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7
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WEST VIEW RESEARCH, LLC

9
10 UNITED STATES DISTRICT COURT
11 SOUTHERN DISTRICT OF CALIFORNIA

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

14 Plaintiff,

15 v.

16 AUDI AG, a German corporation;
VOLKSWAGEN AG, a German
17 corporation; and VOLKSWAGEN
GROUP OF AMERICA, INC. d/b/a
18 AUDI OF AMERICA, INC., a New
Jersey corporation,

19 Defendants.

20
21 And Related Counterclaim.
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23
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CASE NO.: 14-CV-2668 CAB WVG

**SECOND AMENDED COMPLAINT
FOR PATENT INFRINGEMENT**

JURY TRIAL DEMANDED

Judge: Hon. Cathy Ann Bencivengo
Ctvm: 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 AUDI AG, VOLKSWAGEN AG, and
4 VOLKSWAGEN GROUP OF AMERICA, INC. d/b/a AUDI OF AMERICA, INC.
5 (collectively “Defendants”) as follows:

6 **THE PARTIES**

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

10 2. Upon information and belief, Defendant AUDI AG is a corporation
11 organized under the laws of Germany, with its principal place of business at Auto-
12 Union-Str. 1, 85045, Ingolstadt, Germany.

13 3. Upon information and belief, Defendant VOLKSWAGEN AG is a
14 corporation organized under the laws of Germany, with its principal place of
15 business at Berliner Ring 2, 38440 Wolfsburg, Germany.

16 4. Upon information and belief, Defendant VOLKSWAGEN GROUP
17 OF AMERICA, INC. d/b/a AUDI OF AMERICA, INC. is a corporation organized
18 under the laws of New Jersey, with its principal place of business at 3800 Hamlin
19 Road, Auburn Hills, Michigan 48326 and a registered agent at CSC – Lawyers
20 Incorporating Service, 601 Abbot Road, East Lansing, Michigan 48823.

21 **JURISDICTION AND VENUE**

22 5. This is an action for patent infringement arising under the patent laws
23 of the United States, 35 U.S.C. §1, *et seq.*, including 35 U.S.C. § 271. This Court
24 has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

25 6. This Court has personal jurisdiction over Defendants at least because
26 Defendants are present within or have ongoing and systematic contacts with the
27 United States, the State of California, and the Southern District of California.
28 Defendants have purposefully and regularly availed themselves of the privileges of

1 conducting business in the State of California and in the Southern District of
2 California. Plaintiff's claims for relief arise directly from Defendants' business
3 contacts and other activities in the State of California and in the Southern District of
4 California. Defendants have committed acts of patent infringement in this District,
5 and have harmed and continue to harm West View Research in this District, by,
6 among other things, using, selling, offering for sale, and/or importing infringing
7 products and/or services into this District.

8 **PATENTS-IN-SUIT**

9 7. West View Research owns all right, title, and interest in U.S. Patent
10 No. 8,719,038 (the "'038 patent"), U.S. Patent No. 8,719,037 (the "'037 patent"),
11 U.S. Patent No. 8,682,673 (the "'673 patent"), U.S. Patent No. 8,296,146 (the "'146
12 patent"), U.S. Patent No. 8,065,156 (the "'156 patent"), U.S. Patent No. 8,781,839
13 (the "'839 patent"), U.S. Patent No. 8,706,504 (the "'504 patent"), and U.S. Patent
14 No. 8,290,778 (the "'778 patent") (collectively, the "Patents-in-Suit").

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

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

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

23 11. The '037 patent, entitled "Transport Apparatus with Computerized
24 Information and Display Apparatus," was duly and legally issued by the United
25 States Patent and Trademark Office on May 6, 2014, after a full and fair
26 examination. A true and correct copy of the '037 patent is attached hereto as
27 Exhibit B.

28 ///

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

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

9 14. The '156 patent, entitled "Adaptive Information Presentation
10 Apparatus and Methods," was duly and legally issued by the United States Patent
11 and Trademark Office on November 22, 2011, after a full and fair examination. A
12 true and correct copy of the '156 patent is attached hereto as Exhibit E.

13 15. The '839 patent, entitled "Computerized Information and Display
14 Apparatus," was duly and legally issued by the United States Patent and Trademark
15 Office on July 15, 2014, after a full and fair examination. A true and correct copy of
16 the '839 patent is attached hereto as Exhibit F.

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

21 17. The '778 patent, entitled "Computerized Information Presentation
22 Apparatus," was duly and legally issued by the United States Patent and Trademark
23 Office on October 16, 2012, after a full and fair examination. A true and correct
24 copy of the '778 patent is attached hereto as Exhibit H.

25 **LITIGATION HISTORY**

26 18. Plaintiff originally filed this action on November 10, 2014 ("Original
27 Complaint") in the U.S. District Court for the Southern District of California.
28 Thereafter, Plaintiff served the Original Complaint on Defendant VOLKSWAGEN

1 GROUP OF AMERICA, INC. d/b/a AUDI OF AMERICA, INC. on November 18,
2 2014. Simultaneously, Plaintiff began the diligent pursuit of service on AUDI AG
3 and VOLKSWAGEN AG abroad, in accordance with the requirements of the
4 Hague Convention.

5 19. On or about December 11, 2014, Plaintiff dismissed AUDI OF
6 AMERICA, LLC from this litigation, without prejudice, pursuant to representations
7 made by VOLKSWAGEN GROUP OF AMERICA, INC. d/b/a AUDI OF
8 AMERICA, INC. and AUDI OF AMERICA, LLC. (Docket No. 12.) Namely,
9 Defendants asserted and Plaintiff relied upon the assertion that AUDI OF
10 AMERICA, LLC did not, and does not, import vehicles into the United States and
11 does not sell vehicles to dealers. Defendants further claimed AUDI OF AMERICA,
12 LLC's main function was the provision of payroll services to the "AUDI" brand
13 within VOLKSWAGEN GROUP OF AMERICA, INC. d/b/a AUDI OF
14 AMERICA, INC.

15 20. On January 22, 2015, Defendant VOLKSWAGEN GROUP OF
16 AMERICA, INC. d/b/a AUDI OF AMERICA, INC. moved to dismiss Count V of
17 Plaintiff's Original Complaint, pursuant to Rule 12(b)(6) of the Federal Rules of
18 Civil Procedure, contending Plaintiff failed to sufficiently plead the elements of
19 induced infringement under 35 U.S.C. § 271(b) with respect to the '156 patent.
20 (Docket No. 18.)

21 21. On or about February 4, 2015, Plaintiff filed a First Amended
22 Complaint in this matter. (Docket No. 20.) Simultaneously, Plaintiff began the
23 diligent pursuit of service on AUDI AG and VOLKSWAGEN AG abroad, in
24 accordance with the requirements of the Hague Convention.

25 22. On or about February 18, 2015, Defendant VOLKSWAGEN GROUP
26 OF AMERICA, INC. d/b/a AUDI OF AMERICA, INC. filed its Answer,
27 Affirmative Defenses and Counterclaims to the First Amended Complaint. (Docket
28 No. 27.) On March 2, 2015, Plaintiff filed its Answer to VOLKSWAGEN GROUP

OF AMERICA, INC.'S Counterclaims. (Docket No. 29.) Defendant VOLKSWAGEN AG filed an Answer to the First Amended Complaint in this matter on April 20, 2015. (Docket No. 41.) Defendant AUDI AG filed an Answer to the First Amended Complaint in this matter on June 16, 2015. (Docket No. 53.)

23. On or about May 15, 2015, Plaintiff moved for Leave to Amend the First Amended Complaint, Pursuant to Rule 15(a)(2) of the Federal Rules of Civil Procedure. (Docket No. 47). On or about June 10, 2015, the above-referenced Court granted in part and denied in the aforementioned motion of Plaintiff. (Docket No. 52).

24. On information and belief, Defendants have had knowledge of the Patents-in-Suit as early as November 18, 2014, the date Defendant VOLKSWAGEN GROUP OF AMERICA, INC. d/b/a AUDI OF AMERICA, INC. was served with the Original Complaint, and perhaps as early as November 10, 2014, the date of filing of the Original Complaint in this action and the related actions filed at or about the same time (i.e., Case Nos. 14-CV-2668-CAB (WVG), 14-CV-2670-CAB (WVG), 14-CV-2675-CAB (WVG), 14-CV-2677-CAB (WVG), 14-CV-2679-CAB (WVG)) (hereinafter, "Related Actions").

DEFENDANTS' RELEVANT TECHNOLOGY

25. Upon information and belief, Defendants make, use, sell, offer for sale, distribute, import, and/or advertise (including the provision of an interactive website) their infringing products, namely vehicles that include, but are not limited to:

- (1) Model year 2011 and later "AUDI"-branded "A3," "A4," "A5," "A6," "A7," "A8," "Allroad", "Q3", "Q5," and "Q7"-models (including without limitation "Premium", Premium Plus", "Prestige", "S" , "RS", "Sportback", "L", "W12", Hybrid, and other variants of the foregoing as applicable) of motor vehicles with Defendants' so-called "Audi MMI" ("Multi Media Interface" or "MMI") technology, and may also include

- 1 such vehicles with Defendants’ so-called “Audi connect®” technology
2 (hereinafter, the “Audi MMI and Audi connect® Products”);
- 3 (2) “AUDI”-branded “Smart Display” touchscreen tablet device (and any
4 other similar platforms that incorporate this technology) (hereinafter, the
5 “Audi Smart Display Products”);
- 6 (3) “AUDI”-branded vehicles, including but not limited to, 2016 “Q7”
7 vehicles, with, and/or having capability to interface with, Defendants’ so-
8 called “Smart Display” (and any other vehicles which incorporate this
9 technology) (hereinafter, the “Audi Smart Display Vehicles”);
- 10 (4) “AUDI”-branded vehicles with smartphone integration (“Android
11 Auto®” only), which may include, but is not limited to, “A3,” “A4,”
12 “A5,” “A6,” “A7,” “A8,” “Allroad”, “Q3”, “Q5,” and “Q7”-models
13 (including without limitation “Premium”, Premium Plus”, “Prestige”,
14 “S”, “RS”, “Sportback”, “L”, “W12”, Hybrid, and other variants of the
15 foregoing as applicable), (hereinafter “Audi Android Auto Products”);
- 16 (5) “VOLKSWAGEN”-branded vehicles with standard or optional Hard
17 Drive/SD Card navigation systems with touchscreen capability and voice
18 recognition, including but not limited to the RNS-510 and RNS-850
19 units, and also including, but not limited to, the following models:
20 “Passat,” “CC,” “Touareg,” “Golf,” “Golf GTI,” and “Golf Sport
21 Wagon” (hereinafter “Volkswagen HD/SD Navigation Systems”);
- 22 (6) “VOLKSWAGEN”-branded vehicles with “*Modularen Infotainment-*
23 *baukasten*” (MIB) modular infotainment systems, including without
24 limitation the MIB and MIB-II variants, and which may include
25 smartphone integration (“Android Auto®” and “MirrorLink” only), and
26 which may include any related Volkswagen-branded software
27 applications (“apps”), such vehicles which may include, without
28 limitation, “Jetta,” “Passat,” “CC,” “Golf,” “Golf GTI,” and “Golf Sport

Wagon,” as well as “Touareg,” “Beetle,” “Eos,” and “Tiguan” models (hereinafter “Volkswagen MIB Products”);

(7) Incipient VOLKSWAGEN”-branded “Cross”-based SUV vehicles (model names to be determined), and the related “CrossBlue”, Cross Coupe, and/or “Cross Coupe GTE” concept vehicles, and any variants thereof (hereinafter “Volkswagen Cross Vehicles”);

(8) All versions of the “VOLKSWAGEN”-branded “Media Control” software application for portable electronic tablet and/or smartphone devices (Android only) usable with vehicles in the U.S. (hereinafter “Volkswagen Media Control Tablet/Smartphone Application Products”); and

(9) Incipient VOLKSWAGEN”-branded “Cross”-based vehicles (model names to be determined), and the related “Cross Blue”, Cross Coupe, and/or “Cross Coupe GTE” concept vehicles, which include Wi-Fi hotspot capability and integration for a portable electronic tablet computing device, including those with the with the Media Control Tablet/Smartphone Application Products, (hereinafter “Volkswagen Cross with Tablet Integration Vehicles”);

26. The Audi MMI and Audi connect® Products, Audi Smart Display Products, Audi Smart Display Vehicles, Audi Android Auto Products, Volkswagen HD/SD Navigation Systems, Volkswagen MIB Products, Volkswagen Cross Vehicles, Volkswagen Media Control Tablet/Smartphone Application Products, and Volkswagen Cross with Tablet Integration Vehicles may be collectively referred to herein as the “Accused Products.”

27. The Accused Products directly infringe the Patents-in-Suit in violation of 35 U.S.C. § 271(a).

28. Upon information and belief, Defendants own, operate, and/or control the Internet website located at the URL address

1 <http://www.volkswagengroupamerica.com> (and related websites such as
 2 <http://www.vw.com>, <http://volkswagengroupamerica.com>, and [http://www.audiusa](http://www.audiusa.com)
 3 [.com](http://www.audiusa.com)), and therefore manage and/or control the contents displayed thereon. Further,
 4 according to Defendants' own description posted on the Internet website located at
 5 the URL address [http://www.audiusa.com/content/dam/audiusa/Documents/2015-](http://www.audiusa.com/content/dam/audiusa/Documents/2015-Audi-A4-brochure.pdf)
 6 [Audi-A4-brochure.pdf](http://www.audiusa.com/content/dam/audiusa/Documents/2015-Audi-A4-brochure.pdf), the "MMI" system, is a computerized information system,
 7 which acts as the "nerve center" of the vehicle, allowing customers, owners, and/or
 8 drivers to control "almost every facet of the vehicle," including but not limited to
 9 navigation, entertainment, and other interior systems. The following is a true and
 10 correct image of a portion of the above-referenced website, captured and copied on
 11 January 30, 2015:

12 **A portal of significant intelligence.**

13
 14 We believe intelligence is key to a higher form of luxury. You can see this philosophy fully represented in the
 15 available MMI® system. Simply put, it's an intuitive system that intimately connects you to almost every facet
 16 of the vehicle. It's the nerve center of your vehicle, allowing you to control virtually every interior function of
 17 your Audi with a simplified source control button system. Whether it's MMI navigation plus, or BLUETOOTH®
 18 streaming audio, MMI helps you access information with a few easy clicks. And even without it, you can pair
 19 your compatible phone with the vehicle for added convenience. With this kind of brainpower onboard, you can
 20 leave the little stuff to us, and just concentrate on how good it feels to drive!²

21 Defendants' instructional materials, such as the "2014 Audi A4/S4 Quick
 22 Start Guide" found at the Internet website located at the URL address
 23 [http://www.audiusa.com/content/dam/audiusa/Documents/quick-start-guides/2014/](http://www.audiusa.com/content/dam/audiusa/Documents/quick-start-guides/2014/2014-A4-quick-start-guide.pdf)
 24 [2014-A4-quick-start-guide.pdf](http://www.audiusa.com/content/dam/audiusa/Documents/quick-start-guides/2014/2014-A4-quick-start-guide.pdf), indicate that the "MMI" system incorporates voice
 25 recognition technology, capable of being used in conjunction with the "MMI"
 26 system to perform various functions, such as voice dialing, and other natural
 27 language commands like "enter destination" and "online destination." The
 28 following is a true and correct image of a portion of the above-referenced website,
 captured and copied on January 30, 2015:

Voice Recognition: MMI®


Call By Name



TEXT A4VOICE1 to 38981

Do not text and drive. Message and data rates may apply.



1. Press the  button.
A beep will sound.




2. Say, "Call" <Name from directory>
(e.g., "Call John Smith").



3. To confirm the request, say "Yes". The number will be dialed.

NOTE: If multiple numbers are stored for a given contact, the system will ask which number you wish to dial. When calling by name using voice recognition, you must say the name as it is stored in your phone book.

Natural Language Commands

You may also speak natural language commands using the  button.

Verbal destination commands can be given while in any screen.

Your Audi MMI® Navigation system has many Global Voice Recognition commands available. This means that you can access any function or while another function or mode is active.

Commands such as:


- ▶ Enter Number
- ▶ Enter Destination
- ▶ Presets
- ▶ Media
- ▶ Redial
- ▶ Online Destination
- ▶ FM, AM

You can begin your request from any screen.

Once your requested function is active, you can continue with commands for that mode.

For example:

- ▶ Enter Number
- ▶ Dial
- ▶ Repeat
- ▶ Correction

To cancel Voice Recognition while active, say "Cancel" after the beep or press the  button until system responds with cancelled.

Refer to your owner's manual for further commands.

29. Defendants detail the features and benefits of the "Audi connect®" technology on the Internet website located at the URL address <http://www.audiusa.com/innovation/intelligence/audi-connect>, wherein Defendants state the "Audi connect®" technology provides the vehicle with Internet connectivity and is an on-board source for information about traffic, weather,

1 directions and more, featuring satellite imagery, voice search, social media
 2 integration and a Wi-Fi hotspot. The following is a true and correct image of a
 3 portion of the above referenced website, captured and copied on January 30, 2015:

4 **This is you in charge**

5 **Audi connect® is your resource when you're**
 6 **on the go.**

7 Audi connect® is your on-board source for information about traffic,
 8 weather, directions and more, featuring Google Earth™ satellite
 9 imagery, Google Voice™ local search, social media integration and a
 secure, high-speed Wi-Fi hotspot for up to eight devices.*

10 30. On another of Defendants' Internet websites, Defendants provide
 11 further detail on the features and benefits of using "MMI" in conjunction with
 12 "Audi connect®" at the URL address [http://www.audiusa.com/content/dam/](http://www.audiusa.com/content/dam/audiusa/Connect%20Help/AoA_14976_13CONNECT2b_rX_Readers_RevisedCover.pdf)
 13 [audiusa/Connect%20Help/AoA_14976_13CONNECT2b_rX_Readers_RevisedCov](http://www.audiusa.com/content/dam/audiusa/Connect%20Help/AoA_14976_13CONNECT2b_rX_Readers_RevisedCover.pdf)
 14 [er.pdf](http://www.audiusa.com/content/dam/audiusa/Connect%20Help/AoA_14976_13CONNECT2b_rX_Readers_RevisedCover.pdf), wherein Defendants state the "MMI" system, when used in conjunction
 15 with "Audi connect®," provides for "Picturebook navigation," allowing customers,
 16 owners, and/or drivers "to use geotagged photos as coordinates for a destination,"
 17 thus permitting customers, owners, and/or drivers to simply upload a photo to
 18 "Audi connect, through the Audi connect app [available for smartphones] or
 19 myAudi portal [accessible via the internet], and Audi MMI navigation plus will
 20 deliver turn-by-turn directions to that location." The following is a true and correct
 21 image of a portion of the above-referenced website, captured and copied on January
 22 30, 2015:

23 \\\\

24 \\\\

25 \\\\

26 \\\\

27 \\\\

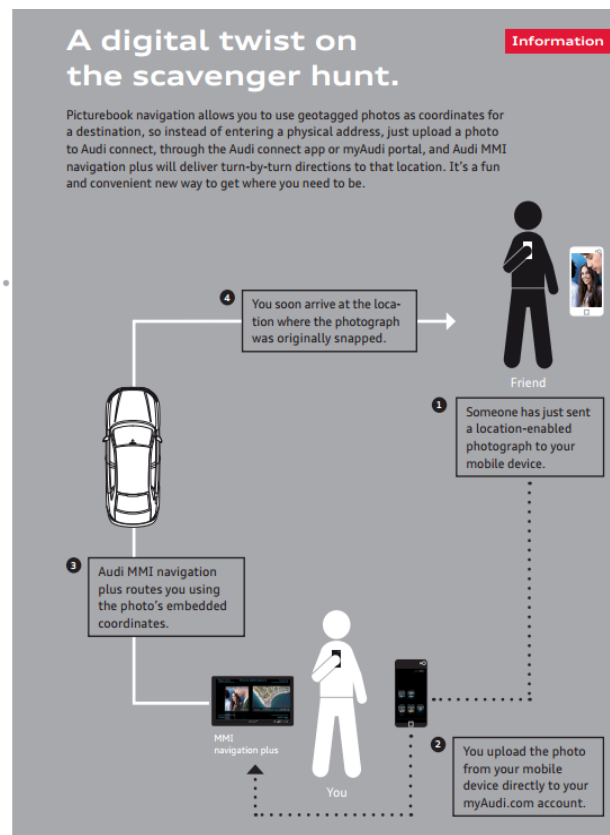
28 \\\\



You never thought a phone could be this smart.

Access your existing myAudi account wherever you go, thanks to the Audi connect® app.¹ Now you can take a piece of Audi connect with you even when you're on the go. Available for a wide range of mobile devices, the Audi MMI® connect® app lets you manage the Audi music stream, locate your vehicle, and access online destinations before you set out on your journey.

1. Always pay careful attention to the road, and do not drive while distracted. The features and technologies discussed above are optional, may require an additional subscription with separate terms and conditions, and should be used only when it is safe and appropriate. The Wi-Fi® hotspot feature is intended for passenger use only. Standard text and data usage rates apply. Also available for iPhone® and Android™ devices only.



31. Through publication and dissemination of the foregoing materials, as well as others, Defendants actively encourage, solicit, enable, and teach past, current, and prospective customers, owners, and/or drivers of the Accused Products to avail themselves of the features and benefits of both the “MMI” and “Audi connect®” technologies, as a means to enhance the experience of owning and operating an “AUDI”-branded vehicle.

32. Furthermore, upon information and belief, Defendants through ownership and control of Internet websites, such as <http://www.audiusa.com> (and other related websites), aid and abet the infringement of the Patents-in-Suit by past, current, and prospective customers, owners, service personnel, and/or drivers of the Accused Products, through Defendants’ publication of additional detailed operating manuals, instructional videos, and press releases concerning the “MMI” and “Audi

connect®” technology. Defendants direct the attention of such customers, owners, and/or drivers to these instructional, educational, and tutorial publications, thereby enticing, encouraging and aiding and abetting third parties to use the “MMI” and/or “Audi connect®” features disposed within the Accused Products, in a manner that directly infringes the Patents-in-Suit, including the ’156 patent.

33. Defendants’ own technical service manuals also inform and facilitate the direct infringement of the Patents-in-Suit, by third parties, including infringement of the ’156 patent. For example, in Chapter 7 of a document entitled “Update instructions for the MMI 3G+ Update,” Defendants provide step-by-step instructions for linking a customer, owner, and/or driver’s USB-capable device to the Accused Products, so as to accomplish the import and/or export of data. The following is a true and correct portion of the above referenced service manual, captured and copied on January 30, 2015, and which reads as follows:

7. Importing and exporting customer data (MMI Navigation Plus)

Important information about importing and exporting customer data

Requirements:

To save customer data, you will need a storage medium (SD card or USB stick) on which the customer data can be stored.

1. It is only possible to import/export customer data using MMI Navigation Plus systems.

2. The export/import customer data feature can be used to transfer customer-specific data onto a new system when the information electronics control unit has been replaced. The following data is taken into consideration when importing/exporting:

- a. Address book entries
- b. Sound settings
- c. Navigation settings

3. The export file containing customer data is protected by a code. This code can be set by the customer through the MMI (Car/Setup -> Data encryption). The default code is “MMI3G+”. When the customer data has been imported, a prompt will appear when the system is started up (Note: The

1 prompt only appears when the ignition is switched on). The
2 customer can enter the code via this prompt. The imported data
3 will only be visible in the MMI when this code has been
4 entered.

5 34. On information and belief, Defendants with knowledge of the '156
6 have used and continue to use the above-referenced "Update instructions for the
7 MMI 3G+ Update," or a substantially equivalent version thereof, to assist in
8 connecting and transferring data to and/or from a USB-capable device owned by
9 third parties and the Accused Products, thereby intentionally encouraging and
10 aiding and abetting third parties to use the "MMI" and/or "Audi connect®" features
11 disposed within the Accused Products, in a manner that directly infringes the
12 Patents-in-Suit, including the '156 patent.

13 35. Defendants also entice, aid, and abet past, current, and prospective
14 customers, owners, and/or drivers of the Accused Products to directly infringe the
15 Patents-in-Suit, including the '156 patent, through promotional and marketing
16 materials. Namely, Defendants characterize the Audi "MMI" and "Audi connect®"
17 features as "must-have" additions to "AUDI"-branded vehicles. For example, in a
18 worldwide press release dated December 12, 2014 (published in both English and
19 German), Defendants tout such innovations as part of the appeal of the new "Q7"
20 model vehicle:

21 The Audi Q7 also sets standards with respect to the operating concept,
22 infotainment, connectivity and driver assistance systems. The second-
23 generation modular infotainment platform is on board, as is the Audi
24 virtual cockpit. The new MMI all in touch control unit with large
25 touchpad makes operation child's play. Other attractive innovations
26 include the expanded services from Audi connect, the Audi tablet for
27 the rear seat passengers and the two sound systems with 3D audio.

28 36. On information and belief, Defendants have published and continue to
publish this December 12, 2014 press release on Internet websites they own and
control. An English language version of the December 12, 2014 press release is
located at the URL address <http://www.audiusa.com/newsroom/news/press->

1 releases/2014/12/the-new-audi-q7-sportiness-efficiency-premium-comfort.

2 Whereas, a German language version of the December 12, 2014 press release is
 3 located at the URL address [https://www.audi-mediaservices.com/publish/ms/](https://www.audi-mediaservices.com/publish/ms/content/de/public/pressemitteilungen/2014/12/12/der_neue_audi_q7_.html)
 4 [content/de/public/pressemitteilungen/2014/12/12/der neue audi q7 .html](https://www.audi-mediaservices.com/publish/ms/content/de/public/pressemitteilungen/2014/12/12/der_neue_audi_q7_.html). True
 5 and correct copies of the German and English language versions of the December
 6 12, 2014 press release, captured and copied on January 30, 2015, are attached
 7 hereto as Exhibit I.

8 37. Upon information and belief, like the allegations of paragraphs 28
 9 through 36 above, through the publication and dissemination of marketing and/or
 10 promotional materials, detailed operational manuals, on-line instructional videos,
 11 and/or technical assistance, Defendants entice, encourage, instruct, enable and
 12 otherwise aid and abet third parties, including but not limited to Defendants'
 13 customers and sales or technical personnel, Defendants' agents, owners, and/or
 14 drivers of the Accused Products, including Audi MMI and Audi connect®
 15 Products, Audi Smart Display Products, Audi Smart Display Vehicles, Audi
 16 Android Auto Products, Volkswagen HD/SD Navigation Systems, Volkswagen
 17 MIB Products, Volkswagen Cross with Tablet Integration Vehicles, Volkswagen
 18 Media Control Tablet/Smartphone Application Products, and Volkswagen Cross
 19 Vehicles, to use such Accused Products in a manner that directly infringes all
 20 Patents-in-Suit. See e.g.:

- 21 • Publishing a press release and promotional material highlighting
 22 “VOLKSWAGEN”-branded vehicle’s smartphone integration
 23 capability, including Android Auto technology, such as:
 24 <http://media.vw.com/release/908/> (A true and correct copy of relevant
 25 portions of this webpage are attached hereto as Exhibit J);
- 26 • Publishing a press release and promotional material highlighting
 27 “VOLKSWAGEN”-branded vehicle’s smartphone integration
 28 capability, such as the following:

http://media.vw.com/doc/1272/ces_2015_volkswagen_introduces_advanced_gesture_control_and_networking_for_a_new_age_of_mobility-vw_2015_ces_detailed_information-31195113954aafc370754b.pdf (A true and correct copy of relevant portions of this webpage are attached hereto as Exhibit K);

- Facilitating and/or allowing for the publication of media reports touting “VOLKSWAGEN”-branded vehicle’s smartphone integration and touchscreen technology, including Android Auto, such as the following: <http://cars.reviewed.com/content/volkswagen-mib-ii-infotainment-system-first-impressions-review> (A true and correct copy of relevant portions of this webpage are attached hereto as Exhibit L);
- Facilitating and/or allowing for the publication of media reports touting “AUDI”-branded vehicle’s smartphone integration and touchscreen technology, including Android Auto, such as the following: <http://www.engadget.com/2015/01/08/audis-latest-supports-android-auto-and-carplay/> (A true and correct copy of relevant portions of this webpage are attached hereto as Exhibit M);
- Facilitating and/or allowing for the publication of media reports touting “AUDI”-branded vehicle’s Smart Display tablet technology, such as the following: <https://www.youtube.com/watch?v=9YNbPboYA6Y> (A true and correct screenshot of this webpage are attached hereto as Exhibit N);
- Facilitating and/or allowing for the publication of media reports touting “AUDI”-branded vehicle’s Smart Display tablet technology, such as the following: https://twitter.com/Audi_Dave/status/555501053303463936 (A true and correct copy of relevant portions of this webpage are attached hereto as Exhibit O);
- Publishing a press release and promotional material highlighting

1 “AUDI”-branded vehicle’s technological capability, including
2 smartphone integration, such as the following:

3 [http://www.audiusa.com/newsroom/news/press-releases/2015/01/audi-](http://www.audiusa.com/newsroom/news/press-releases/2015/01/audi-at-2015-CES)
4 [at-2015-CES](http://www.audiusa.com/newsroom/news/press-releases/2015/01/audi-at-2015-CES) (A true and correct copy of relevant portions of this
5 webpage are attached hereto as Exhibit P);

- 6 • Facilitating and/or allowing for the publication of media reports
7 touting “AUDI”-branded vehicle’s smartphone integration,
8 touchscreen technology, and Smart Display technology, such as the
9 following: [http://www.cnet.com/pictures/audi-q7-virtual-cockpit-](http://www.cnet.com/pictures/audi-q7-virtual-cockpit-pictures)

10 [pictures](http://www.cnet.com/pictures/audi-q7-virtual-cockpit-pictures) (A true and correct copy of relevant portions of this webpage
11 are attached hereto as Exhibit Q);

- 12 • Producing and publishing various instructional videos, which contain
13 detailed information concerning the use and operation of touchscreen-
14 enabled navigation and infotainment systems in “VOLKSWAGEN”-
15 branded vehicles at <https://www.youtube.com/watch?v=oy8uCs-ofqw>
16 (A true and correct copy of relevant portions of this webpage are
17 attached hereto as Exhibit R);

- 18 • Producing and publishing various instructional videos, which contain
19 detailed information concerning the use and operation of the RNS-510
20 navigation system in “VOLKSWAGEN”-branded vehicles at
21 https://www.youtube.com/watch?v=6ejqG2_-3c0 (A true and correct
22 copy of relevant portions of this webpage are attached hereto as
23 Exhibit S); and

- 24 • Producing and publishing various instructional videos, which contain
25 detailed information concerning the use and operation of the RNS-850
26 navigation system in “VOLKSWAGEN”-branded vehicles at
27 <https://www.youtube.com/watch?v=kFqrArxHoAw> (A true and correct
28 copy of relevant portions of this webpage are attached hereto as

1 Exhibit T).

2 38. Upon information and belief, as a result of Defendants' active,
3 knowing, intentional, and ongoing efforts that induce infringement of all Patents-in-
4 Suit, as described herein, substantially all of Defendants' customers and sales or
5 technical personnel, owners, and/or drivers of the Accused Products use and operate
6 the Accused Products in a manner that directly infringes one or more of the Patents-
7 in-Suit.

8 **COUNT I**

9 **INFRINGEMENT OF THE '038 PATENT**

10 39. West View Research incorporates paragraphs 1 through 38 by
11 reference as if fully stated herein.

12 40. Defendants have been and are directly infringing literally and/or under
13 the doctrine of equivalents, at least claims 1 through 20, 22 through 27, 30 through
14 38, 40 through 45, and 47 through 68 of the '038 patent.

15 41. 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 20,
19 22 through 27, 30 through 38, 40 through 45, and 47 through 68 of the '038 patent,
20 which products include but may not be limited to all aforementioned subcategories
21 of the Accused Products used, sold or offered for sale after May 6, 2014.

22 42. Third parties, including but not limited to Defendants' customers and
23 sales or technical personnel, Defendants' agents, owners, and/or drivers, have
24 directly infringed, and continue to directly infringe, either literally and/or under the
25 doctrine of equivalents, in violation of 35 U.S.C. § 271(a), by using, selling, and or
26 offering for sale in the United States, and/or importing into the United States,
27 products supplied by Defendants that infringe at least claims 1 through 16, 18
28 through 20, 22 through 27, 30 through 38, 40 through 45, 47 through 62, and 66

1 through 68 of the '038 patent, which products include but may not be limited to all
2 aforementioned subcategories of the Accused Products sold or offered for sale on or
3 after May 6, 2014.

4 43. Upon information and belief, based on the information presently
5 available to West View Research absent discovery, in addition to and/or in the
6 alternative to direct infringement, West View Research alleges Defendants have,
7 since receiving notice of the filing and/or service of the Original Complaint,
8 induced infringement and continue to induce infringement of at least claims 1
9 through 16, 18 through 20, 22 through 27, 30 through 38, 40 through 45, 47 through
10 62, and 66 through 68 of the '038 patent under 35 U.S.C. § 271(b).

11 44. Upon information and belief, Defendants have, since receiving notice
12 of the filing of the Original Complaint since at least as early as November 18, 2014
13 (and possibly as early as November 10, 2014), actively, knowingly, and
14 intentionally induced, and continue to actively, knowingly, and intentionally
15 induce, infringement of the '038 patent by making, using, selling, offering for sale,
16 importing, and/or otherwise supplying products including the Accused Products to
17 third parties, with the knowledge and specific intent that such third parties will use,
18 sell, offer for sale, and/or import, products supplied by Defendants, including the
19 Accused Products to directly infringe the '038 patent.

20 45. Upon information and belief, despite Defendants' knowledge of the
21 existence of the '038 patent since at least as early as November 18, 2014 (and
22 possibly as early as November 10, 2014), Defendants continue to encourage,
23 instruct, enable and otherwise aid and abet third parties, including but not limited to
24 Defendants' customers and sales or technical personnel, Defendants' agents,
25 owners, and/or drivers of the Accused Products to use the Accused Products in a
26 manner that directly infringes the '038 patent.

27 46. Upon information and belief, Defendants specifically intended that
28 their customers and sales or technical personnel, Defendants' agents, owners,

1 and/or drivers use the Accused Products in such a way that directly infringes the
2 '038 patent by, at a minimum, advertising, enticing, encouraging, instructing, and
3 aiding and abetting their customers, owners, and/or drivers, through the publication
4 and dissemination of marketing materials, detailed operational manuals, on-line
5 instructional videos, and/or technical assistance related to the Accused Products, to
6 use, sell, offer for sale, and/or import, products supplied by Defendants, including
7 the Accused Products, to directly infringe the '038 patent.

8 47. Upon information and belief, Defendants knew and know that their
9 actions, including but not limited to providing detailed operating manuals, press
10 releases, instructional on-line videos, and other literature, in relation to the Accused
11 Products, would induce, have induced, and continues to induce direct infringement
12 of the '038 patent by third parties, including but not limited to Defendants'
13 customers and sales or technical personnel, Defendants' agents, owners, and/or
14 drivers.

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

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

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

26 **COUNT II**

27 **INFRINGEMENT OF THE '037 PATENT**

28 51. West View Research incorporates paragraphs 1 through 50 by

1 reference as if fully stated herein.

2 52. Defendants have been and are directly infringing literally and/or under
3 the doctrine of equivalents, at least claims 1 through 13 and 15 through 77 of the
4 '037 patent.

5 53. Defendants have directly infringed, and continue to directly infringe,
6 either literally and/or under the doctrine of equivalents, in violation of 35 U.S.C. §
7 271(a), by making, using, selling, offering for sale, and/or importing in or into the
8 United States, without authority, products that infringe at least claims 1 through 13
9 and 15 through 77 of the '037 patent, which products include but may not be
10 limited to the Audi MMI and Audi connect® Products, Audi Smart Display
11 Products, Audi Smart Display Vehicles, Audi Android Auto Products, Volkswagen
12 MIB Products, Volkswagen Cross with Tablet Integration Vehicles, and
13 Volkswagen Cross Vehicles, and/or other Accused Products (the "'037 Accused
14 Products"), used, sold or offered for sale after May 6, 2014.

15 54. Third parties, including but not limited to Defendants' customers and
16 sales or technical personnel, Defendants' agents, owners, and/or drivers, have
17 directly infringed, and continue to directly infringe, either literally and/or under the
18 doctrine of equivalents, in violation of 35 U.S.C. § 271(a), by using, selling, and or
19 offering for sale in the United States, and/or importing into the United States,
20 products supplied by Defendants that infringe at least claims 1 through 3, 5 through
21 7, 9 through 12, 15 through 33, 35 through 68, and 70 through 77 of the '037
22 patent, which products include but may not be limited to the '037 Accused Products
23 used, sold or offered for sale after May 6, 2014.

24 55. Upon information and belief, based on the information presently
25 available to West View Research absent discovery, in addition to and/or in the
26 alternative to direct infringement, West View Research alleges Defendants have,
27 since receiving notice of the filing and/or service of the Original Complaint,
28 induced infringement and continue to induce infringement of at least claims 1

1 through 3, 5 through 7, 9 through 12, 15 through 33, 35 through 68, and 70 through
2 77 of the '037 patent under 35 U.S.C. § 271(b).

3 56. Upon information and belief, Defendants have, since receiving notice
4 of the filing of the Original Complaint since at least as early as November 18, 2014
5 (and possibly as early as November 10, 2014), actively, knowingly, and
6 intentionally induced, and continue to actively, knowingly, and intentionally
7 induce, infringement of the '037 patent by making, using, selling, offering for sale,
8 importing, and/or otherwise supplying products including the '037 Accused
9 Products to third parties, with the knowledge and specific intent that such third
10 parties will use, sell, offer for sale, and/or import, products supplied by Defendants,
11 including the '037 Accused Products to directly infringe the '037 patent.

12 57. Upon information and belief, despite Defendants' knowledge of the
13 existence of the '037 patent since at least as early as November 18, 2014 (and
14 possibly as early as November 10, 2014), Defendants continue to encourage,
15 instruct, enable and otherwise aid and abet third parties, including but not limited to
16 Defendants' customers and sales or technical personnel, Defendants' agents,
17 owners, and/or drivers of the '037 Accused Products to use the '037 Accused
18 Products in a manner that directly infringes the '037 patent.

19 58. Upon information and belief, Defendants specifically intended that
20 their customers and sales or technical personnel, Defendants' agents, owners,
21 and/or drivers use the '037 Accused Products in such a way that directly infringes
22 the '037 patent by, at a minimum, advertising, enticing, encouraging, instructing,
23 and aiding and abetting their customers, owners, and/or drivers, through the
24 publication and dissemination of marketing materials, detailed operational manuals,
25 on-line instructional videos, and/or technical assistance related to the '037 Accused
26 Products, to use, sell, offer for sale, and/or import, products supplied by
27 Defendants, including the '037 Accused Products, to directly infringe the '037
28 patent.

1 of the '673 patent, which products include but may not be limited to the Audi MMI
2 and Audi connect® Products, Audi Smart Display Products, Audi Smart Display
3 Vehicles, Audi Android Auto Products, Volkswagen MIB Products, Volkswagen
4 Cross with Tablet Integration Vehicles, Volkswagen Media Control
5 Tablet/Smartphone Application Products, and Volkswagen Cross Vehicles, and/or
6 other Accused Products (the "'673 Accused Products") sold or offered for sale on
7 or after March 25, 2014.

8 66. Third parties, including but not limited to Defendants' customers and
9 sales or technical personnel, Defendants' agents, owners, and/or drivers, have
10 directly infringed, and continue to directly infringe, either literally and/or under the
11 doctrine of equivalents, in violation of 35 U.S.C. § 271(a), by using, selling, and or
12 offering for sale in the United States, and/or importing into the United States,
13 products supplied by Defendants that infringe at least claims 1 through 24 and 26
14 through 30 of the '673 patent, which products include but may not be limited to the
15 '673 Accused Products used, sold or offered for sale after March 25, 2014.

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

22 68. Upon information and belief, Defendants have, since receiving notice
23 of the filing of the Original Complaint since at least as early as November 18, 2014
24 (and possibly as early as November 10, 2014), actively, knowingly, and
25 intentionally induced, and continue to actively, knowingly, and intentionally
26 induce, infringement of the '673 patent by making, using, selling, offering for sale,
27 importing, and/or otherwise supplying products including the '673 Accused
28 Products to third parties, with the knowledge and specific intent that such third

1 parties will use, sell, offer for sale, and/or import, products supplied by Defendants,
2 including the '673 Accused Products to directly infringe the '673 patent.

3 69. Upon information and belief, despite Defendants' knowledge of the
4 existence of the '673 patent since at least as early as November 18, 2014 (and
5 possibly as early as November 10, 2014), Defendants continue to encourage,
6 instruct, enable and otherwise aid and abet third parties, including but not limited to
7 Defendants' customers and sales or technical personnel, Defendants' agents,
8 owners, and/or drivers of the '673 Accused Products to use the '673 Accused
9 Products in a manner that directly infringes the '673 patent.

10 70. Upon information and belief, Defendants specifically intended that
11 their customers and sales or technical personnel, Defendants' agents, owners,
12 and/or drivers use the '673 Accused Products in such a way that directly infringes
13 the '673 patent by, at a minimum, advertising, enticing, encouraging, instructing,
14 and aiding and abetting their customers, owners, and/or drivers, through the
15 publication and dissemination of marketing materials, detailed operational manuals,
16 on-line instructional videos, and/or technical assistance related to the '673 Accused
17 Products, to use, sell, offer for sale, and/or import, products supplied by
18 Defendants, including the '673 Accused Products, to directly infringe the '673
19 patent.

20 71. Upon information and belief, Defendants knew and know that their
21 actions, including but not limited to providing detailed operating manuals, press
22 releases, instructional on-line videos, and other literature, in relation to the '673
23 Accused Products, would induce, have induced, and continues to induce direct
24 infringement of the '673 patent by third parties, including but not limited to
25 Defendants' customers and sales or technical personnel, Defendants' agents,
26 owners, and/or drivers.

27 72. West View Research has no adequate remedy at law against these acts
28 of patent infringement. Defendants' actions complained of herein are causing

1 irreparable harm and damages to West View Research and will continue to do so
2 unless and until Defendants are permanently enjoined by the Court.

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

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

10 **COUNT IV**
11 **FOR INFRINGEMENT OF THE '146 PATENT**

12 75. West View Research incorporates paragraphs 1 through 74 by
13 reference as if fully stated herein.

14 76. Defendants have been and are directly infringing literally and/or under
15 the doctrine of equivalents, at least claims 1 through 34 of the '146 patent.

16 77. Defendants have directly infringed, and continue to directly infringe,
17 either literally and/or under the doctrine of equivalents, in violation of 35 U.S.C. §
18 271(a), by making, using, selling, offering for sale, and/or importing in or into the
19 United States, without authority, products that infringe at least claims 1 through 34
20 of the '146 patent, which products include but may not be limited to the Audi MMI
21 and Audi connect® Products, Audi Smart Display Products, Audi Smart Display
22 Vehicles, Audi Android Auto Products, Volkswagen MIB Products, Volkswagen
23 Cross with Tablet Integration Vehicles, and Volkswagen Cross Vehicles, and/or
24 other Accused Products (the "'146 Accused Products") sold or offered for sale on
25 or after October 23, 2012.

26 78. Third parties, including but not limited to Defendants' customers and
27 sales or technical personnel, Defendants' agents, owners, and/or drivers, have
28 directly infringed, and continue to directly infringe, either literally and/or under the

1 doctrine of equivalents, in violation of 35 U.S.C. § 271(a), by using, selling, and or
2 offering for sale in the United States, and/or importing into the United States,
3 products supplied by Defendants that infringe at least claims 1 through 34 of the
4 '146 patent, which products include but may not be limited to '146 Accused
5 Products used, sold or offered for sale after October 23, 2012.

6 79. 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 Complaint,
10 induced infringement and continue to induce infringement of at least claims 1
11 through 34 of the '146 patent under 35 U.S.C. § 271(b).

12 80. Upon information and belief, Defendants have, since receiving notice
13 of the filing of the Original Complaint since at least as early as November 18, 2014
14 (and possibly as early as November 10, 2014), actively, knowingly, and
15 intentionally induced, and continue to actively, knowingly, and intentionally
16 induce, infringement of the '146 patent by making, using, selling, offering for sale,
17 importing, and/or otherwise supplying products including the '146 Accused
18 Products to third parties, with the knowledge and specific intent that such third
19 parties will use, sell, offer for sale, and/or import, products supplied by Defendants,
20 including the '146 Accused Products to directly infringe the '146 patent.

21 81. Upon information and belief, despite Defendants' knowledge of the
22 existence of the '146 patent since at least as early as November 18, 2014 (and
23 possibly as early as November 10, 2014), Defendants continue to encourage,
24 instruct, enable and otherwise aid and abet third parties, including but not limited to
25 Defendants' customers and sales or technical personnel, Defendants' agents,
26 owners, and/or drivers of the '146 Accused Products to use the '146 Accused
27 Products in a manner that directly infringes the '146 patent.

28 82. Upon information and belief, Defendants specifically intended that

1 their customers and sales or technical personnel, Defendants' agents, owners,
2 and/or drivers use the '146 Accused Products in such a way that directly infringes
3 the '146 patent by, at a minimum, advertising, enticing, encouraging, instructing,
4 and aiding and abetting their customers, owners, and/or drivers, through the
5 publication and dissemination of marketing materials, detailed operational manuals,
6 on-line instructional videos, and/or technical assistance related to the '146 Accused
7 Products, to use, sell, offer for sale, and/or import, products supplied by
8 Defendants, including the '146 Accused Products, to directly infringe the '146
9 patent.

10 83. Upon information and belief, Defendants knew and know that their
11 actions, including but not limited to providing detailed operating manuals, press
12 releases, instructional on-line videos, and other literature, in relation to the '146
13 Accused Products, would induce, have induced, and continues to induce direct
14 infringement of the '146 patent by third parties, including but not limited to
15 Defendants' customers and sales or technical personnel, Defendants' agents,
16 owners, and/or drivers.

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

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

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

28 ///

COUNT V

FOR INFRINGEMENT OF THE '156 PATENT

87. West View Research incorporates paragraphs 1 through 86 by reference as if fully stated herein.

88. Defendants have been and are directly infringing literally and/or under the doctrine of equivalents, or indirectly infringing by inducement, at least claims 7 through 29 and 31 through 37 of the '156 patent.

89. Defendants have directly infringed, and continue to directly infringe, either literally and/or under the doctrine of equivalents, in violation of 35 U.S.C. § 271(a), by making, using, selling, offering for sale, and/or importing in or into the United States, without authority, products that infringe at least claims 7 through 29 and 31 through 37 of the '156 patent, which products include but may not be limited to the Audi MMI and Audi connect® Products, Audi Smart Display Products, Audi Smart Display Vehicles, Audi Android Auto Products, Volkswagen MIB Products, Volkswagen Cross with Tablet Integration Vehicles, and Volkswagen Cross Vehicles, and/or other Accused Products (the "'156 Accused Products") sold or offered for sale on or after November 22, 2011.

90. Third parties, including but not limited to Defendants' customers and sales or technical personnel, Defendants' agents, owners, and/or drivers, have directly infringed, and continue to directly infringe, either literally and/or under the doctrine of equivalents, in violation of 35 U.S.C. § 271(a), by using, selling, and or offering for sale in the United States, and/or importing into the United States, products supplied by Defendants that infringe at least claims 7 through 29 and 31 through 37 of the '156 patent, which products include but may not be limited to the '156 Accused Products sold or offered for sale on or after November 22, 2011.

91. Upon information and belief, based on the information presently available to West View Research absent discovery, in addition to and/or in the alternative to direct infringement, West View Research alleges Defendants have,

1 since receiving notice of the filing and/or service of the Original Complaint,
2 induced infringement and continue to induce infringement of at least claims 7
3 through 29 and 31 through 37 of the '156 patent under 35 U.S.C. § 271(b).

4 92. Upon information and belief, Defendants have, since receiving notice
5 of the filing of this Complaint since at least as early as November 18, 2014 (and
6 possibly as early as November 10, 2014), actively, knowingly, and intentionally
7 induced, and continue to actively, knowingly, and intentionally induce,
8 infringement of the '156 patent by making, using, selling, offering for sale,
9 importing, and/or otherwise supplying products including the '156 Accused
10 Products to third parties, with the knowledge and specific intent that such third
11 parties will use, sell, offer for sale, and/or import, products supplied by Defendants,
12 including the '156 Accused Products to directly infringe the '156 patent.

13 93. Upon information and belief, despite Defendants' knowledge of the
14 existence of the '156 patent since at least as early as November 18, 2014 (and
15 possibly as early as November 10, 2014), Defendants continue to encourage,
16 instruct, enable and otherwise aid and abet third parties, including but not limited to
17 Defendants' customers, owners, and/or drivers of the '156 Accused Products to use
18 the '156 Accused Products in a manner that directly infringes the '156 patent.

19 94. Upon information and belief, Defendants specifically intended that
20 their customers, owners, and/or drivers use the '156 Accused Products in such a
21 way that directly infringes the '156 patent by, at a minimum, advertising, enticing,
22 encouraging, instructing, and aiding and abetting their customers, owners, and/or
23 drivers, through the publication and dissemination of marketing materials, detailed
24 operational manuals, on-line instructional videos, and/or technical assistance related
25 to the '156 Accused Products, to use, sell, offer for sale, and/or import, products
26 supplied by Defendants, including the '156 Accused Products, to directly infringe
27 the '156 patent.

28 95. Upon information and belief, Defendants knew and know that their

1 actions, including but not limited to providing detailed operating manuals, press
2 releases, instructional on-line videos, and other literature, in relation to the '156
3 Accused Products, would induce, have induced, and continues to induce direct
4 infringement of the '156 patent by third parties, including but not limited to
5 Defendants' customers, owners, and/or drivers.

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

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

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

17 **COUNT VI**

18 **INFRINGEMENT OF THE '839 PATENT**

19 99. West View Research incorporates paragraphs 1 through 98 by
20 reference as if fully stated herein.

21 100. Defendants have been and are directly infringing literally and/or under
22 the doctrine of equivalents, at least claims 1 through 29 and 31 through 47 of the
23 '839 patent.

24 101. Defendants have directly infringed, and continue to directly infringe,
25 either literally and/or under the doctrine of equivalents, in violation of 35 U.S.C. §
26 271(a), by making, using, selling, offering for sale, and/or importing in or into the
27 United States, without authority, products that infringe at least claims 1 through 29
28 and 31 through 47 of the '839 patent, which products include but may not be

1 limited to including the Audi Smart Display Products, Volkswagen HD/SD
2 Navigation Systems, Volkswagen MIB Products, Volkswagen Cross with Tablet
3 Integration Vehicles, and Volkswagen Media Control Tablet/Smartphone
4 Application Products, and/or other Accused Products (the “’839 Accused
5 Products”) used, sold or offered for sale on or after January 7, 2015.

6 102. Third parties, including but not limited to Defendants’ customers and
7 sales or technical personnel, Defendants’ agents, owners, and/or drivers, have
8 directly infringed, and continue to directly infringe, either literally and/or under the
9 doctrine of equivalents, in violation of 35 U.S.C. § 271(a), by using, selling, and or
10 offering for sale in the United States, and/or importing into the United States,
11 products supplied by Defendants that infringe at least claims 1, 6, 8 through 11, 13,
12 16 through 23, 26 through 29, and 32 through 36 of the ’839 patent, which products
13 include but may not be limited to the ’839 Accused Products sold or offered for sale
14 on or after January 7, 2015.

15 103. Upon information and belief, based on the information presently
16 available to West View Research absent discovery, in addition to and/or in the
17 alternative to direct infringement, West View Research alleges Defendants have,
18 since receiving notice of the filing and/or service of the Original Complaint,
19 induced infringement and continue to induce infringement of at least claims 1, 6, 8
20 through 11, 13, 16 through 23, 26 through 29, and 32 through 36 of the ’839 patent
21 under 35 U.S.C. § 271(b).

22 104. Upon information and belief, Defendants have, since receiving notice
23 of the filing of this Complaint since at least as early as November 18, 2014 (and
24 possibly as early as November 10, 2014), actively, knowingly, and intentionally
25 induced, and continue to actively, knowingly, and intentionally induce,
26 infringement of the ’839 patent by making, using, selling, offering for sale,
27 importing, and/or otherwise supplying products including the ’839 Accused
28 Products to third parties, with the knowledge and specific intent that such third

1 parties will use, sell, offer for sale, and/or import, products supplied by Defendants,
2 including the '839 Accused Products to directly infringe the '839 patent.

3 105. Upon information and belief, despite Defendants' knowledge of the
4 existence of the '839 patent since at least as early as November 18, 2014 (and
5 possibly as early as November 10, 2014), Defendants continue to encourage,
6 instruct, enable and otherwise aid and abet third parties, including but not limited to
7 Defendants' customers, owners, and/or drivers of the '839 Accused Products to use
8 the '839 Accused Products in a manner that directly infringes the '839 patent.

9 106. Upon information and belief, Defendants specifically intended that
10 their customers, owners, and/or drivers use the '839 Accused Products in such a
11 way that directly infringes the '839 patent by, at a minimum, advertising, enticing,
12 encouraging, instructing, and aiding and abetting their customers, owners, and/or
13 drivers, through the publication and dissemination of marketing materials, detailed
14 operational manuals, on-line instructional videos, and/or technical assistance related
15 to the '839 Accused Products, to use, sell, offer for sale, and/or import, products
16 supplied by Defendants, including the '839 Accused Products, to directly infringe
17 the '839 patent.

18 107. Upon information and belief, Defendants knew and know that their
19 actions, including but not limited to providing detailed operating manuals, press
20 releases, instructional on-line videos, and other literature, in relation to the '839
21 Accused Products, would induce, have induced, and continues to induce direct
22 infringement of the '839 patent by third parties, including but not limited to
23 Defendants' customers, owners, and/or drivers.

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

28 109. As a direct and proximate result of the acts of patent infringement by

1 Defendants, West View Research has been damaged and continues to be damaged
2 in an amount not presently known.

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

7 **COUNT VII**

8 **INFRINGEMENT OF THE '504 PATENT**

9 111. West View Research incorporates paragraphs 1 through 110 by
10 reference as if fully stated herein.

11 112. Defendants have been and are directly infringing literally and/or under
12 the doctrine of equivalents, at least claims 1 through 7, 9 through 11, 13, 16, 18
13 through 27, 29 through 31, 33, and 35 through 48 of the '504 patent.

14 113. Defendants have directly infringed, and continue to directly infringe,
15 either literally and/or under the doctrine of equivalents, in violation of 35 U.S.C. §
16 271(a), by making, using, selling, offering for sale, and/or importing in or into the
17 United States, without authority, products that infringe at least claims 1 through 7, 9
18 through 11, 13, 16, 18 through 27, 29 through 31, 33, and 35 through 48 of the '504
19 patent, which products include but may not be limited to the Audi MMI and Audi
20 connect® Products, Audi Smart Display Products, Audi Smart Display Vehicles,
21 Audi Android Auto Products, Volkswagen MIB Products, Volkswagen Cross with
22 Tablet Integration Vehicles, Volkswagen Media Control Tablet/Smartphone
23 Application Products, and Volkswagen Cross Vehicles, and/or other Accused
24 Products (the "'504 Accused Products") used, sold or offered for sale on or after
25 January 7, 2015.

26 114. Third parties, including but not limited to Defendants' customers and
27 sales or technical personnel, Defendants' agents, owners, and/or drivers, have
28 directly infringed, and continue to directly infringe, either literally and/or under the

1 doctrine of equivalents, in violation of 35 U.S.C. § 271(a), by using, selling, and or
2 offering for sale in the United States, and/or importing into the United States,
3 products supplied by Defendants that infringe at least claims 1 through 3, 5 through
4 7, 9 through 11, 16, 18 through 23, 25 through 27, 29 through 31, and 35 through
5 48 of the '504 patent, which products include but may not be limited to the '504
6 Accused Products, used, sold or offered for sale after January 7, 2015.

7 115. Upon information and belief, based on the information presently
8 available to West View Research absent discovery, in addition to and/or in the
9 alternative to direct infringement, West View Research alleges Defendants have,
10 since receiving notice of the filing and/or service of the original Complaints in the
11 Related Actions, induced infringement and continue to induce infringement of at
12 least claims 1 through 3, 5 through 7, 9 through 11, 16, 18 through 23, 25 through
13 27, 29 through 31, and 35 through 48 of the '504 patent under 35 U.S.C. § 271(b).

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

22 117. Upon information and belief, despite Defendants' knowledge of the
23 existence of the '504 patent since at least as early as 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 the '504 Accused
28 Products in a manner that directly infringes the '504 patent.

1 118. 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.

11 119. 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.

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

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

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

COUNT VIII

INFRINGEMENT OF THE '778 PATENT

123. West View Research incorporates paragraphs 1 through 122 by reference as if fully stated herein.

124. Defendants have been and are directly infringing literally and/or under the doctrine of equivalents, at least claims 1 through 25 and 27 through 30 of the '778 patent.

125. Defendants have directly infringed, and continue to directly infringe, either literally and/or under the doctrine of equivalents, in violation of 35 U.S.C. § 271(a), by making, using, selling, offering for sale, and/or importing in or into the United States, without authority, products that infringe at least claims 1 through 25 and 27 through 30 of the '778 patent, which products include but may not be limited to Audi Smart Display Products, Volkswagen HD/SD Navigation Systems, Volkswagen MIB Products, Volkswagen Cross with Tablet Integration Vehicles, Volkswagen Media Control Tablet/Smartphone Application Products, and Volkswagen Cross Vehicles, and/or other Accused Products (the "'778 Accused Products") used, sold or offered for sale on or after October 16, 2012.

126. Third parties, including but not limited to Defendants' customers and sales or technical personnel, Defendants' agents, owners, and/or drivers, have directly infringed, and continue to directly infringe, either literally and/or under the doctrine of equivalents, in violation of 35 U.S.C. § 271(a), by using, selling, and or offering for sale in the United States, and/or importing into the United States, products supplied by Defendants that infringe at least claims 1, 2, 6, 8 through 11, 15, 17, 18, 21 through 25, 28, and 30 of the '778 patent, which products include but may not be limited to the '778 Accused Products used, sold or offered for sale after October 16, 2012.

127. Upon information and belief, based on the information presently available to West View Research absent discovery, in addition to and/or in the

1 alternative to direct infringement, West View Research alleges Defendants have,
2 since receiving notice of the filing and/or service of the original Complaints in the
3 Related Actions, induced infringement and continue to induce infringement of at
4 least claims 1, 2, 6, 8 through 11, 15, 17, 18, 21 through 25, 28, and 30 of the '778
5 patent under 35 U.S.C. § 271(b).

6 128. Upon information and belief, Defendants have, since receiving notice
7 of the filing of the original Complaints in the Related Actions, actively, knowingly,
8 and intentionally induced, and continue to actively, knowingly, and intentionally
9 induce, infringement of the '778 patent by making, using, selling, offering for sale,
10 importing, and/or otherwise supplying products including the '778 Accused
11 Products to third parties, with the knowledge and specific intent that such third
12 parties will use, sell, offer for sale, and/or import, products supplied by Defendants,
13 including the '778 Accused Products to directly infringe the '778 patent.

14 129. Upon information and belief, despite Defendants' knowledge of the
15 existence of the '778 patent since at least as early as the filing and/or service of the
16 original Complaints in the Related Actions, Defendants continue to encourage,
17 instruct, enable and otherwise aid and abet third parties, including but not limited to
18 Defendants' customers and sales or technical personnel, Defendants' agents,
19 owners, and/or drivers of the '778 Accused Products to use the '778 Accused
20 Products in a manner that directly infringes the '778 patent.

21 130. Upon information and belief, Defendants specifically intended that
22 their customers and sales or technical personnel, Defendants' agents, owners,
23 and/or drivers use the '778 Accused Products in such a way that directly infringes
24 the '778 patent by, at a minimum, advertising, enticing, encouraging, instructing,
25 and aiding and abetting their customers, owners, and/or drivers, through the
26 publication and dissemination of marketing materials, detailed operational manuals,
27 on-line instructional videos, and/or technical assistance related to the '778 Accused
28 Products, to use, sell, offer for sale, and/or import, products supplied by

1 Defendants, including the '778 Accused Products, to directly infringe the '778
2 patent.

3 131. Upon information and belief, Defendants knew and know that their
4 actions, including but not limited to providing detailed operating manuals, press
5 releases, instructional on-line videos, and other literature, in relation to the '778
6 Accused Products, would induce, have induced, and continues to induce direct
7 infringement of the '778 patent by third parties, including but not limited to
8 Defendants' customers and sales or technical personnel, Defendants' agents,
9 owners, and/or drivers.

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

14 133. As a direct and proximate result of the acts of patent infringement by
15 Defendants, West View Research has been damaged and continues to be damaged
16 in an amount not presently known.

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

21 **PRAYER FOR RELIEF**

22 West View Research respectfully requests that judgment be entered in its
23 favor and against Defendants, and that the Court award the following relief to West
24 View Research:

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

27 B. A permanent injunction against Defendants, their officers, directors,
28 agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents,

1 and all others acting in active concert therewith from infringement of the Patents-
2 in-Suit, or such other equitable relief the Court determines is warranted;

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

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

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

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

13 **JURY DEMAND**

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

16
17 Respectfully submitted,

18 Dated: June 19, 2015

GAZDZINSKI & ASSOCIATES, PC

19 /s/ Adam Garson

20
21 By: ADAM GARSON
22 JOSH EMORY
23 FREDERIC G. LUDWIG, III
24 Attorneys for Plaintiff
25 WEST VIEW RESEARCH, LLC
26
27
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