

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

COLLISION AVOIDANCE  
TECHNOLOGIES INC.,

Plaintiff,

v.

TOYOTA MOTOR SALES U.S.A., INC.,

Defendant.

Civil Action No.: \_\_\_\_\_

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Collision Avoidance Technologies Inc. (“CAT” or “Plaintiff”), for its Complaint against Defendant Toyota Motor Sales, U.S.A., Inc. (“Toyota” or “Defendant”) alleges the following:

**NATURE OF THE ACTION**

1. This is an action for patent infringement arising under the Patent Laws of the United States of America, 35 U.S.C. § 1 *et seq.*

2. Plaintiff is a corporation organized under the laws of the State of Delaware with a place of business at 600 Anton Blvd, Suite 1350, Costa Mesa, California 92626.

3. Upon information and belief, Toyota is a corporation organized and existing under the laws of California, with a place of business at 19001 South Western Ave., Torrance, CA 90501, and may be served through its registered agent, CT Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201-3136. Upon information and belief, Toyota sells and offers to sell automobiles and related products and services under the brand names “Toyota” and “Lexus” throughout the United States, including in this judicial district, and introduces products and

services into the stream of commerce that incorporate infringing technology, with the knowledge that these products and services would be sold in this judicial district and elsewhere in the United States. This Court has personal jurisdiction over Defendant because of the above-referenced activities and because it is in the process of moving its North American headquarters to this District, and has purposely availed itself of the privileges and benefits of the laws of the State of Texas.

### **JURISDICTION AND VENUE**

4. This is an action for patent infringement arising under the Patent Laws of the United States, Title 35 of the United States Code.

5. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

6. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b), (c), (d) and/or 1400(b). On information and belief, Defendant conducts business in this District, the claims alleged in this Complaint arise in this District, and at least some of the acts of infringement have taken place and are continuing to take place in this District.

7. On information and belief, Defendant is subject to this Court's general and specific personal jurisdiction because Defendant has sufficient minimum contacts within the State of Texas and this District, pursuant to due process and/or the Texas Long Arm Statute because Defendant purposefully avails itself of the privileges of conducting business in the State of Texas and in this District, because Defendant is in the process of establishing its headquarters in the State of Texas and in this District, and because Plaintiff's causes of action arise directly from Defendant's business transactions and other activities in the State of Texas and this District.

**COUNT 1 – INFRINGEMENT OF U.S. PATENT NO. 6,268,803**

8. The allegations set forth in paragraphs 1 through 7 are incorporated into this claim for relief from Defendant’s infringement.

9. On July 31, 2001, U.S. Patent No. 6,268,803 (the “’803 Patent”), entitled “System and Method of Avoiding Collisions” was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the ’803 Patent is attached as Exhibit A.

10. The ’803 Patent teaches, among other things, a system that employs multiple sensors positioned around a motor vehicle to determine the relative location and distance of obstacles in the vicinity of the vehicle in order to inform the operator of the motor vehicle that potential hazards may be nearby, and to allow the operator to avoid collisions with such objects.

11. The claims of the ’803 Patent incorporate devices comprising technology adaptable for use in accordance with the disclosed invention, and are more than the mere incorporation of well-known concepts, and disclose inventive concepts that were novel at the time the application for the ’803 Patent was filed.

12. The technology claimed in the ’803 Patent does not preempt all ways of detecting the relative location and distance of objects in the vicinity of a motor vehicle, and recites combinations of elements that ensure that the asserted claims practice significantly more than a patent-ineligible concept.

13. Plaintiff is the assignee and owner of the right, title and interest in and to the ’803 Patent, including the right to assert all causes of action arising under the patent and the right to any remedies for infringement of it.

14. Upon information and belief, Defendant has and continues to directly infringe – either literally or under the doctrine of equivalents – at least independent claim 21, and dependent

claims 22 and 24 of the '803 Patent by making, using, selling, importing and/or providing and causing to be used products, including, but not limited to, Toyota and Lexus cars, sport utility vehicles, minivans, and pickup trucks that employ Toyota's "front and rear parking assist" and "intuitive parking assist" technology. At a minimum, and without the advantage of specific discovery related to Plaintiff's claims, Plaintiff has determined that at least the following vehicles infringe at least claims 21, 22 and 24 of the '803 Patent:

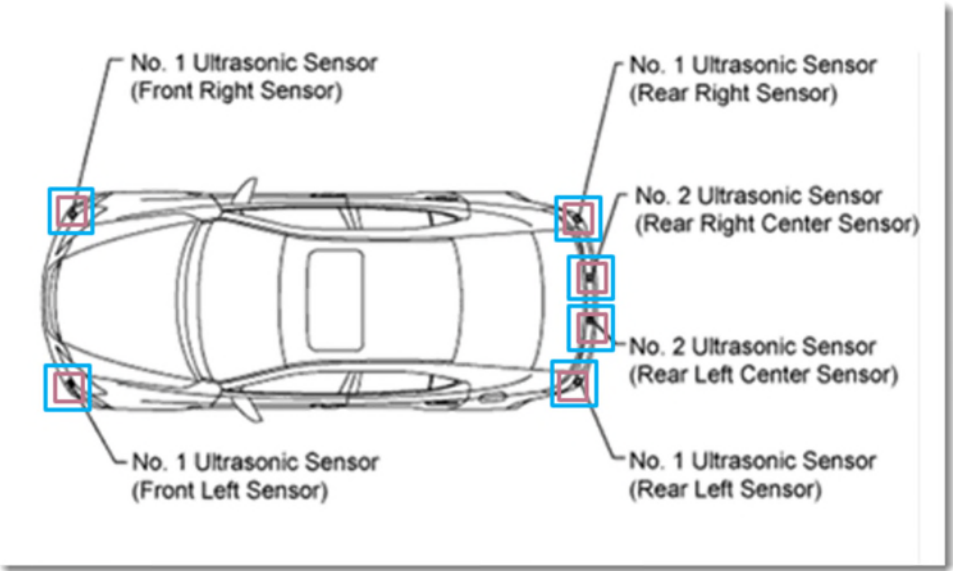
| <b>Toyota</b> | <b>Lexus</b>                |
|---------------|-----------------------------|
| Prius         | IS250, IS200T, IS300, IS350 |
| 4Runner       | CT200h                      |
| Mirai         | ES300h, ES350               |
| Land Cruiser  | GS350, GS200t, GS F, GS450H |
| Tundra        | GX460                       |
| Sienna        | LS460, LS600H               |
| Rav4          | LX570                       |
| Rav4 HV       | NX200T, NX300H              |
| Sequoia       | RC F,RC200T,RC300,RC350     |
|               | RX350, RX450H               |

15. Independent Claim 21 of the '803 Patent recites a collision avoidance system, which provides object detection around the exterior of a vehicle, comprising: a control module, a plurality of transmitting devices connected to the control module, wherein each of the plurality of

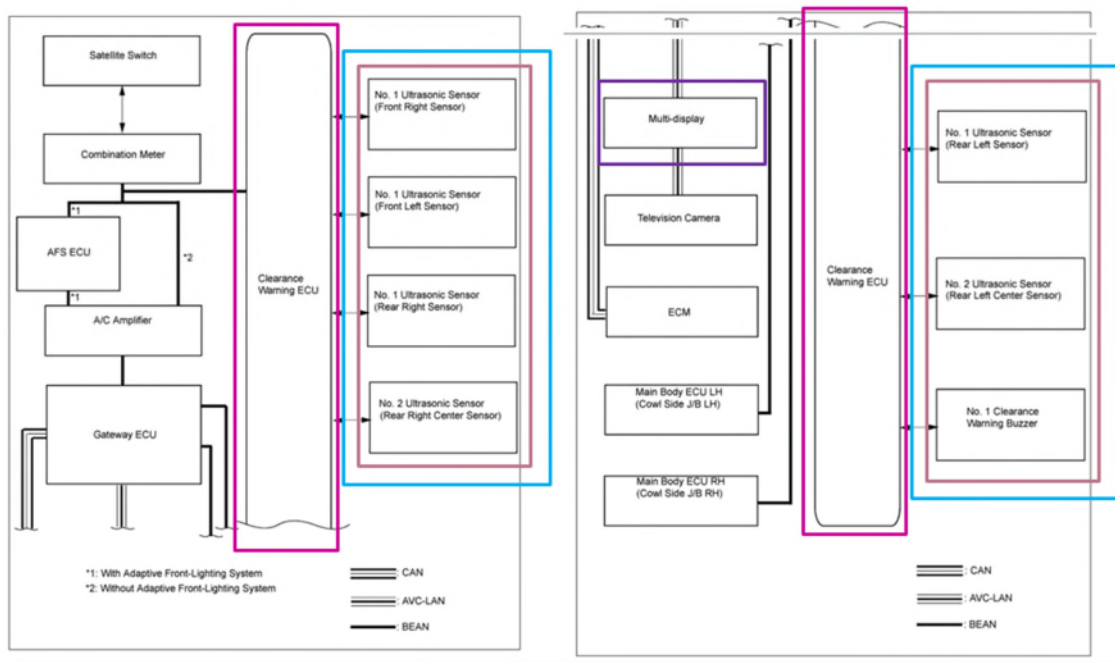
transmitting devices transmits a signal, a plurality of receiving devices connected to the control module, wherein each of the plurality of receiving devices receives a return representative of one of the plurality of transmitted signals and wherein each of the plurality of receiving devices transmits to the control module a return signal representative of the return received by that receiving device, and wherein the control module measures the return signals, detects an object as a function of the return signals, calculates a distance to and location of the object and displays the distance to and the location of the object.

16. The accused Toyota automobiles meet ever limitation of claim 21 either literally or under the doctrine of equivalents, and therefore directly infringe claim 21.

17. The accused Toyota and Lexus vehicles include front and rear parking assist, which locates objects using multiple sensors in the front and rear of the vehicles equipped with the feature. In operation, the sensors, shown below in a diagram, included in the Lexus IS250 Service Manual, include ultrasonic transmitters and receivers:






18. The transceivers are connected directly to the control module, which calculates detection of objects in the field of the transceivers to determine the distance and location of the objects. The control module is the Clearance Warning ECU, which is connected to the Multi-Display, which displays the distance and location information of the object:

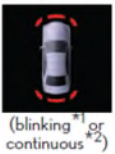


19. The display shows the relative location and distance to the object, for example, as shown in the IS 250 Owner's Manual:

**Sensor detection display, obstacle distance**

■ **Multi-information display and Lexus Display Audio screen (if equipped)**  
Sensors that detect an obstacle will illuminate continuously or blink.

| Display   | Approximate distance to obstacle                                 |  |
|---|--|--|
|   | Front corner sensor/<br>front center sensor                      | Rear corner sensor/<br>rear center sensor  |
| <br>(continuous) | Front center sensor only:<br>3.3 ft. (100 cm) to 1.6 ft. (50 cm) | Rear center sensor only:<br>4.9 ft. (150 cm) to 2.0 ft. (60 cm)  |
| <br>(continuous) | 1.6 ft. (50 cm) to 1.3 ft. (40 cm)                               | 2.0 ft. (60 cm) to 1.5 ft. (45 cm)   |
| <br>(continuous) | 1.3 ft. (40 cm) to 1.0 ft. (30 cm)                               | Rear corner sensor:<br>1.5 ft. (45 cm) to 1.0 ft. (30 cm)<br><br>Rear center sensor:<br>1.5 ft. (45 cm) to 1.1 ft. (35 cm) |

|   |                           |  |
|---|---------------------------|--|
| <br>(blinking *1 or continuous *2) | Less than 1.0 ft. (30 cm) | Rear corner sensor:<br>Less than 1.0 ft. (30 cm)<br><br>Rear center sensor:<br>Less than 1.1 ft. (35 cm) |
|---|---------------------------|--|

\*1: Multi-information display  
\*2: Lexus Display Audio screen

20. Claim 22 recites that the control module fuses data received from the plurality of sensors to detect objects within a 360° view surrounding the vehicle. The infringing Toyota and Lexus vehicles detect objects to the front, rear, and sides of the vehicles, as shown, for example in the IS 250 service manual.

**Display**

When the sensors detect an obstacle, a graphic is shown on the multi-information display and Lexus Display Audio screen (if equipped) depending on the position and distance to the obstacle.

■ **Multi-information display**

- ① Front corner sensor detection
- ② Front center sensor detection
- ③ Rear corner sensor detection
- ④ Rear center sensor detection



21. Claim 24 recites that the control module includes a built-in-test function whereby each sensor transmits and receives a signal and checked by the clearance warning ECU.

22. On information and belief, the accused Toyota vehicles are used, marketed, sold, offered for sale, and provided to Toyota's customers across the United States and in this District.

23. Defendant was made aware of the '803 Patent at least as early as the filing of this Complaint.

24. Plaintiff has been harmed by Defendant's infringing activities.

### **JURY DEMAND**

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff demands a trial by jury on all issues triable as such.

### **PRAAYER FOR RELIEF**

WHEREFORE, Plaintiff demands judgment for itself and against Defendant as follows:

A. An adjudication that Defendant has directly infringed the '803 Patent, either literally or under the doctrine of equivalents;

B. An award of damages to be paid by Defendant adequate to compensate Plaintiff for Defendant's past infringement of the '803 Patent, and for any continuing or future infringement through the date such judgment is entered, including interest, costs, expenses, and an accounting of all infringing acts including, but not limited to, those acts not presented at trial;

C. A declaration that this case is exception under 35 U.S.C. § 285, and an award of Plaintiff's reasonable attorneys' fees; and

D. An award to Plaintiff of such further relief at law or in equity as the Court deems just and proper.



Dated: June 30, 2016

WHITAKER CHALK SWINDLE  
& SCHWARTZ PLLC

/s/ Decker A. Cammack

Decker A. Cammack  
Texas Bar No. 24036311  
[dcammack@whitakerchalk.com](mailto:dcammack@whitakerchalk.com)

David A. Skeels  
Texas Bar No. 24041925  
[dskeels@whitakerchalk.com](mailto:dskeels@whitakerchalk.com)  
301 Commerce Street, Suite 3500  
Fort Worth, Texas 76102  
Phone: (817) 878-0500  
Fax: (817) 878-0501

*Counsel for Plaintiff*  
*Collision Avoidance Technologies Inc.*