products, would induce, have induced, and continues to induce direct
15 infringement of the '504 patent by third parties, including but not limited to
16 Defendants' customers and sales or technical personnel, Defendants' agents,
17 owners, and/or drivers.

18 97. Defendants' West View Research has no adequate remedy at law
19 against these acts of patent infringement. Defendants' actions complained of herein
20 are causing irreparable harm and damages to West View Research and will
21 continue to do so unless and until Defendants are permanently enjoined by the
22 Court.

23 98. As a direct and proximate result of the acts of patent infringement by
24 Defendants, West View Research has been damaged and continues to be damaged
25 in an amount not presently known.

26 99. West View Research has incurred and will incur attorneys' fees, costs,
27 and expenses in the prosecution of this action. The circumstances of this dispute
28 create an exceptional case within the meaning of 35 U.S.C. § 285, and West View

1 Research is entitled to recover its reasonable and necessary fees and expenses.

2 **PRAYER FOR RELIEF**

3 West View Research respectfully requests that judgment be entered in its
4 favor and against Defendants, and that the Court award the following relief to West
5 View Research:

6 A. A judgment in favor of West View Research that Defendants have
7 infringed, directly and/or indirectly, the Patents-in-Suit;

8 B. A permanent injunction against Defendants, its officers, directors,
9 agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents,
10 and all others acting in active concert therewith from infringement of the Patents-
11 in-Suit, or such other equitable relief the Court determines is warranted;

12 C. A judgment and order that Defendants account for and pay all damages
13 necessary to adequately compensate West View Research for infringement of the
14 Patents-in-Suit, but in no event less than a reasonable royalty;

15 D. A judgment and order finding that this is an exceptional case within
16 the meaning of 35 U.S.C. § 285 and awarding West View Research its reasonable
17 attorneys’ fees against Defendants;

18 E. A judgment and order requiring Defendants to provide an accounting
19 and to pay supplemental damages to West View Research, including without
20 limitation, pre-judgment and post-judgment interest; and

21 F. Any and all other relief to which West View Research may be entitled.

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JURY DEMAND

West View Research hereby respectfully demands trial by jury of all issues so triable.

Respectfully submitted,

Dated: June 19, 2015

GAZDZINSKI & ASSOCIATES, PC

/s/ Adam Garson

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WEST VIEW RESEARCH, LLC