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6 Attorneys for Plaintiff
7 WEST VIEW RESEARCH, LLC

8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
10

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

13 Plaintiff,

14 v.

15 VOLKSWAGEN GROUP OF
AMERICA, INC. d/b/a AUDI OF
16 AMERICA, INC., a New Jersey
corporation,

17 Defendant.

CASE NO. '16CV2643 LAB NLS

**COMPLAINT FOR PATENT
INFRINGEMENT**

JURY TRIAL DEMANDED

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 VOLKSWAGEN GROUP OF AMERICA, INC. d/b/a AUDI
4 OF AMERICA, INC., (collectively “Audi-VW” or “Defendant”) as follows:

5 **THE PARTIES**

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

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

14 **JURISDICTION AND VENUE**

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

18 4. This Court has personal jurisdiction over Defendant at least because
19 Defendant is present within or have ongoing and systematic contacts with the
20 United States, the State of California, and the Southern District of California.
21 Defendant has purposefully and regularly availed themselves of the privileges of
22 conducting business in the State of California and in the Southern District of
23 California. Plaintiff’s causes of action arise directly from Defendant’s business
24 contacts and other activities in the State of California and in the Southern District of
25 California. Defendant has committed acts of patent infringement in this District,
26 and has harmed and continue to harm West View Research in this District, by,
27 among other things, using, selling, offering for sale, and/or importing infringing
28 products and/or services into this District.

BACKGROUND

5. West View Research owns all right, title and interest in U.S. Patent No. 9,299,053 (the “’053 patent”) and U.S. Patent No. 9,412,367 (the “’367 patent”) (collectively, the “Patents-in-Suit”).

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

7. West View Research is in compliance with the marking requirements under 35 U.S.C. § 287 in that it has no duty to mark or to give notice in lieu thereof because it is a patent licensing entity and has no products to mark.

8. The ’053 patent, entitled “Portable Computerized Wireless Apparatus,” was duly and legally issued by the United States Patent and Trademark Office on March 29, 2016, after a full and fair examination. A copy of the ’053 patent is attached hereto as Exhibit A.

9. The ’367 patent, entitled “Computerized Information and Display Apparatus,” was duly and legally issued by the United States Patent and Trademark Office on August 9, 2016, after a full and fair examination. A copy of the ’367 patent is attached hereto as Exhibit B.

10. The ’367 patent includes a term extension of 357 days, while the ’053 patent includes no term extension (see Exhibits A and B).

LITIGATION HISTORY

11. Plaintiff initiated a separate action against Defendant on Nov. 10, 2014 alleging infringement of several patents. See Case No. 14-CV-2668 CAB WVG. That case was dismissed on March 31, 2016, and an appeal is pending before the Court of Appeals for the Federal Circuit (CAFC).

12. The ’053 and ’367 patents of the present action were not asserted in the aforementioned 14-CV-2668 CAB WVG case, with the ’053 patent being wholly unrelated to the patents asserted in that case (hereinafter “Previously Asserted Patents”). The ’367 patent is a new family member of the Previously Asserted Patents; however, the ’367 patents' claims were allowed by the USPTO

1 after consideration of, *inter alia*: (i) all prior art (and claim charts) cited by
 2 Defendant in its invalidity contentions relating to the Previously Asserted Patents;
 3 (ii) all prior art and discussion cited by Defendant in its *Inter Partes Review* (IPR)
 4 petitions regarding the Previously Asserted Patents (still pending); and (iii) each of
 5 the Court's Orders (2) granting Defendant's Motions for Judgment on the Pleadings
 6 for the Previously Asserted Patents.

7 13. Plaintiff filed a related lawsuit asserting the '053 and '367 patents
 8 against BMW of North America, LLC and BMW Manufacturing Co., LLC and on
 9 October 17, 2016 (Case No. 3:16-CV-2590-MMA-AGS).

11 **DEFENDANT'S RELEVANT TECHNOLOGY**

12 14. Upon information and belief, Defendant makes, uses, sells, re-sells,
 13 offers for sale, distributes, imports, and/or advertises (including the provision of an
 14 interactive website) its infringing products, namely vehicles and/or services and/or
 15 software that include but are not limited to:

16 (1) Model year 2013 and later "AUDI"-branded "A3," "A4," "A5," "A6,"
 17 "A7," "A8," "Allroad", "Q3", "Q5," and "Q7"-models (including
 18 without limitation "Premium", Premium Plus", "Prestige", "S" , "RS",
 19 "Sportback", "L", "W12", Hybrid, and other variants of the foregoing
 20 as applicable) of motor vehicles with Defendants' so-called "Audi
 21 MMI" ("Multi Media Interface" or "MMI") technology, and may also
 22 include such vehicles with Defendants' so-called "Audi connect®"
 23 technology (including so-called "Connect Care", "Connect Plus" and
 24 "Connect Prime" variants) (hereinafter, the "Audi MMI and Audi
 25 connect® Products");

26 (2) Model year 2013 and later "AUDI"-branded "A3," "A4," "A5," "A6,"
 27 "A7," "A8," "Allroad", "Q3", "Q5," and "Q7"-models (including
 28 without limitation "Premium", Premium Plus", "Prestige", "S" , "RS",

1 “Sportback”, “L”, “W12”, Hybrid, and other variants of the foregoing
2 as applicable) of motor vehicles with Defendant’s so-called “Audi
3 MMI” (“Multi Media Interface” or “MMI”) technology, and may also
4 include such vehicles with Defendants’ so-called “Audi connect®”
5 technology (including so-called “Connect Care”, “Connect Plus” and
6 “Connect Prime” variants) used in conjunction with Audi Roadside
7 (Assistance), Audi MMI Connect, and/or Audi RSE Remote application
8 programs (“apps”) (Android Only) (hereinafter, the “Audi MMI and
9 Audi connect® Products with Applications”);

10 (3) Audi Roadside Assistance, Audi Assist, and Audi MMI Connect
11 Services enabled by one or more smartphone apps (hereinafter “Audi
12 App-enabled Services”);

13 (4) “AUDI”-branded “Entertainment Mobile” touchscreen tablet device
14 (and any other similar platforms that incorporate this technology, such
15 as Audi “Smart Display” and “Audi Tablet”), and including those used
16 in conjunction with the Audi RSE Remote application (hereinafter, the
17 “Audi Entertainment Mobile Products”);

18 (5) “AUDI”-branded vehicles, including but not limited to, 2017 “Q7”
19 vehicles, with, and/or having capability to interface with, Defendant’s
20 Audi Entertainment Mobile Products (and any other vehicles which
21 incorporate this technology) and including those used in conjunction
22 with the Audi RSE Remote application (hereinafter, the “Audi
23 Entertainment Mobile Vehicles”);

24 (6) “AUDI”-branded vehicles with smartphone integration (“Android
25 Auto®” only), which may include, but is not limited to, “A3,” “A4,”
26 “A5,” “A6,” “A7,” “A8,” “Allroad”, “Q3”, “Q5,” and “Q7”-models
27 (including without limitation “Premium”, Premium Plus”, “Prestige”,
28 “S”, “RS”, “Sportback”, “L”, “W12”, Hybrid, and other variants of the

foregoing as applicable), (hereinafter “Audi Android Auto Products”);

(7) “VOLKSWAGEN”-branded vehicles with standard or optional Hard Drive/SD Card navigation systems with touchscreen capability and voice recognition and smartphone integration, including but not limited to the RNS-510 and RNS-850 units, and also including, but not limited to, the following models: “Passat,” “CC,” “Touareg,” “Golf,” “Golf GTI,” and “Golf Sport Wagon” (hereinafter “Volkswagen HD/SD Navigation Systems”);

(8) “VOLKSWAGEN”-branded vehicles with “*Modularen Infotainment-baukasten*” (MIB) modular infotainment systems, including without limitation the MIB and MIB-II variants, and which may include smartphone integration (“Android Auto®” and “MirrorLink” only), and which may include any related Volkswagen-branded software applications (“apps”), including without limitation so-called “App-Connect” functionality and “Car-Net” functionality, in such vehicles which may include, without limitation, “Jetta,” “Passat,” “CC,” “Golf,” “Golf GTI,” and “Golf Sport Wagon,” as well as “Touareg,” “Beetle,” “Eos,” and “Tiguan” models (hereinafter “Volkswagen MIB Products”);

(9) 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”);

(10) 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”);

(11) 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");

(12) Incipient Volkswagen branded BUDD-e vehicles with touchscreen information system, voice recognition, and remote home automation control (hereinafter "BUDD-e products"); and

(13) Incipient (2016 and later) Volkswagen branded next generation e-Golf Touch vehicles with touchscreen information system, voice recognition, and smartphone (hereinafter "Nextgen e-Golf products").

15. The Audi MMI and Audi connect® Products, Audi MMI and Audi connect® with Applications Products, Audi Entertainment Mobile Products, Audi Entertainment Mobile Vehicles, Audi App-enabled Services, Audi Android Auto Products, Volkswagen HD/SD Navigation Systems, Volkswagen MIB Products, Volkswagen Cross Vehicles, Volkswagen Media Control Tablet/Smartphone Application Products, Volkswagen Cross with Tablet Integration Vehicles, Volkswagen BUDD-e Products, and Volkswagen Nextgen e-Golf Products may be collectively referred to herein as the "Accused Products and Services."

16. The Accused Products and Services directly infringe the Patents-in-Suit in violation of 5 U.S.C. § 271(a).

17. Upon information and belief, Defendant owns, operates, and/or controls various Internet websites, including without limitation the URL addresses <http://www.volkswagengroupamerica.com> (and related websites such as <http://www.vw.com>, <http://volkswagengroupamerica.com>, and <http://www.audiusa.com>).

1 [.com](#) and <http://audilibrary.audiusa.com/>) and therefore manages and/or control the
2 contents displayed thereon.

3 18. Further, according to Defendant's own description posted on the
4 Internet website located at the URL address
5 [http://audilibrary.audiusa.com/viewer/brochures/17/en_US.audi.Brochures.2017.q7](http://audilibrary.audiusa.com/viewer/brochures/17/en_US.audi.Brochures.2017.q7_prelaunch/audi_connect_two.html?frame=true#page_lastPage)
6 [prelaunch/audi_connect_two.html?frame=true#page_lastPage](#), the Audi
7 "connect®" services and (MMI) system, is a computerized information system,
8 which acts as the "central command for the information age" of the exemplary 2017
9 Q7 vehicle, allowing customers, owners, and/or drivers to control various functions
10 of the vehicle, including but not limited to navigation, entertainment, and other
11 interior systems. The following is a true and correct image of a portion of the
12 above-referenced website, captured and copied on October 22, 2016:

Your central command for the information age.

Sure, the handheld power of mobile devices is impressive, but then, they don't handle like your Audi. Luckily, Audi connect® offers your favorite familiar functionalities, with the means to help you get to where you want to go! The next generation of Audi connect offers three available options—Connect CARE², Connect PRIME³ and Connect PLUS⁴. Connect CARE provides assistance and security services to help you in emergency situations, at no additional cost for 10 years after the purchase of your new vehicle. Connect PRIME offers a collection of robust features like Google Voice Search™ and Audi Semi-Dynamic Route Guidance with INRIX XD® Traffic to help you navigate and stay informed.⁵ And for live updates and entertainment, Connect PLUS keeps your passengers connected even on the go through an in-vehicle Wi-Fi® Hotspot with a 4G LTE connection.^{6,7} Both Connect PRIME and Connect PLUS features are offered complimentary for a six-month trial period, and after that, stay connected by visiting myAudiConnect.com.

CONNECT CARE	CONNECT PRIME	CONNECT PLUS
<p>SOS</p> <p>In case of an emergency situation, Audi connect is equipped to help with online roadside assistance and automatic crash notifications. You can also initiate a request for emergency services by pushing the SOS button above the center console. And, in case of the unthinkable, Stolen Vehicle Locator services help authorities locate your vehicle.^{8,9,10}</p> <p>Service Request</p> <p>With Audi Service Request, receive email and in-car notifications before you are due for service, helping you to easily schedule a service appointment with your Audi dealer.¹¹</p>	<p>Google Street View</p> <p>With Google Street View™, your Audi can show you a driver's-eye view of your destination right before you arrive so it's easy to recognize.¹²</p> <p>Map Updates</p> <p>Keeping your navigation map up to date is easier than ever with over-the-air map updates, sent directly to your vehicle.</p> <p>Voice Control</p> <p>It's simple. Tell your Audi what you are in the mood for, then let the cloud-processing power of Google™ speech recognition interpret your request and bring up a list of destinations in the area of your choice.</p> <p>Streaming Audio</p> <p>With streaming audio, it's easier than ever to stream music from your compatible phone or digital music player right to the vehicle's audio system.</p> <p>Connectivity</p> <p>With access to text messages, email and Twitter®, your passengers will know what's going on with their friends, family and the world.¹³</p>	<p>POI</p> <p>The point-of-interest search with voice control means that you can get the most out of every journey.</p> <p>Events & Locations</p> <p>Get information about current events, exciting locations and places of interest at your travel destination, current location or other chosen location instantly.</p> <p>News & Fuel</p> <p>A simple source for daily information on-demand, such as news updates from your favorite sources with text-to-speech function, fuel prices in your area and weather forecasts.</p> <p>Travel Info</p> <p>Discover travel information for local landmarks in your area of interest, set them as destinations and let your vehicle show you the way.</p> <p>Parking</p> <p>Search for parking in your area of interest, check space availability and set your selection as a destination to help navigate directly to the garage entrance.¹⁴</p>
<p>INRIX XD Traffic</p> <p>With INRIX XD® Traffic, get fast and accurate traffic information (included in your active Audi connect subscription) overlaid onto 3D satellite imagery to help visualize a true aerial view of your city and highway route, and let the MMI® navigation plus system reconfigure your route to help avoid traffic.⁵</p> <p>Google Earth</p> <p>With Google Earth™ integration, you'll enjoy 3D satellite imagery, including Google Street View™, displayed right on the MMI® display.</p>	<p>Remote Lock/Unlock</p> <p>With remote lock/unlock, you can easily lock or unlock your vehicle remotely through your compatible smartphone and SmartWatch.¹⁵</p> <p>myAudi App</p> <p>Use your MMI connect App, or log in to your myAudi account online to access vehicle status reports, or use the Parking Position feature to help remember where you parked.^{15,16}</p> <p>Wi-Fi Hotspot</p> <p>Staying connected in your Audi has never been easier, with in-vehicle 4G LTE connectivity. Access is provided for up to eight passenger devices through an onboard wireless hotspot.^{6,7}</p>	<p>Tap here for more information. >></p>

19. Defendant's instructional materials, such as the "2017 Audi Q7 Quick Questions and Answers" found at the Internet website located at the URL address <https://www.audiusa.com/content/dam/audiusa/Documents/quick-start-guides/2017/2017-Audi-Q7-quick-start-guide.pdf>, indicate that the "MMI" system incorporates voice recognition technology, capable of being used in conjunction with the "MMI" system to perform various functions, such as voice dialing, and other natural language commands like "Google search" followed by a keyword. The following is a true and correct image of a portion of the above-referenced website, captured and copied on October 22, 2016:

Points of Interest : Google Voice™ Local Search

You can also perform an Online Point of Interest search using Google Voice Local Search*.

1. Press the TALK button.
2. After the tone, say "Google Search" followed by a keyword (e.g., coffee shop, bookstore, museum, pizza, etc.).
3. Make your selection from the displayed list:
 - ▶ By speaking the line number.
 - ▶ Or by saying "Next page" to view additional results.
4. Say either "Call", "Show on map" or "Start route guidance" to start navigation to your destination.

*Audi connect® required with an active service agreement with a compatible wireless service provider. Dealer-supplied SIM chip must be installed in the infotainment system.

20. Defendant provides further detail on the features and benefits of using MMI" in conjunction with "Android Auto" at the URL address <https://www.audiusa.com/content/dam/audiusa/Documents/quick-start-guides/2017/2017-Audi-Q7-quick-start-guide.pdf>, wherein Defendant states the "MMI" system includes smartphone integration and "Android Auto" functionality, allowing customers, owners, and/or drivers to get "the benefit of the familiarity of your phone's system combined with the MMI display." Defendant also provides a list of functions available using Android Auto, including use of voice recognition, navigation, making and answering calls, and listening to music, as well as indicating that users must download the Android Auto app from the Google Play

store to operate the Android Auto feature. The following is a true and correct image of a portion of the above-referenced website (guide), captured and copied on October 22, 2016:

Audi Smartphone Interface

Connecting

You can connect your Apple or Android phone to the MMI. Certain content on your phone will be adapted to the Infotainment system display while driving and can be operated through the MMI controls*. This gives you the benefit of the familiarity with your phone's system combined with the MMI display.

To connect:

- ▶ The vehicle must be stationary with the ignition on.
- ▶ Connect your smartphone with a manufacturer-approved cable to either USB port located underneath the center armrest. Before using Android Auto, you must download the Android Auto app from the Google Play Store.
- ▶ You will see a connection prompt in the MMI.
- ▶ Using the control knob, select to activate the device.
- ▶ Respond to prompts as necessary from both the MMI as well as the smartphone.



Once connected, you have access to the apps displayed on screen. Select the apps using the MMI control knob.

With Apple CarPlay and Android Auto you can:

- ▶ Activate Voice Recognition with a long press of the TALK button on the steering wheel.
- ▶ Make and receive calls.
- ▶ Send and receive text messages.
- ▶ Set reminders.
- ▶ Get turn-by-turn navigation.
- ▶ See recent places.
- ▶ Listen to music.

21. As shown above, Defendant further specifically instructs users, drivers, and others to connect the aforementioned smartphone to the MMI system via a USB cable, and in fact sell the USB cable (as well as other USB accessories such as storage media, as published at Defendant's URL at http://audilibrary.audiusa.com/viewer/accessories/17/en_US.audi.Accessories.2017.q7/usb_cables.html. The following is a true and correct image of a portion of the above-referenced website, captured and copied on October 22, 2016:

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22. Through publication and dissemination of the foregoing materials, as well as others, Defendant actively encourages, solicits, enables, and teaches past, current, and prospective customers, owners, and/or drivers of the Accused Products and Services to avail themselves of the features and benefits of the “MMI”, “Audi connect®” and “Android Auto” technologies, as a means to enhance the experience of owning and operating an “AUDI”-branded vehicle.

23. Furthermore, upon information and belief, Defendant through ownership and control of Internet websites, such as <http://www.audiusa.com> (and other related websites), aids and abets the infringement of the Patents-in-Suit by past, current, and prospective customers, owners, service personnel, and/or drivers of the Accused Products and Services, through Defendant’s publication of additional detailed operating manuals, instructional videos, links to Internet download portals (e.g., “Google Play”) and press releases concerning the “MMI”, “Audi connect®”, “Audi connect® with Applications”, and “Android Auto” technologies. Defendant directs 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 “Audi MMI with “Audi connect®”, “Audi MMI with Audi connect® with Applications”, “Audi App-enabled Services”, and “Audi Android Auto” features disposed within the Accused Products and Services, in a manner that directly infringes the Patents-in-Suit, including the ’053 and ’367 patents.

24. Defendant's own technical service manuals also inform and facilitate the direct infringement of the Patents-in-Suit, by third parties, including infringement of the '367 patent. For example, in Chapter 7 of a document entitled "Update instructions for the MMI 3G+ Update," Defendant provides 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 October 22, 2016, 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

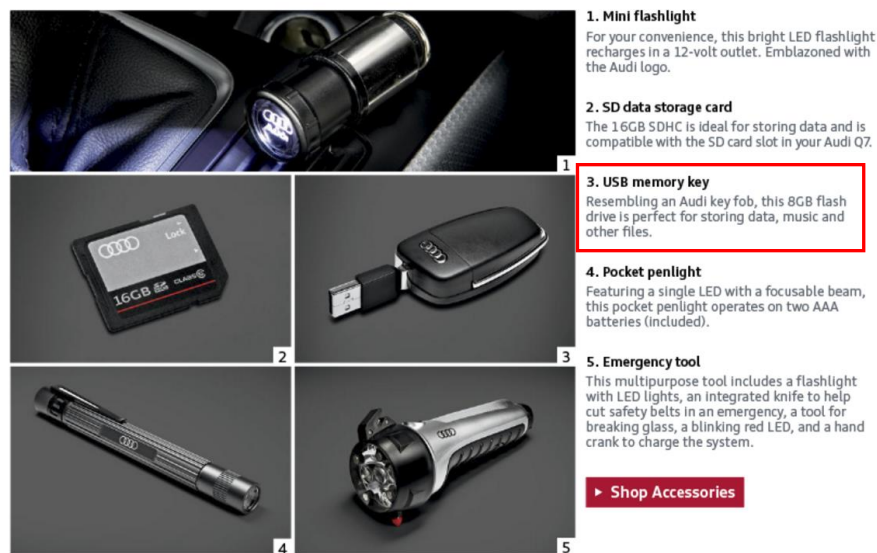
3. The export file containing customer data is protected by a code. This code can be set by the customer through the MMI (Car/Setup -> Data encryption). The default code is "MMI3G+". When the customer data has been imported, a prompt will appear when the system is started up (Note: The prompt only appears when the ignition is switched on). The customer can enter the code via this prompt. The imported data will only be visible in the MMI when this code has been entered.

25. On information and belief, Defendant with knowledge of the '367 patent has used and continues to use the above-referenced "Update instructions for the MMI 3G+ Update," or a substantially equivalent version thereof, to assist in connecting and transferring data to and/or from a USB-capable device owned by third parties and the Accused Products, thereby intentionally encouraging and

aiding and abetting third parties to use the “MMI” and/or “Audi connect®” features disposed within the Accused Products and Services, in a manner that directly infringes the Patents-in-Suit, including the ’367 patent.

26. Defendant further specifically sells USB accessories such as storage media, for “storing data, music and other files” as published at Defendant’s URL at http://audilibrary.audiusa.com/viewer/accessories/17/en_US.audi.Accessories.2017.q7/electronics.html, captured and copied on October 24, 2016, as follows:

Electronics



27. On information and belief, Defendant has published and continues to publish a media kit on Internet websites they own and control, detailing the MMI system, various types of “connect” service packages, and smartphone integration such as Android Auto, as well as “4G LTE” wireless data service. An English language version of the December 12, 2015 Audi Q7 (for Model Year 2017) media kit is located at the URL address <https://www.audiusa.com/content/dam/audiusa-news/pdfs/media-kits/models/2017/news-2017-audi-q7-media-kit.pdf>. A true and correct copy of the English language media kit, captured and copied on October 22, 2016, is attached hereto as Exhibit C, a portion of which is also shown below:

- ▶ MMI all-in-touch (MMI® navigation plus Telematics package) adds 'Menu' and 'Back' functions, two touch keys for horizontal menu control logic, eight storage buttons for radio station presets, and the ability to move the map or zoom in/out using swipe or pinch motions respectively.
- ▶ Supported by available 4G LTE, newly available in-car Connect care and Connect prime infotainment, security and service features include: Audi Smartphone Integration with Android Auto and Apple Car lay for compatible devices, vehicle status report, Car Finder, Audi Service Request, Online Roadside Assistance, Automatic Crash Notification and Manual Emergency Call (SOS), and US market specific features like Curfew, Speed and Valet alerts that offer geofencing capabilities, and remote lock and unlock. Connect PLUS offers the 4G LTE connectivity service allowing customers to take advantage of Mobile Share or choose a data plan that best fits their needs. (A customer must subscribe to Connect PRIME in order to be eligible for Connect PLUS.)

28. Upon information and belief, like the allegations of paragraphs 14- through 27 above, through the publication and dissemination of marketing and/or promotional materials, detailed operational manuals, on-line instructional videos, and/or technical assistance, and ownership and operation of the <http://www.volkswagengroupamerica.com>, <http://www.audiusa.com>, http://www.vwcarnetconnect.com/?&cid=ssem_XtbiMI8r_78928299066_c, <http://volkswagengroupamerica.com>, and <http://audilibrary.audiusa.com/> websites, Defendant entices, encourages, instructs, enables and otherwise aids and abets third parties, including but not limited to Defendant's customers and sales or technical personnel, Defendant's agents, owners, and/or drivers of the Accused Products and Services, including Audi MMI and Audi connect® Products, Audi MMI and Audi connect® Products with Applications, Audi Entertainment Mobile Products, Audi Entertainment Mobile Vehicles, Audi Android Auto Products, Audi App-enabled Services, Volkswagen HD/SD Navigation Systems, Volkswagen MIB Products, Volkswagen Cross with Tablet Integration Vehicles, Volkswagen Media Control Tablet/Smartphone Application Products, Volkswagen Cross Vehicles, Volkswagen BUDD-e Products, and Volkawagen Nextgen e-Golf Products, to use such Accused Products and Services in a manner that directly infringes all Patents-in-Suit.

29. Specifically, upon information and belief and by way of example,

1 Defendant publishes a press release and promotional material highlighting
2 “VOLKSWAGEN”-branded vehicle’s smartphone integration capability, including
3 Android Auto technology, such as: <http://media.vw.com/release/908/> (a true and
4 correct copy of relevant portions of this webpage are attached hereto as Exhibit D).

5 30. Additionally, upon information and belief and by way of example,
6 Defendant publishes a press release and promotional material highlighting
7 “VOLKSWAGEN”-branded vehicle’s smartphone integration capability, Wi-Fi
8 hotspot, as well as Car-Net, App-Connect, and MirrorLink functionalities, such as
9 in the incipient e-Golf Touch also shown and demonstrated at CES 2016, as set
10 forth in the press release accessible at: <http://media.vw.com/release/1123/> (a true
11 and correct copy of relevant portions of this webpage are attached hereto as Exhibit
12 E).

13 31. Additionally, upon information and belief and by way of example,
14 Defendant facilitates and/or allows for the publication of media reports touting
15 “VOLKSWAGEN”-branded vehicle’s smartphone integration and touchscreen
16 technology, including Android Auto, such as the following:
17 [http://cars.reviewed.com/content/volkswagen-mib-ii-infotainment-system-first-](http://cars.reviewed.com/content/volkswagen-mib-ii-infotainment-system-first-impressions-review)
18 [impressions-review](http://cars.reviewed.com/content/volkswagen-mib-ii-infotainment-system-first-impressions-review) (a true and correct copy of relevant portions of this webpage
19 are attached hereto as Exhibit F).

20 32. Additionally, upon information and belief and by way of example,
21 Defendant facilitates and/or allows for the publication of media reports touting
22 “AUDI”-branded vehicle’s smartphone integration and touchscreen technology,
23 including Android Auto, such as the following:
24 [http://www.engadget.com/2015/01/08/audis-latest-supports-android-auto-and-](http://www.engadget.com/2015/01/08/audis-latest-supports-android-auto-and-carplay/)
25 [carplay/](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
26 hereto as Exhibit G).

27 33. Additionally, upon information and belief and by way of example,
28 Defendant facilitates and/or allows for the publication of media reports touting

1 “AUDI”-branded vehicle’s Entertainment Mobile Products, such as the following:
2 <https://www.youtube.com/watch?v=9YNbPboYA6Y> (a true and correct screenshot
3 of this webpage are attached hereto as Exhibit H).

4 34. Additionally, upon information and belief and by way of example,
5 Defendant facilitates and/or allows for the publication of media reports touting
6 “AUDI”-branded vehicle’s Entertainment Mobile Products, such as the following:
7 https://twitter.com/Audi_Dave/status/555501053303463936 (a true and correct
8 copy of relevant portions of this webpage are attached hereto as Exhibit I).

9 35. Additionally, upon information and belief and by way of example,
10 Defendant publishes a press release and promotional material highlighting “AUDI”-
11 branded vehicle’s technological capability, including smartphone integration, such
12 as the following: [http://www.audiusa.com/newsroom/news/press-](http://www.audiusa.com/newsroom/news/press-releases/2015/01/audi-at-2015-CES)
13 [releases/2015/01/audi-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
14 this webpage are attached hereto as Exhibit J).

15 36. Additionally, upon information and belief and by way of example,
16 Defendant publishes a press release and promotional material highlighting “AUDI”-
17 branded vehicle’s technological capability, including the Audi Tablet at CES 2016,
18 such as the following: [https://audi-illustrated.com/en/CES-2016/Audi-connect-und-](https://audi-illustrated.com/en/CES-2016/Audi-connect-und-Infotainment)
19 [Infotainment](https://audi-illustrated.com/en/CES-2016/Audi-connect-und-Infotainment) (a true and correct copy of relevant portions of this webpage are
20 attached hereto as Exhibit K).

21 37. Additionally, upon information and belief and by way of example,
22 Defendant publishes a press release and promotional material highlighting “VW”-
23 branded vehicle’s technological capability, including home automation control and
24 smartphone integration, such as the following: <http://media.vw.com/release/1122/>
25 (a true and correct copy of relevant portions of this webpage are attached hereto as
26 Exhibit L).

27 38. Additionally, upon information and belief and by way of example,
28 Defendant facilitates and/or allows for the publication of media reports touting

1 “AUDI”-branded vehicle’s smartphone integration, touchscreen technology, and
2 tablet technology, such as the following: [http://www.cnet.com/pictures/audi-q7-](http://www.cnet.com/pictures/audi-q7-virtual-cockpit-pictures)
3 [virtual-cockpit-pictures](http://www.cnet.com/pictures/audi-q7-virtual-cockpit-pictures) (a true and correct copy of relevant portions of this
4 webpage are attached hereto as Exhibit M).

5 39. Additionally, upon information and belief and by way of example,
6 Defendant produces and publishes various instructional videos, which contain
7 detailed information concerning the use and operation of touchscreen-enabled
8 navigation and infotainment systems in “VOLKSWAGEN”-branded vehicles at
9 <https://www.youtube.com/watch?v=oy8uCs-ofqw> (a true and correct copy of
10 relevant portions of this webpage are attached hereto as Exhibit N).

11 40. Additionally, upon information and belief and by way of example,
12 Defendant produces and publishes various instructional videos, which contain
13 detailed information concerning the use and operation of the RNS-510 navigation
14 system in “VOLKSWAGEN”-branded vehicles at
15 https://www.youtube.com/watch?v=6ejqG2_-3c0 (a true and correct copy of
16 relevant portions of this webpage are attached hereto as Exhibit O).

17 41. Additionally, upon information and belief, Defendant, through
18 ownership and control of the Internet websites
19 <http://www.volkswagengroupamerica.com>, <http://audilibrary.audiusa.com/>,
20 http://www.vwcarnetconnect.com/?&cid=ssem_XtbiMI8r_78928299066_c,
21 <http://volkswagengroupamerica.com>, <http://www.audiusa.com> and (and other
22 related websites), aids and abets the infringement of the ‘053 and ‘367 patents by
23 past, current, and prospective customers, owners, service personnel, and/or drivers
24 of the Accused Products and/or Services, through Defendant’s publication of
25 additional detailed operating manuals, instructional videos, and press releases
26 concerning the “Audi Roadside Assistance”, “Audi Assist”, “Audi RSE”, “Audi
27 MMI connect”, “VW App-Connect”, and “VW Car-Net” technologies. Defendant
28 directs the attention of such customers, owners, and/or drivers to these instructional,

1 educational, and tutorial publications, thereby enticing, encouraging and aiding and
2 abetting third parties to use the “Audi Roadside Assistance”, “Audi Assist”, “Audi
3 RSE”, “Audi MMI connect”, “VW App-Connect”, and “VW Car-Net” features
4 disposed within or in conjunction with the Accused Products and Services, in a
5 manner that directly infringes the ‘053 and ‘367 patents.

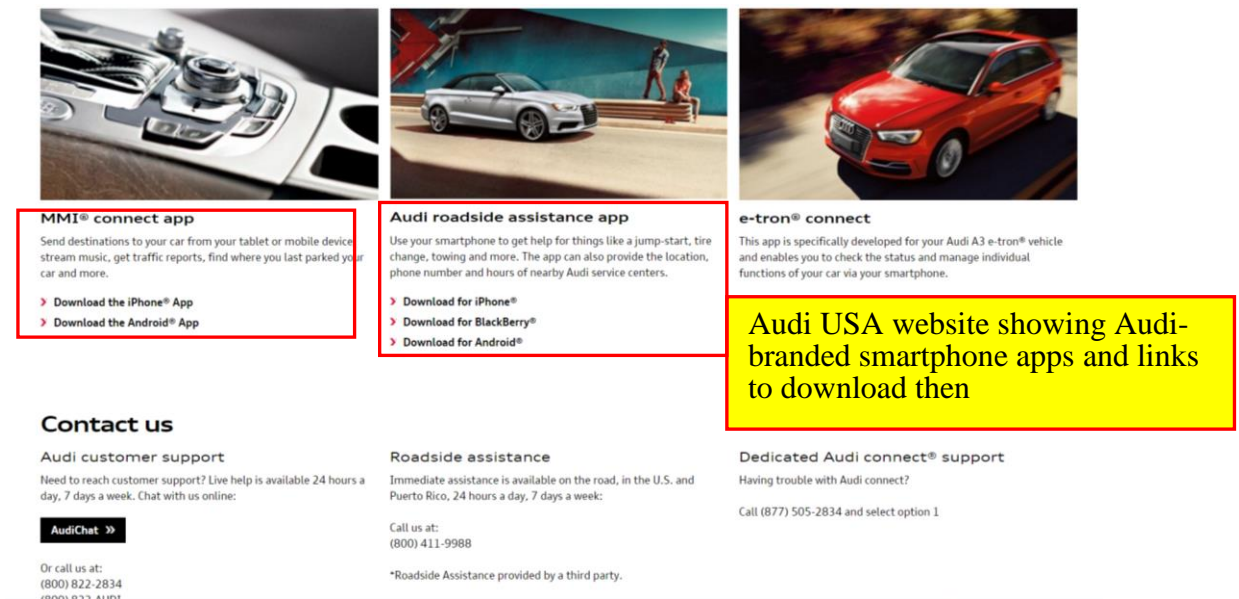
6 42. Additionally, upon information and belief and by way of example,
7 Defendant maintains a sign-in Internet Portal for the Car-Net products and services
8 at <https://carnet.vw.com/> (a true and correct copy of relevant portions of this
9 webpage are attached hereto as Exhibit P).

10 43. Additionally, upon information and belief and by way of example, at
11 least some of Defendant’s dealerships provide explicit instructions on how to
12 connect/pair a smartphone to the VW App-Connect technology at
13 <http://www.newcenturyvw.com/blog/how-to-pair-to-vw-app-connect/> (a true and
14 correct copy of relevant portions of this webpage are attached hereto as Exhibit Q).

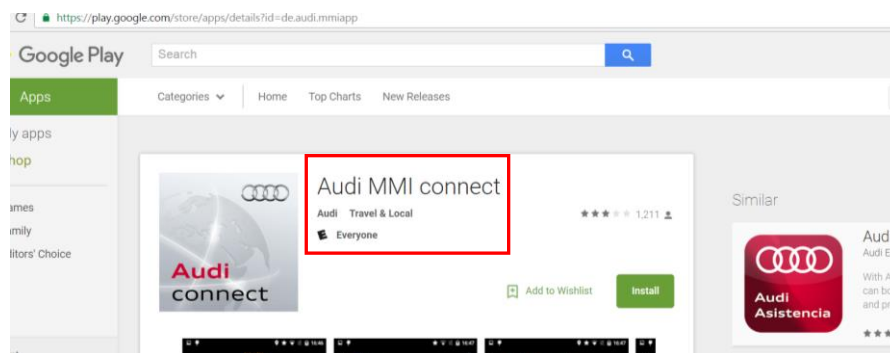
15 44. Additionally, upon information and belief and by way of example,
16 Defendant publishes brochures and other materials touting VW Car-Net and App-
17 Connect products and services, at URLs including
18 http://www.vwcarnetconnect.com/assets/VW_Car-Net.pdf and
19 <http://www.vwcarnetconnect.com/app-connect/> (a true and correct copy of relevant
20 portions of these webpages are attached hereto as Exhibits R and S).

21 45. Additionally, upon information and belief and by way of example,
22 Defendant publishes instructional materials for VW Car-Net and App-Connect
23 products and services, including how to sign up, add vehicles, add VINs to
24 accounts, and check smartphone compatibility, at URLs including
25 <http://volkswagen-carnet.com/int/en/start/app-overview.html#tab/open/vw-cat-app->
26 [connect](http://volkswagen-carnet.com/int/en/start/app-overview.html#tab/open/vw-cat-app-connect) and <http://volkswagen-carnet.com/int/en/start/faq.html> (true and correct
27 copy of relevant portions of these webpages are attached hereto as Exhibits T and
28 U).

46. Additionally, upon information and belief and by way of example, Defendant publishes or causes to be published online resources touting Audi MMI Connect and Audi Roadside Assistance smartphone apps, including links to Internet websites where the apps can be downloaded, at <https://www.audiusa.com/myaudi/apps> (a true and correct copy of relevant portions of this webpage are attached hereto as Exhibit V):

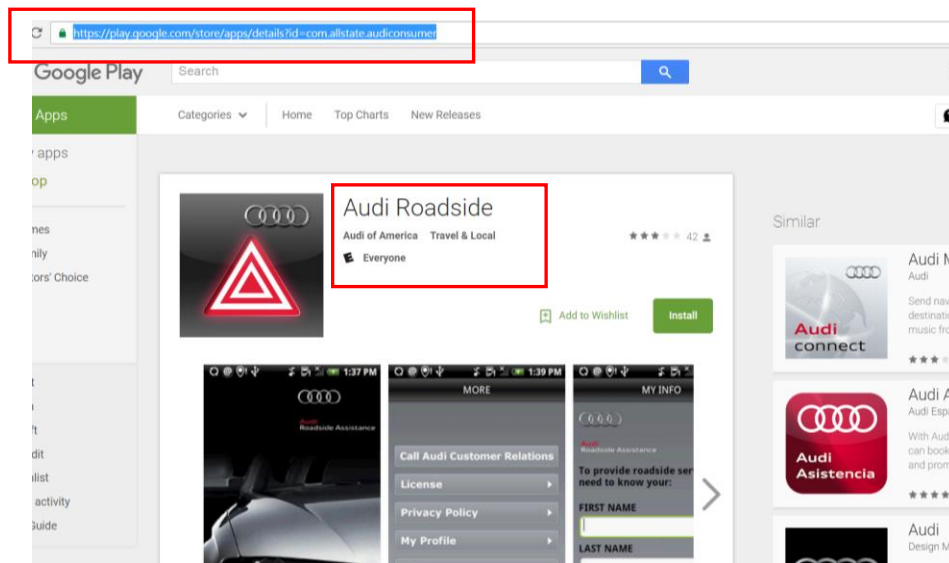


47. Upon information and belief and by way of example, Defendant's <https://www.audiusa.com/myaudi/apps> URL link directly to, e.g., the Google Play online store and the "Audi" page of apps, which includes the Audi Roadside Assistance app and the Audi MMI Connect app:



<https://play.google.com/store/apps/details?id=de.audi.mmiapp>

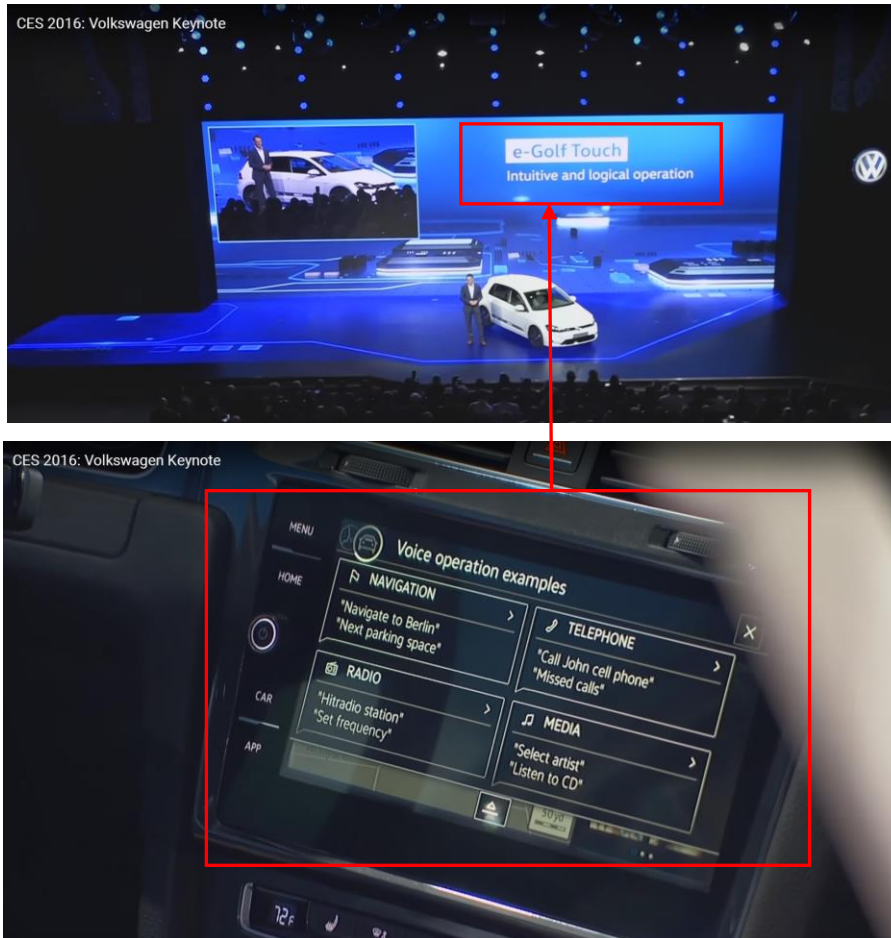
Audi website links directly to “Google Play” website page of Audi apps, thereby facilitating immediate user download



<https://play.google.com/store/apps/details?id=com.allstate.audiconsumer>

48. Upon information and belief and by way of example, Defendant conducted a marketing presentation and product demonstrations (i.e., “used”) at CES 2016 in Las Vegas, NV (USA) in January, 2016, as evidenced by the following video and images of the VW Keynote address highlighting (i) the incipient (2017) VW “e-Golf Touch” vehicle (including connectivity, smartphone and apps integration, voice recognition, and other features), and (ii) the incipient (Model Year unknown) “BUDD-e” vehicle (including connectivity, home automation, voice recognition, advanced touchscreen display, and other features), available at <https://www.youtube.com/watch?v=BJd89yQ001Y>:





49. Upon information and belief, as a result of Defendant's active, knowing, intentional, and ongoing efforts that induce infringement of the Patents-in-Suit, including the '053 patent and '367 patent, as described herein, substantially all of Defendant's customers and sales or technical personnel, owners, and/or drivers of the Accused Products and Services use and operate the Accused Products and Services in a manner that directly infringes one or more of the Patents-in-Suit, including the '053 patent and '367 patent.

50. Through publication and dissemination of the foregoing materials, as well as others, Defendant actively encourages, solicits, enables, and teaches past, current, and prospective customers, owners, and/or drivers of the Accused Products and Services to avail themselves of the features and benefits of at least the Audi MMI and Audi connect® Products, Audi MMI and Audi connect® Products with Applications, Audi Entertainment Mobile Products, Audi Entertainment Mobile

Vehicles, Audi Android Auto Products, Audi App-enabled Services, Volkswagen HD/SD Navigation Systems, Volkswagen MIB Products, Volkswagen Cross with Tablet Integration Vehicles, Volkswagen Media Control Tablet/Smartphone Application Products, Volkswagen Cross Vehicles, Volkswagen BUDD-e Products, and Volkswagen Nextgen e-Golf Products, as a means to enhance the experience of owning and operating an “Audi” or “VW”-branded vehicle.

COUNT I

INFRINGEMENT OF THE '053 PATENT

51. West View Research incorporates paragraphs 1 through 50 by reference as if fully stated herein.

52. Defendant has been and is directly infringing literally and/or under the doctrine of equivalents, at least claims 1, 2, 3, 4, 7, 8, 10, 12, 13, 14, 15, 23, 24, 25, 26, 27, 28, 29, 30, 32, 33, 35, 36, 39, 40, 41, 45, 48, 51, 59, 60, 61, 66, 67, 68, 69, 70, 73, 75, 75, 115, 116, 117, 118, 119, 120, 122, 123, 124, 125, 126, 127, 128, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 172, 173, 174, 175, 176, and 180 of the '053 patent.

53. Defendant has directly infringed, and continues 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 and/or services that infringe at least claims 60, 61, 66, 67, 68, 69, 70, 73, 75, 75, 115, 116, 117, 118, 119, 120, 122, 123, 124, 125, 126, 127, 128, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 172, 173, 174, 175, 176, and 180 of the '053 patent, which products and/or services include but may not be not limited to Audi MMI and Audi connect® Products, Audi MMI and Audi connect® Products with Applications, Audi Entertainment Mobile Products, Audi Entertainment Mobile Vehicles, Audi Android Auto Products, Audi App-enabled Services, Volkswagen MIB Products, Volkswagen Cross with Tablet Integration

Vehicles, Volkswagen Media Control Tablet/Smartphone Application Products, Volkswagen BUDD-e Products, and Volkswagen Nextgen e-Golf Products, and/or other Accused Products or Services sold or offered for sale on or after March 29, 2016.

54. Defendant has been and is directly infringing literally and/or under the doctrine of equivalents, at least claims 23, 24, 25, 26, 27, 28, 29, 30, 32, 33, 35, 36, 39, 40, 41, 45, 48, 98, 99, 100, 101, 102, 103, 104, 105, 106, 111, 112, 113, 181, 182, 183, 184, 185, 186, 187, 188, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, and 204 of the '053 patent.

55. By way of example, Defendant has been and is directly infringing literally and/or under the doctrine of equivalents, claim 23 of the '053 patent as follows.

56. The Accused Products and Services include the Audi Roadside Assistance Application, which is promoted on Defendant's websites as detailed *supra*.



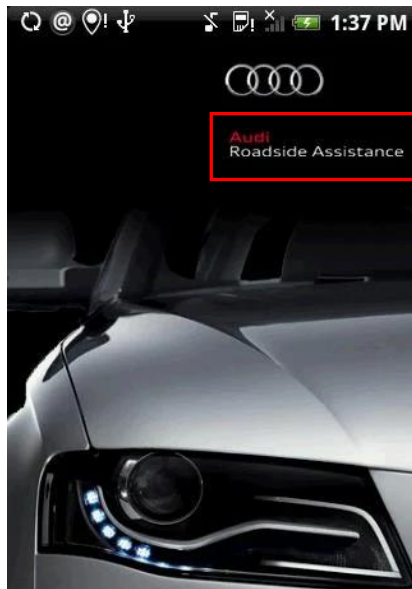
Audi roadside assistance app

Use your smartphone to get help for things like a jump-start, tire change, towing and more. The app can also provide the location, phone number and hours of nearby Audi service centers.

- Download for iPhone®
- Download for BlackBerry®
- Download for Android®

<https://www.audiusa.com/myaudi/apps>

57. Upon information and belief and by way of example, the Audi Roadside Assistance Application is available for download on, *inter alia*, Google Android-based smartphones, as shown in the image below, and [r]equires Android 1.5 and up” per the Google Play Website: (<https://play.google.com/store/apps/details?id=com.allstate.audiconsumer&hl=en>)



58. Upon information and belief and by way of example, the Audi Roadside Assistance Application requires the smartphone to have: (i) a computer readable storage apparatus, such as a program memory device, on which to store the Application (computer program code); and (ii) a processor to execute the computer program code after storage:

ADDITIONAL INFORMATION

Updated
May 1, 2011

Current Version
1.0

Permissions
View details

Developer
Visit website
Email audiofamerica@gmail.com
2200 Ferdinand Porsche Drive
Herndon, VA 20171
United States

Size
2.0M

Requires Android
1.5 and up

Report
Flag as inappropriate

Installs
5,000 - 10,000

Content Rating
Everyone
Learn more

Offered By
Audi of America

Audi Roadside App requires 2.0Mb of storage, and Android 1.5 O/S (execution environment) or later on the host smartphone

<https://play.google.com/store/apps/details?id=com.allstate.audiconsumer&hl=en>

59. Upon information and belief and by way of example, the Audi Roadside Assistance Application further utilizes the smartphone's Global Positioning System (GPS)-based receiver for the GPS-based functions described below (i.e., generation of location data):

“AUDI ROADSIDE DESCRIPTION

The Audi Roadside App offers a range of leading-edge features that connect directly with Audi and its roadside assistance partner, Allstate Roadside Services. The App leverages the Audi customer's pre-registered vehicle information, a smartphone's GPS capabilities and an intuitive interface to ease calls for roadside assistance.

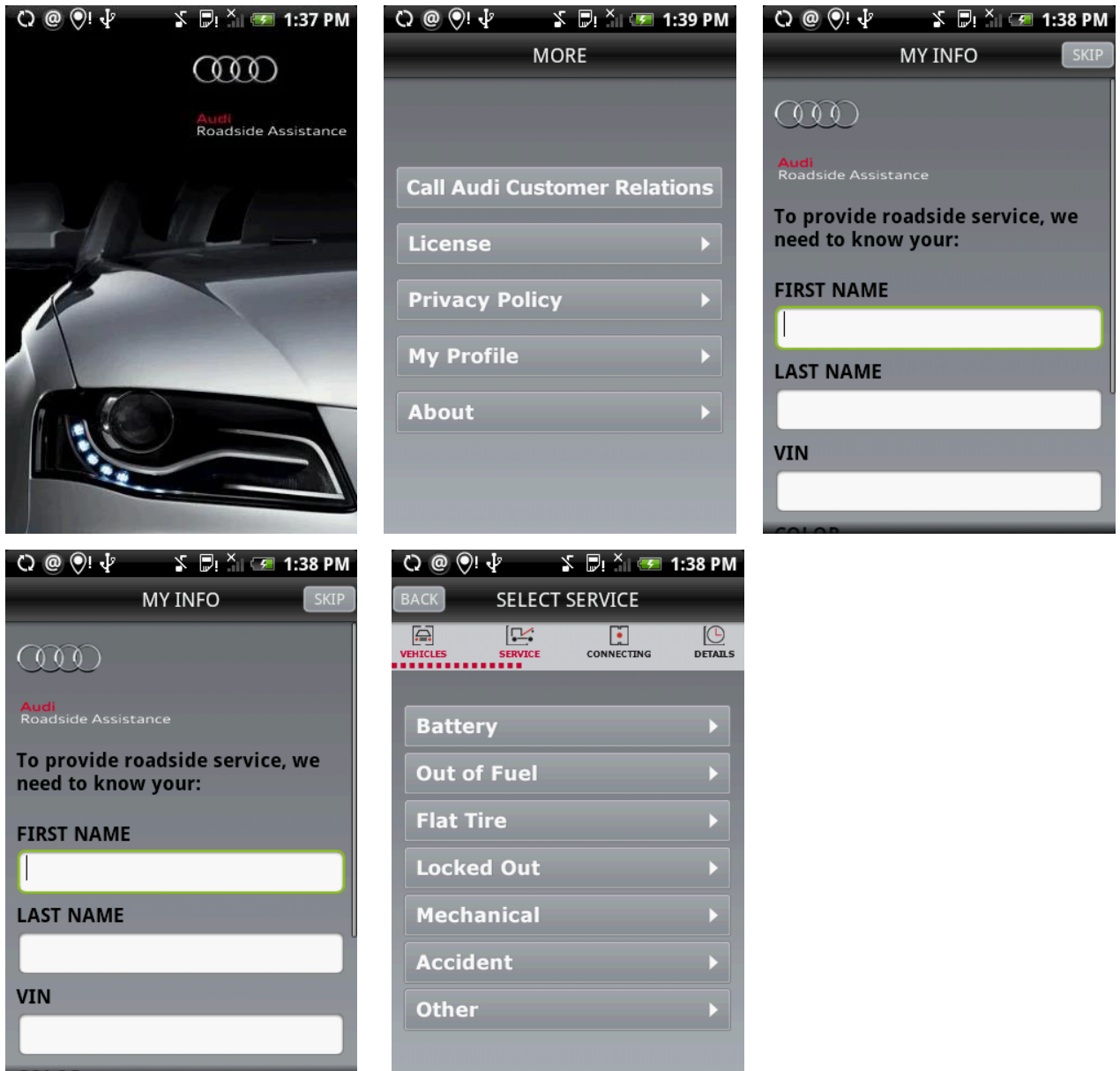
...

The Audi Roadside “App” offers the following features:

- Vehicle registration - Drivers simply provide their Audi's vehicle identification number (VIN) and some basic personal information to register the App with their customer information on file. This provides Audi Roadside Services your specific details when you request service, and greatly shortens the time it takes to dispatch service.
- Audi Roadside Assistance - With a few simple steps, the driver selects the type of service they require (e.g. jump start, fuel delivery, tire change or tow) and the App locates the driver via the smart phone's GPS capabilities. The assistance request is sent to the Audi Roadside Assistance dispatcher as the call is connected to enable the dispatcher to provide faster service. Once the dispatch is complete, the App captures and conveniently stores the dispatch details, including the name of the roadside provider en route to the customer and

estimated time of arrival.” <https://yeahapk.com/android/audi-roadside/com.allstate.audiconsumer> {emphasis added}

60. Upon information and belief and by way of example, the Audi Roadside Assistance Application when executed generates several user interface screens with which the user can interact with the Application:

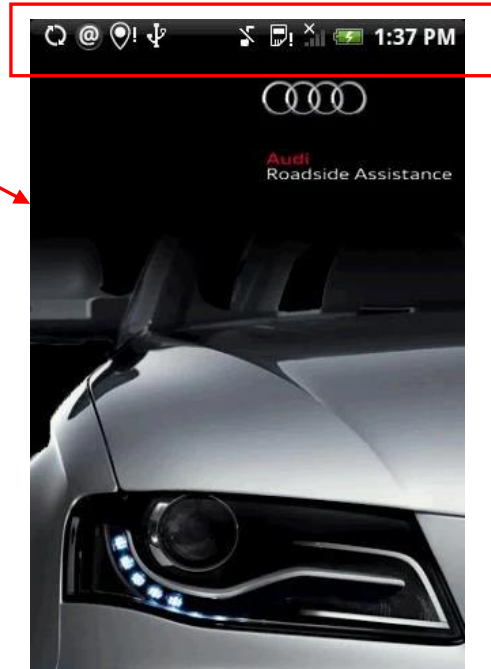


(<https://play.google.com/store/apps/details?id=com.allstate.audiconsumer&hl=en>)

61. Upon information and belief and by way of example, the Audi

Roadside Assistance Application further requires the smartphone to have a display device to display the user interface:

UI generated on smartphone's
capacitive touch screen
display device



62. Upon information and belief and by way of example, the Audi Roadside Assistance Application further requires the smartphone to have a cellular, Wi-Fi or other wireless interface so that the Application can contact Audi or its designated proxy/agent:

“Version 1.0 can access:

Location

approximate location (network-based)

precise location (GPS and network-based)

Phone

directly call phone numbers

directly call any phone numbers

read phone status and identity

...

Device ID & call information

read phone status and identity

Other

view network connections

full network access...

<https://play.google.com/store/apps/details?id=com.allstate.audiconsumer&hl=en>

{emphasis added}

63. Upon information and belief and by way of example, the Audi Roadside Assistance Application contacts Audi or its designated service provider to cause provision of roadside assistance (e.g., tow, fuel delivery, flat tire repair, etc.) at the then-current location of the smartphone:

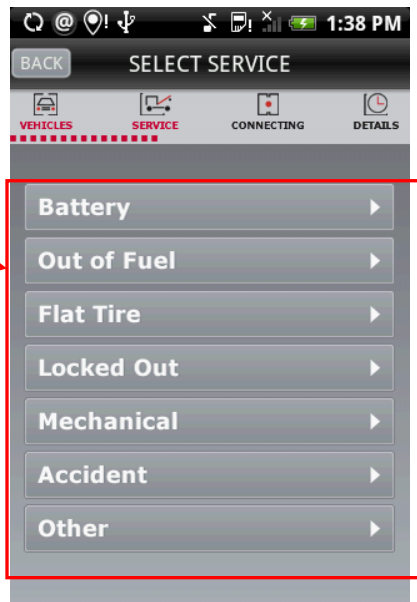
“The Audi Roadside App offers a way to connect directly with Audi and its roadside assistance partner.

Audi of America’s Roadside Assistance program combines a team of qualified dedicated customer service professionals with a comprehensive nationwide towing network to bring Audi customers world-class assistance when they need it most. Audi includes free 24-7 roadside assistance on all new Audi models sold in the United States and Puerto Rico for four years of upon delivery or warranty activation.*

Audi Roadside Assistance - With a quick press of a button, you will be connected with an Audi Roadside Assistance dispatcher who will be able to assist you with your Roadside needs.”

<https://play.google.com/store/apps/details?id=com.allstate.audiconsumer&hl=en> {emphasis added}

“One touch” service options on the smartphone’s capacitive touch screen display device



“• Audi Roadside Assistance - With a few simple steps, the driver selects the type of service they require (e.g. jump start, fuel delivery, tire change or tow) and the App locates the driver via the smart phone's GPS capabilities. The assistance request is sent to the Audi Roadside Assistance dispatcher as the call is connected to enable the dispatcher to provide faster service. Once the dispatch is complete, the App captures and conveniently stores the dispatch details, including the name of the roadside provider en route to the customer and estimated time of arrival.”

<https://yeahapk.com/android/audi-roadside/com.allstate.audiconsumer>

{emphasis added}

64. Upon information and belief and by way of example, the Audi Roadside Application is presently available and can be used in the United States:

“Audi includes free 24-7 roadside assistance **on all new Audi models sold in the United States** and Puerto Rico for four years of upon delivery or warranty activation.*

Audi Roadside Assistance - With a quick press of a button, you will

1 be connected with an Audi Roadside Assistance dispatcher who will
2 be able to assist you with your Roadside needs.”

3
4 <https://play.google.com/store/apps/details?id=com.allstate.audiconsumer&hl=en>
5 {emphasis added}

6 65. Defendant has directly infringed, and/or continues to directly infringe,
7 either literally and/or under the doctrine of equivalents, in violation of 35 U.S.C. §
8 271(a), by at least developing, testing, maintaining, demonstrating, and/or using in
9 the United States, without authority, products and/or services that infringe at least
10 claims 23, 24, 25, 26, 27, 28, 29, 30, 32, 33, 35, 36, 39, 40, 41, 45, 48, 98, 99, 100,
11 101, 102, 103, 104, 105, 106, 111, 112, 113, 181, 182, 183, 184, 185, 186, 187,
12 188, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, and 204
13 of the '053 patent, which products and/or services include but may not be not
14 limited to Audi MMI and Audi connect® Products, Audi MMI and Audi connect®
15 Products with Applications, Audi Entertainment Mobile Products, Audi
16 Entertainment Mobile Vehicles, Audi Android Auto Products, Audi App-enabled
17 Services, Volkswagen MIB Products, Volkswagen Cross with Tablet Integration
18 Vehicles, Volkswagen Media Control Tablet/Smartphone Application Products,
19 and Volkswagen Nextgen e-Golf Products, and/or other Accused Products or
20 Services sold or offered for sale on or after March 29, 2016.

21 66. 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 Defendant has, since
24 receiving notice of the filing and/or service of this Complaint, induced infringement
25 and continues to induce infringement of at least claims 23, 24, 25, 26, 27, 28, 29,
26 30, 32, 33, 35, 36, 39, 40, 41, 45, 48, 98, 99, 100, 101, 102, 103, 104, 105, 106,
27 111, 112, 113, 181, 182, 183, 184, 185, 186, 187, 188, 190, 191, 192, 193, 194,
28

1 195, 196, 197, 198, 199, 200, 201, 202, 203, and 204 of the '053 patent under 35
2 U.S.C. § 271(b).

3 67. Upon information and belief, Defendant continues, since receiving
4 notice of the filing of the this Complaint, actively, knowingly, and intentionally
5 inducing, and continuing to to actively, knowingly, and intentionally induce,
6 infringement of the '053 patent by making, using, selling, offering for sale,
7 importing, and/or otherwise supplying products and/or services including the
8 Accused Products and Services to third parties, with the knowledge and specific
9 intent that such third parties will use, sell, offer for sale, and/or import, products
10 and/or services supplied by Defendant, including without limitation the Audi MMI
11 and Audi connect® Products with Applications, Audi Entertainment Mobile
12 Products, Audi Entertainment Mobile Vehicles, Audi Android Auto Products, Audi
13 App-enabled Services, Volkswagen MIB Products, Volkswagen Media Control
14 Tablet/Smartphone Application Products, of the Accused Products and Services to
15 directly infringe the '053 patent.

16 68. Upon information and belief, despite Defendant's knowledge of the
17 existence of the '053 patent since at least as early as the filing of this Complaint,
18 Defendant continues to encourage, instruct, enable and otherwise aid and abet third
19 parties, including but not limited to Defendant's customers and sales or technical
20 personnel, Defendant's agents, owners, and/or drivers of the Accused Products and
21 Services to use the Accused Products and Services in a manner that directly
22 infringes the '053 patent.

23 69. Upon information and belief, Defendant specifically intends that their
24 customers and sales or technical personnel, Defendant's agents, owners, and/or
25 drivers use the Accused Products and Services in such a way that directly infringes
26 the '053 patent by, at a minimum, advertising, enticing, encouraging, instructing,
27 and aiding and abetting their customers, agents, owners, and/or drivers, through the
28 publication and dissemination of marketing materials, detailed operational manuals,

1 on-line instructional videos, links to vendors or Internet sites where computer
2 software can be obtained, and/or technical assistance related to the Accused
3 Products and Services, to use, sell, offer for sale, and/or import, products and/or
4 services supplied by Defendant, including the Accused Products and Services, to
5 directly infringe the '053 patent.

6 70. Upon information and belief, Defendant knew and know that its
7 actions, including but not limited to providing detailed operating manuals, press
8 releases, instructional on-line videos, and other literature, in relation to the Accused
9 Products and Services, would induce, have induced, and continues to induce direct
10 infringement of the '053 patent by third parties, including but not limited to
11 Defendant's customers and sales or technical personnel, Defendant's agents,
12 owners, and/or drivers.

13 71. Specifically, upon information and belief and by way of example,
14 Defendant exercises direction and control over the performance and conduct of the
15 Audi Assist/Roadside Assistance programs, as is provided in agreements with
16 service providers such as Allstate, Signature Auto Club, and individual Audi
17 dealers (as well as non-Audi service providers). Per its "Vehicle and owner
18 assistance" web portal (accessible at [https://www.audiusa.com/help/vehicle-and-](https://www.audiusa.com/help/vehicle-and-owner-assistance)
19 [owner-assistance](https://www.audiusa.com/help/vehicle-and-owner-assistance)), Defendant indicates that: (i) Audi dealerships are used to
20 provide at least some of such services, and (ii) Audi vehicles are used to provide
21 such services:

22
23 **"Audi Assist**

24
25 In addition to Audi Roadside Assistance¹, dealers participating in the
26 Audi Assist program also offer an Audi vehicle to provide jump starts,
27 tire changes, fuel delivery, and other minor repairs, helping get you
28 back on your way in the shortest possible time." {emphasis added}

1
2
3 72. Moreover, upon information and belief and by way of example,
4 Defendant explicitly refers to its third-party service providers as “roadside
5 assistance partners”:

6
7 “The Audi Roadside App offers a way to connect directly with Audi
8 and its roadside assistance partner.”

9 <https://play.google.com/store/apps/details?id=de.audi.mmiapp&hl=en>
10 {emphasis added}

11
12 73. Upon information and belief and by way of example, only Audi
13 dealers and certain Audi-authorized repair facilities may be used for vehicles which
14 utilize the Audi roadside assistance services:

15
16 “What your disablement coverage includes:

17 1. Towing to the nearest **Audi Dealer** or **authorized** service
18 facility, or in the event of a collision, to an **Audi Authorized**
19 Collision Repair Facility or Aluminum Collision Repair Facility...”

20 <https://www.audiusa.com/help/vehicle-and-owner-assistance>
21 {emphasis added}

22
23
24 74. West View Research has no adequate remedy at law against these acts
25 of patent infringement. Defendant’s 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 Defendant is permanently enjoined by the Court.

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

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

3 76. 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
8 **COUNT II**
9 **INFRINGEMENT OF THE '367 PATENT**

10 77. West View Research incorporates paragraphs 1 through 76 by
11 reference as if fully stated herein.

12 78. Defendant has been and is directly infringing literally and/or under the
13 doctrine of equivalents, at least claims 10, 11, 12, 15, 16, 17, 18, 57, 58, 59, 66, 77,
14 79, 83, 84, 85, 86, 87, 88, 96, 97, 98, 99, and 102 of the '367 patent.

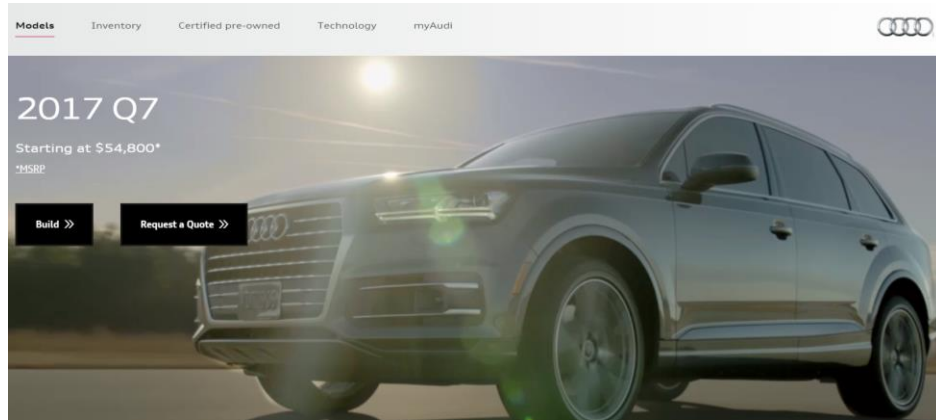
15 79. Defendant has directly infringed, and continues to directly infringe,
16 either literally and/or under the doctrine of equivalents, in violation of 35 U.S.C. §
17 271(a), by making, using, selling, offering for sale, and/or importing in or into the
18 United States, without authority products that infringe at least claims 10, 11, 12, 15,
19 16, 17, 18, 57, 58, 59, 66, 77, 79, 83, 84, 85, 86, 87, 88, 96, 97, 98, 99, and 102 of
20 the '367 patent, which products include but may not be not limited to Audi MMI
21 and Audi connect® Products, Audi MMI and Audi connect® Products with
22 Applications, Audi Entertainment Mobile Products, Audi Entertainment Mobile
23 Vehicles, Audi Android Auto Products, Audi App-enabled Services, Volkswagen
24 MIB Products, Volkswagen Cross with Tablet Integration Vehicles, Volkswagen
25 Media Control Tablet/Smartphone Application Products, Volkswagen BUDD-e
26 Products, and Volkswagen Nextgen e-Golf Products, and/or other of the Accused
27 Products and Services sold on or after August 9, 2016.

28 80. By way of example, Defendant has been and is directly infringing

literally and/or under the doctrine of equivalents, claim 10 of the '367 patent as follows.

81. The Accused Products and Services include the 2017 Audi Q7, which is promoted on the Audi USA website as shown below at

<https://www.audiusa.com/models/audi-q7>:



82. Upon information and belief and by way of example, the 2017 Audi Q7 includes an MMI Navigation and Infotainment system with connect® functionality, which is a computerized information and display and control subsystem of the vehicle:

Infotainment | Technology

- ▶ MMI® navigation plus with voice control system⁷
- ▶ MMI® all-in-touch with handwriting-recognition technology
- ▶ Audi connect® with six-month trial subscription⁸
- ▶ MMI® radio plus with ten speakers and single CD player with MP3 playback capability
- ▶ Audi smartphone integration including Apple® CarPlay and Google™ Android Auto
- ▶ 7.0" color driver information system
- ▶ 8.3" TFT color center MMI® infotainment display
- ▶ HD Radio™ Technology
- ▶ SiriusXM® Satellite Radio with 90-day trial subscription³
- ▶ INRIX XD® Traffic⁹
- ▶ SDXC card slot with 32GB operating capacity
- ▶ Cruise control with coast, resume and accelerate features
- ▶ Audi music interface with two USB ports
- ▶ BLUETOOTH® wireless technology preparation for compatible mobile phones⁴
- ▶ BLUETOOTH® streaming audio for compatible devices⁴
- ▶ Garage door opener (HomeLink®)
- ▶ Audi advanced key — keyless start, stop and entry with hands-free tailgate release¹⁰

<https://www.audiusa.com/models/audi-q7>

83. Upon information and belief and by way of example, the 2017 Audi Q7 includes an LTE-based wireless network interface, as well as an LTE-supported Wi-Fi “hotspot”:

Your central command for the information age.

Sure, the handheld power of mobile devices is impressive, but then, they don't handle like your Audi. Luckily, Audi connect® offers your favorite familiar functionalities, with the means to help you get to where you want to go! The next generation of Audi connect offers three available options—Connect CARE², Connect PRIME³ and Connect PLUS⁴. Connect CARE provides assistance and security services to help you in emergency situations, at no additional cost for 10 years after the purchase of your new vehicle. Connect PRIME offers a collection of robust features like Google Voice Search™ and Audi Semi-Dynamic Route Guidance with INRIX XD® Traffic to help you navigate and stay informed.^{5,7} And for live updates and entertainment, Connect PLUS keeps your passengers connected even on the go through an in-vehicle Wi-Fi® Hotspot with a 4G LTE connection.^{5,7} Both Connect PRIME and Connect PLUS features are offered complimentary for a six-month trial period, and after that, stay connected by visiting myAudiConnect.com.

CONNECT CARE

In case of an emergency situation, Audi connect is equipped to help with online roadside assistance and automatic crash notifications. You can also initiate a request for emergency services by pushing the SOS button above the center console. And, in case of the unthinkable, Stolen Vehicle Locator services help authorities locate your vehicle.^{8,9,10}

CONNECT PRIME

With Google Street View™, your Audi can show you a driver's-eye view of your destination right before you arrive so it's easy to recognize.¹¹

Keeping your navigation map up to date is easier than ever with over-the-air map updates, sent directly to your vehicle.

It's simple. Tell your Audi what you are in the mood for, then let the cloud-processing power of Google™ speech recognition interpret your request and bring up a list of destinations in the area of your choice.

With Google Earth™ integration, you'll enjoy 3D satellite imagery, including Google Street View™, displayed right on the MMI® display.

CONNECT PLUS

The point-of-interest search with voice control means that you can get the most out of every journey.

Get information about current events, exciting locations and places of interest at your travel destination, current location or other chosen location instantly.

A simple source for daily information on-demand, such as news updates from your favorite sources with text-to-speech function, fuel prices in your area and weather forecasts.

With remote lock/unlock, you can easily lock or unlock your vehicle remotely through your compatible smartphone and SmartWatch.¹²

Use your MMI connect App, or log in to your myAudi account online to access vehicle status reports, or use the Parking Position feature to help remember where you parked.^{13,14}

Staying connected in your Audi has never been easier, with in-vehicle 4G LTE connectivity. Access is provided for up to eight passenger devices through an onboard wireless hotspot.^{5,7}

“Staying connected in your Audi has never been easier, with in-vehicle 4G LTE connectivity. Access is provided for up to eight passenger devices through an onboard wireless hotspot.” {emphasis added}

http://audilibrary.audiusa.com/viewer/brochures/17/en_US.audi.Brochures.2017.q7_prelaunch/audi_connect_two.html

84. Upon information and belief and by way of example, the 2017 Audi Q7 MMI connect system includes one or more digital processors that communicate with the LTE cellular interface:

“Qualcomm Incorporated (NASDAQ: QCOM) through its subsidiary, Qualcomm Technologies, Inc., and AUDI AG (NASDAQ: AUDVF) today announced that Qualcomm® Snapdragon™ 602A processors have been selected for Audi’s 2017 vehicles. Announced at CES in

1 January 2014, the Snapdragon 602A is Qualcomm Technologies' first
2 automotive grade infotainment chipset and is designed to meet
3 stringent automotive industry standards while delivering advanced
4 smartphone-quality connectivity, infotainment, navigation, voice
5 quality and control features in cars.

6 "Audi has always been on the forefront of connected vehicle
7 technologies, first highlighting the potential for LTE connectivity in
8 vehicles at CES 2012 and being the first automaker to announce a
9 commercial model with embedded 4G LTE connectivity," said Ricky
10 Hudi, executive vice president, electronic development, AUDI AG.
11 "Now, with Qualcomm Technologies' Snapdragon 602A, we are well
12 positioned to provide today's most cutting-edge connected vehicle
13 technologies."

14 At CES 2016, Qualcomm Technologies will demonstrate the
15 Snapdragon 602A integrated in an Audi Q7 at the Qualcomm booth
16 in Central Hall, # 8643."

17 <https://www.qualcomm.com/news/releases/2016/01/05/audi-2017-vehicles->
18 [integrate-qualcomm-snapdragon-602a-infotainment](https://www.qualcomm.com/news/releases/2016/01/05/audi-2017-vehicles-integrate-qualcomm-snapdragon-602a-infotainment) {emphasis added}

19
20 \\\

21 \\\

22 \\\

23 \\\

24 \\\

25 \\\

FEATURES & SPECIFICATIONS

CPU

+ Up to 1.5 GHz quad-core
(4x Qualcomm® Krait™ 300)

GPU

+ Qualcomm® Adreno™ 320 GPU
+ Up to OpenGL ES 3.0

DSP

+ Qualcomm® Hexagon™ DSP

Storage

+ eMMC 4.51
+ SD 3.0 (UHS-I)

Memory

+ PCDDR3 533MHz dual-channel

Camera

+ MIPI—CSI with support for up to
4 simultaneous cameras

Wi-Fi

+ Qualcomm® VIVE™ 1-stream
802.11n/ac with MU-MIMO†

Video

+ Up to 1080p capture and playback
+ H.264 (AVC)

Display

+ Flexible 3 display concurrency support
+ E.g., 1080p60 center console + 720p60
navigation window for instrument cluster
+ 540p60 HUD

PCIe

+ PCIe 2.0

Bluetooth

+ Bluetooth 4.1

Process Technology

+ 28 nm LP

Location

+ Qualcomm® IZat™ Gen8A
+ GPS, GLONASS

USB

+ USB 2.0 x3

Part Number

+ 8064-AU

Snapdragon 602A
includes: (i) one or more
CPU cores; (ii) one or
more DSP cores, and (iii)
one or more GPU cores

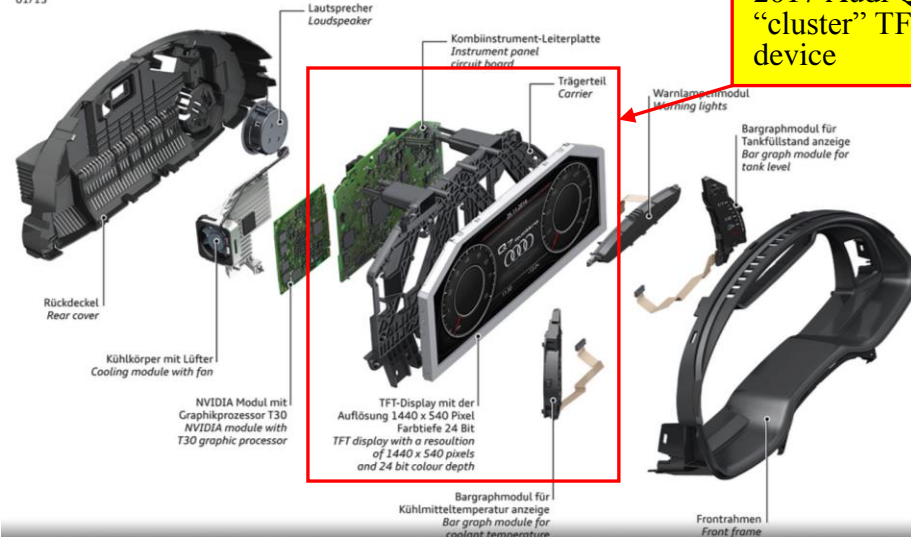
<https://www.qualcomm.com/documents/snapdragon-602a-processor-product-brief>

85. Upon information and belief and by way of example, the 2017 Q7 with MMI system includes several display devices:

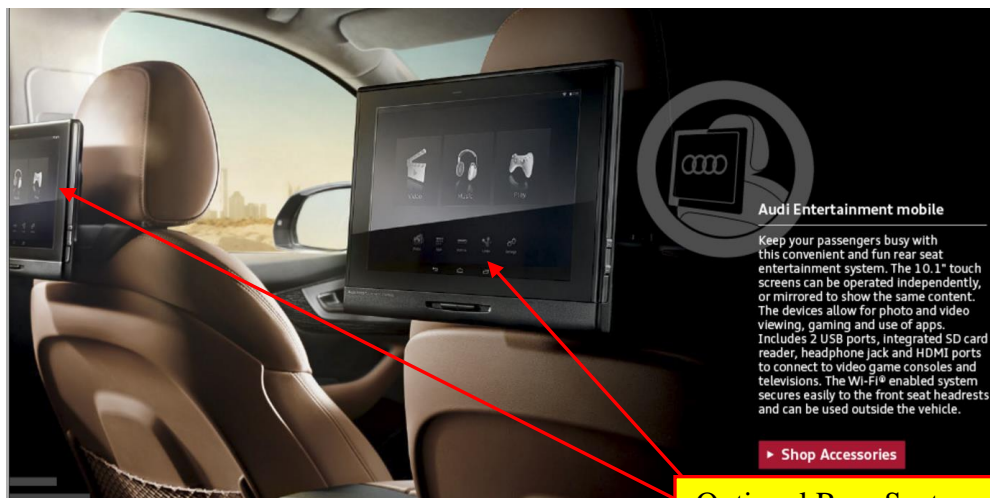
2017 Audi Q7 MMI pop-up display



Audi Q7
Audi virtual cockpit
01/15



2017 Audi Q7 digital “cluster” TFT-based display device



Optional Rear Seat Entertainment (RSE) “Entertainment Mobile” displays



http://audilibrary.audiusa.com/viewer/accessories/17/en_US.audi.Accessories.2017.q7/entertainment.html; https://shops.audi.com/en_GB/web/zubehoer/p/audi-

[entertainment-mobile-single-package-click-go-4m0051700e-10](#)



http://fourtitude.com/news/Audi_News_1/infotainmentnet-just-entertainment-technology-audi/

86. Upon information and belief and by way of example, the 2017 Q7 MMI system includes several types of wired and wireless data interfaces that enable transfer of data between the MMI system and a portable electronic device (such as the user’s smartphone, tablet, Smart Display, Entertainment Mobile, or other device):

Infotainment | Technology

- ▶ MMI® navigation plus with voice control system⁷
- ▶ MMI® all-in-touch with handwriting-recognition technology
- ▶ Audi connect® with six-month trial subscription⁸
- ▶ MMI® radio plus with ten speakers and single CD player with MP3 playback capability
- ▶ Audi smartphone integration including Apple® CarPlay and Google™ Android Auto
- ▶ 7.0" color driver information system
- ▶ 8.3" TFT color center MMI® infotainment display
- ▶ HD Radio™ Technology
- ▶ SiriusXM® Satellite Radio with 90-day trial subscription³
- ▶ INRIX XD® Traffic⁹
- ▶ SDXC card slot with 32GB operating capacity
- ▶ Cruise control with coast, resume and accelerate features
- ▶ Audi music interface with two USB ports
- ▶ BLUETOOTH® wireless technology preparation for compatible mobile phones⁴
- ▶ BLUETOOTH® streaming audio for compatible devices⁴

<https://www.audiusa.com/models/audi-q7>

(See also Wi-Fi “Hotspot” for Wi-Fi communication with user devices in-vehicle detailed *supra*).

87. Upon information and belief and by way of example, the 2017 Q7 MMI system includes several storage devices (e.g., program memory) to store the MMI/connect computer programs and algorithms that enable the various functions of the system, including wireless communication and speech recognition:

FEATURES & SPECIFICATIONS

CPU

+ Up to 1.5 GHz quad-core
(4x Qualcomm® Krait™ 300)

GPU

+ Qualcomm® Adreno™ 320 GPU
+ Up to OpenGL ES 3.0

DSP

+ Qualcomm® Hexagon™ DSP

Storage

+ eMMC 4.51
+ SD 3.0 (UHS-I)

Memory

+ PCDDR3 533MHz dual-channel

Camera

+ MIPI—CSI with support for up to 4 simultaneous cameras

Wi-Fi

+ Qualcomm® VIVE™ 1-stream
802.11n/ac with MU-MIMO†

Video

+ Up to 1080p capture and playback
+ H.264 (AVC)

Display

+ Flexible 3 display concurrency support
+ E.g., 1080p60 center console + 720p60 navigation window for instrument cluster
+ 540p60 HUD

PCIe

+ PCIe 2.0

Bluetooth

+ Bluetooth 4.1

Process Technology

+ 28 nm LP

Location

+ Qualcomm® IZat™ Gen8A
+ GPS, GLONASS

USB

+ USB 2.0 x3

Part Number

+ 8064-AU

<https://www.qualcomm.com/documents/snapdragon-602a-processor-product-brief>

88. Upon information and belief and by way of example, the 2017 Audi Q7 MMI system speech recognition functions enable e.g., Internet access of remote servers for maps, navigation data, etc., and control of various vehicle functions such as radio and other media:

\\

Your central command for the information age.

Sure, the handheld power of mobile devices is impressive, but then, they don't handle like your Audi. Luckily, Audi connect® offers your favorite familiar functionalities, with the means to help you get to where you want to go! The next generation of Audi connect offers three available options—Connect CARE², Connect PRIME³ and Connect PLUS⁴. Connect CARE provides assistance and security services to help you in emergency situations, at no additional cost for 10 years after the purchase of your new vehicle. Connect PRIME offers a collection of robust features like Google Voice Search™ and Audi Semi-Dynamic Route Guidance with INRIX XD® Traffic to help you navigate and stay informed. And for live updates and entertainment, Connect PLUS keeps your passengers connected even on the go through an in-vehicle Wi-Fi® Hotspot with a 4G LTE connection^{5,7}. Both Connect PRIME and Connect PLUS features are offered complimentary for a six-month trial period, and after that, stay connected by visiting myAudiConnect.com.

SOS

In case of an emergency situation, Audi connect is equipped to help with online roadside assistance and automatic crash notifications. You can also initiate a request for emergency services by pushing the SOS button above the center console. And, in case of the unthinkable, Stolen Vehicle Locator services help authorities locate your vehicle.^{5,8,9}

With Audi Service Request, receive email and in-car notifications before you are due for service, helping you to easily schedule a service appointment with your Audi dealer.²¹

With INRIX XD® Traffic, get fast and accurate traffic information (included in your active Audi connect subscription) overlaid onto 3D satellite imagery to help visualize a true aerial view of your city and highway route, and let the MMI® navigation plus system reconfigure your route to help avoid traffic.²

With Google Earth™ integration, you'll enjoy 3D satellite imagery, including Google Street View™, displayed right on the MMI® display.

CONNECT PRIME

With Google Street View™, your Audi can show you a driver's-eye view of your destination right before you arrive so it's easy to recognize.¹²

Keeping your navigation map up to date is easier than ever with over-the-air map updates, sent directly to your vehicle.

It's simple. Tell your Audi what you are in the mood for, then let the cloud-processing power of Google™ speech recognition interpret your request and bring up a list of destinations in the area of your choice.

With streaming audio, it's easier than ever to stream music from your compatible phone or digital music player right to the vehicle's audio system.

With access to text messages, email and Twitter®, your passengers will know what's going on with their friends, family and the world.¹³

POI

The point-of-interest search with voice control means that you can get the most out of every journey.

Get information about current events, exciting locations and places of interest at your travel destination, current location or other chosen location instantly.

A simple source for daily information on-demand, such as news updates from your favorite sources with text-to-speech function, fuel prices in your area and weather forecasts.

Discover travel information for local landmarks in your area of interest, set them as destinations and let your vehicle show you the way.

P

Search for parking in your area of interest, check space availability and set your selection as a destination to help navigate directly to the garage entrance.¹⁴

CONNECT PLUS

With remote lock/unlock, you can easily lock or unlock your vehicle remotely through your compatible smartphone and SmartWatch.¹⁵

Use your MMI connect App, or log in to your myAudi account online to access vehicle status reports, or use the Parking Position feature to help remember where you parked!^{15,16}

Staying connected in your Audi has never been easier, with in-vehicle 4G LTE connectivity. Access is provided for up to eight passenger devices through an onboard wireless hotspot.⁷

Tap here for more information. >>>

http://audilibrary.audiusa.com/viewer/brochures/17/en_US.audi.Brochures.2017.q7_prelaunch/audi_connect_two.html

“**Control by natural language** Another highlight is the newly developed, user-friendly and intuitive voice control system. The driver no longer has to be constrained to the use of rigidly defined voice commands – in many languages the system understands formulations from everyday speech. In the Phone menu, for example, the driver can call a contact just by saying “I want to talk to ” or “Connect me with .” In navigation, it is sufficient to input commands such as “Where can I refuel?” or “I am hungry.” or “Drive me to .” This user-friendly voice control functionality is also integrated in the Radio and Media menus.”

https://audi-illustrated.com/media/musterseite-copy-copy/file/2033/Audi_at_2016_CES_en.pdf {emphasis added}

89. Upon information and belief and by way of example, the 2017 Q7 MMI with connect system accesses the servers for the desired information, and is able to provide at least some of the accessed information to the aforementioned portable user devices (e.g., the user's smartphone for use with Audi MMI connect app, such as Internet radio streaming over the Wi-Fi connection with the MMI), via the USB (e.g., data export or other functions), Bluetooth (e.g., contact and other data synchronization), and/or in-car Wi-Fi interfaces (e.g., via "Smart Display" integration – currently Q7 models only):



<https://www.youtube.com/watch?v=ojs8QZKoWA>

(See video beginning at 13:00, where download of Internet music data is performed via the LTE interface of the MMI system, transmitted via Wi-Fi to the user's mobile phone (with MMI connect app, discussed below), and then back to the MMI system).

1 **“Audi MMI connect app**

2 The free Audi MMI connect app brings additional services into the
 3 car. The user can use the Web Radio and Media Library functions to
 4 receive broadcasts from more than 3,000 internet radio stations, save
 5 personal favorites to a cell phone and play them back via the MMI
 6 navigation plus system. The app also provides access to the media
 7 library stored in the user’s smartphone. Music data is then transmitted
 8 over Wi-Fi from the smartphone to MMI navigation plus and from
 9 there to the sound system. Another app service is online media
 10 streaming, which provides access to the services of the Napster and
 11 Rhapsody subscription music portals and Aupeo! radio service. This
 12 gives Audi customers access to nearly 20 million music titles and
 13 several thousand audio books in MP3 format via MMI navigation
 14 plus.” [https://www.audi-mediacycenter.com/en/audi-at-the-ces-2016-](https://www.audi-mediacycenter.com/en/audi-at-the-ces-2016-5294/audi-connect-and-infotainment-5298)
 15 [5294/audi-connect-and-infotainment-5298](https://www.audi-mediacycenter.com/en/audi-at-the-ces-2016-5294/audi-connect-and-infotainment-5298) {emphasis added}

16
 17 See also the rear-seat entertainment or tablet configuration below (*circa* early
 18 2016), wherein the tablet uses the vehicle’s LTE and Wi-Fi hotspot functions to
 19 stream Internet media to the tablet:

20
 21 **“Audi connect**

22 In Audi connect, an LTE/UMTS module establishes the connection to
 23 the internet with download speeds of up to 100 MBit/s. The integrated
 24 Wi-Fi hotspot lets passengers freely surf the web, stream and text/e-
 25 mail with up to eight mobile devices. Customized online services
 26 from the Audi connect portfolio are delivered to the car for the
 27 driver.” [https://www.audi-mediacycenter.com/en/audi-at-the-ces-2016-](https://www.audi-mediacycenter.com/en/audi-at-the-ces-2016-5294/audi-connect-and-infotainment-5298)
 28 [5294/audi-connect-and-infotainment-5298](https://www.audi-mediacycenter.com/en/audi-at-the-ces-2016-5294/audi-connect-and-infotainment-5298) {emphasis added}

1 < Back | 01/06/16 | Audi MediaCenter

2 Audi connect and infotainment



13 90. Upon information and belief and by way of example, the MMI system

14 (including that of the 2017 Q7) engages the user in an interactive dialogue

15 comprising a user speech input (e.g., “Google Search – Golden Gate Bridge ” in A3

16 MMI video example below, starting at 4:30), and one or more replies by MMI

17 system speech synthesis function (e.g., “Starting search...” in video example), and

18 subsequent user inputs (e.g., “Line one” to select first entry in example video where

19 multiple results returned). <https://www.youtube.com/watch?v=ojzs8QZKoWA>



91. Upon information and belief and by way of example, the 2017 Audi Q7 MMI system further includes an infra-red night vision apparatus which can detect humans, animals, etc. in the road ahead of the vehicle, and generate various types of alerts on the MMI display(s):

“Night vision assistant






Using an infrared camera and thermal-imaging technology, this available feature helps you see farther down the road in low-light situations and can help alert you to pedestrians and larger animals within 300 feet. Technology has finally seen the light of day — even at night.” <https://www.audiusa.com/models/audi-q7> {emphasis added}





https://www.youtube.com/watch?v=q1tpK_Rky7w&feature=youtu.be

92. Upon information and belief and by way of example, the Audi Night Vision Assistant infra-red night vision (and all other features described herein) are available on 2017 Audi Q7 cars sold in the U.S.:

<p>Head-up display</p> <p>With easy-to-view, accurate visual information right at eye level, this available feature displays important driving information and even pedestrian detection warnings when equipped with the optional night vision assistant.</p>	<p>Night vision assistant</p> <p>This available system uses thermal imaging technology to help detect what lies ahead. Pedestrians and large animals up to 300 feet in front of the vehicle can be highlighted, while objects over 900 feet ahead can be detected—all shown within the available Audi virtual cockpit display.</p> 	<p>Traffic sign recognition</p> <p>This available camera-based system detects traffic signs and displays them on the instrument cluster or available Audi virtual cockpit, and it even evaluates various driving conditions, such as school zones and updated speed limits!</p>  <p><small>European model shown.</small></p>
<p>Audi side assist</p> <p>Available Audi side assist uses radar sensors and two different optical warnings to help keep the driver informed about what is approaching from hard-to-see angles behind and to the side of the vehicle!</p> 	<p>Active lane assist</p> <p>Operating at speeds above 38 mph, this available system helps detect when the vehicle begins to leave the lane without signaling. Then, through gentle, corrective steering efforts, it helps the vehicle remain in the lane and vibrates the steering wheel as an additional warning. This way, Audi active lane assist complements the driver's decision-making process and helps to further solidify the bond between driver and machine!</p> 	<p>Parking system plus</p> <p>Helping to make parking an easier task, the standard parking system plus features front acoustic parking sensors in addition to the standard rear acoustic parking sensors. For added benefit, the rear view camera offers selectable guidelines for parking in parallel or perpendicular spaces.</p> 

http://audilibrary.audiusa.com/viewer/brochures/17/en_US.audi.Brochures.2017.q7_prelaunch/audi_connect_two.html

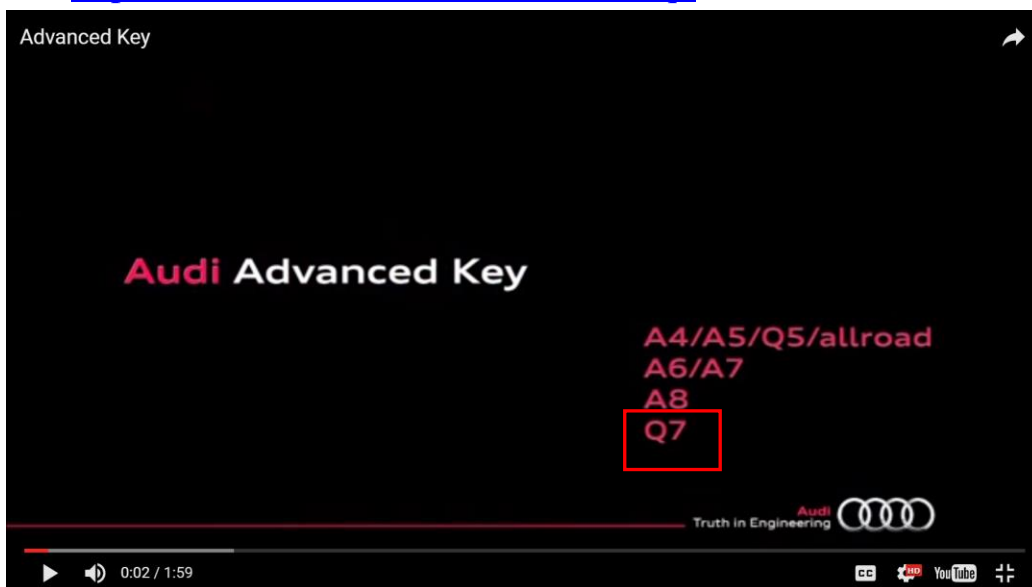
93. Upon information and belief and by way of example, the 2017 Q7 includes an RF-based “Audi Advanced Key” key which the user carries and that communicates with the Audi connect system:

Infotainment | Technology

- MMI® navigation plus with voice control system⁷
- MMI® all-in-touch with handwriting-recognition technology
- Audi connect® with six-month trial subscription⁸
- MMI® radio plus with ten speakers and single CD player with MP3 playback capability
- Audi smartphone integration including Apple® CarPlay and Google™ Android Auto
- 7.0" color driver information system
- 8.3" TFT color center MMI® infotainment display
- HD Radio™ Technology
- SiriusXM® Satellite Radio with 90-day trial subscription³
- INRIX XD® Traffic⁹
- SDXC card slot with 32GB operating capacity
- Cruise control with coast, resume and accelerate features
- Audi music interface with two USB ports
- BLUETOOTH® wireless technology preparation for compatible mobile phones⁴
- BLUETOOTH® streaming audio for compatible devices⁴
- Garage door opener (HomeLink®)
- Audi advanced key – keyless start, stop and entry with hands-free tailgate release¹⁰
- Parking system plus with rear view camera (front and rear acoustic sensors)
- Audi side assist with Audi pre sense® rear (includes rear cross traffic alert and vehicle exist assist)
- Audi pre sense® basic and Audi pre sense® city
- Audi drive select
- Rain/light sensor for automatic windshield wipers and headlights

Audi 2017 Q7 includes
“Audi advanced key”

<https://www.audiusa.com/models/audi-q7>



Audi advanced key

An evolution of keyless entry technology, Audi advanced key lets you open your doors or start the car without even reaching for your pocket. But should the remote ever get misplaced or damaged, only an authorized dealer can provide a replacement.

- Authorized independent repair facilities
- Smart key settlement notice



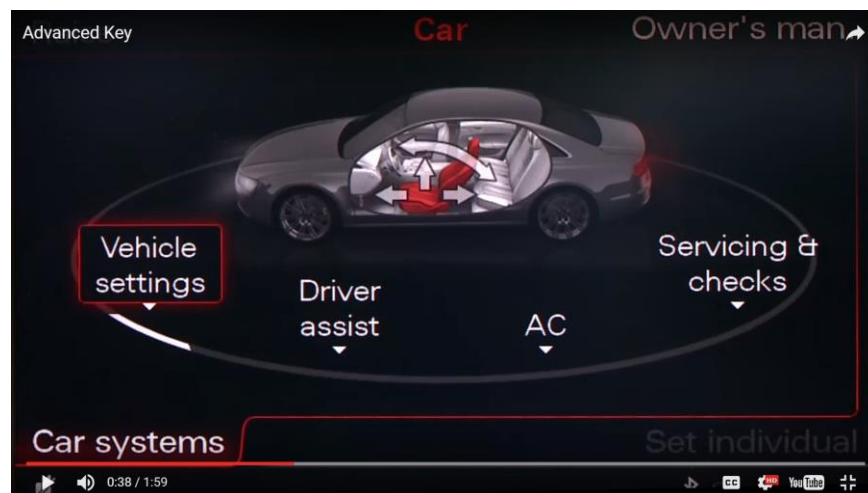
<https://www.audiusa.com/help/vehicle-mechanics#dtufilters/vehicleName/all/>

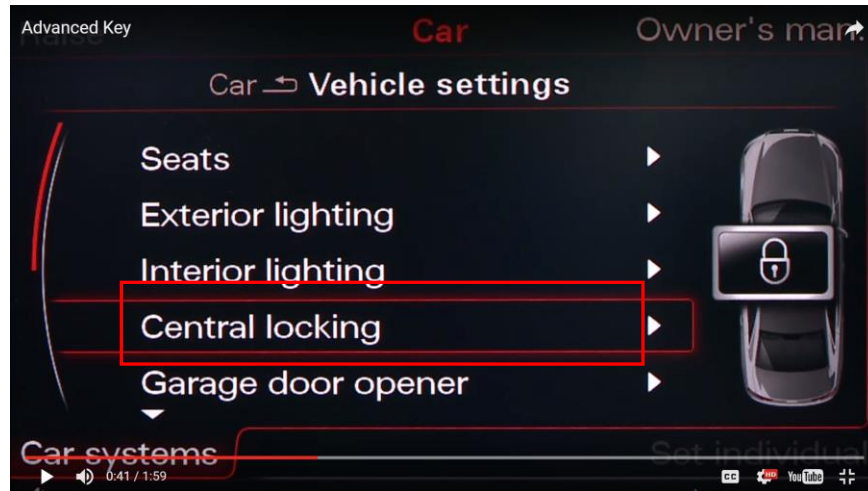
“How does the Advanced key fob work?”

To lock/unlock an Audi vehicle with the Advanced Key, the key is identified via proximity sensors in each car door and trunk lid which are matched to a radio pulse generator in the key housing as soon as you are within approximately 5 feet of the vehicle. The vehicle is automatically unlocked as soon as the door handle or trunk is actuated.” {emphasis added}

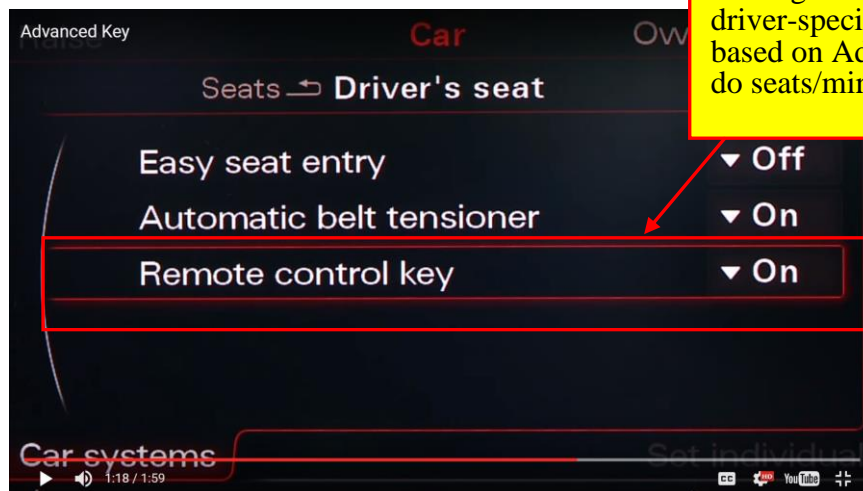
When Advanced Key is within range (approx. 5 feet), exchange of data between key and vehicle (MMI system) occurs

94. Upon information and belief and by way of example, the RF-based “Audi Advanced Key” key can, *inter alia*, enable user-specific profiles and functions within the vehicle, such as e.g., ergonomic and security functions:





Example: car door locking/unlocking can have driver-specific configurations based on Advanced Key, as do seats/mirrors



1:00 – “The vehicle’s seat and mirrors will return to their memory setting if assigned to the key.” {emphasis added}

1 1:23 – “With the setting enabled, the driver’s seat memory will be stored on
 2 each key.” {emphasis added}

3
 4 95. Furthermore, by way of example, Defendant has been and is directly
 5 infringing literally and/or under the doctrine of equivalents, claim 83 of the ’367
 6 patent as follows.

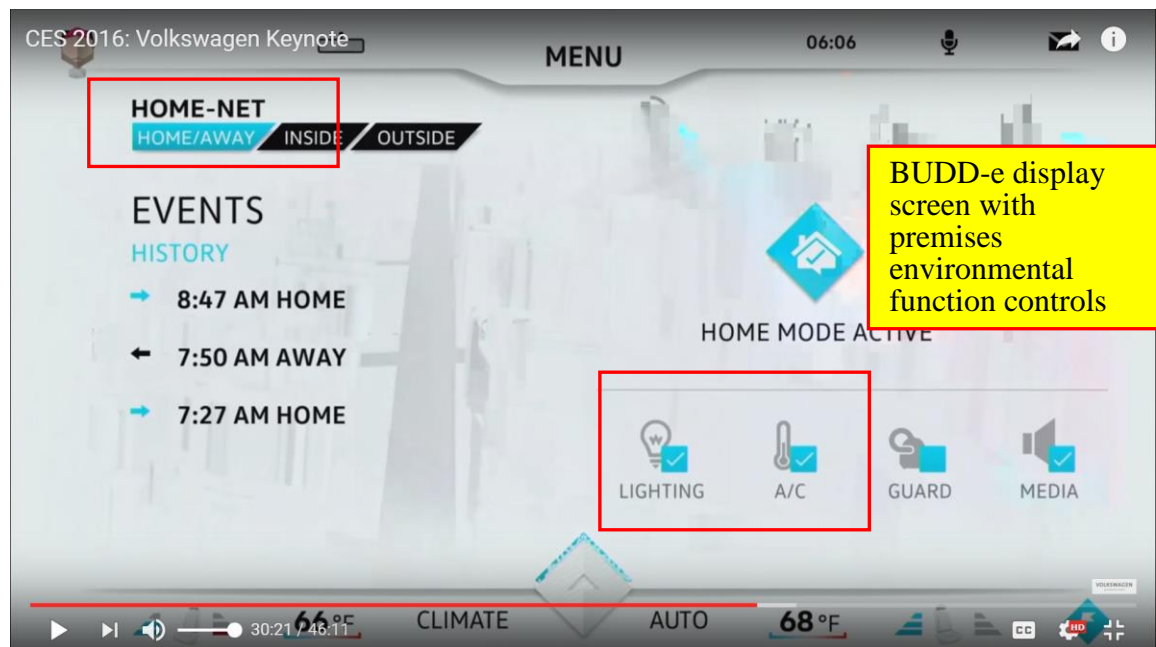
7 96. The Accused Products and Services include the (incipient; model year
 8 unknown) Volkswagen BUDD-e concept vehicle, which is promoted on the VW
 9 website at <http://media.vw.com/release/1122/>, and which was used, promoted and
 10 demonstrated at CES 2016 in Las Vegas, NV (USA) in January, 2016 by the
 11 Chairman of the Board of Management of the Volkswagen brand, Dr. Herbert
 12 Diess:



24 <https://www.youtube.com/watch?v=BJd89yQ001Y>

25 97. Upon information and belief and by way of example, the BUDD-e
 26 vehicle includes a computerized information and display and control subsystem of
 27 the vehicle that is also capable of environmental awareness and control:

“With BUDD-e’s interface design, Volkswagen eliminates the traditional distinction between the electronic instrument cluster in front of the driver and the center console infotainment system. In a move towards comprehensive digitalization and the individualization of the driver’s workplace, these two areas have been merged to form a single information hub.” <http://media.vw.com/release/1122/> {emphasis added}



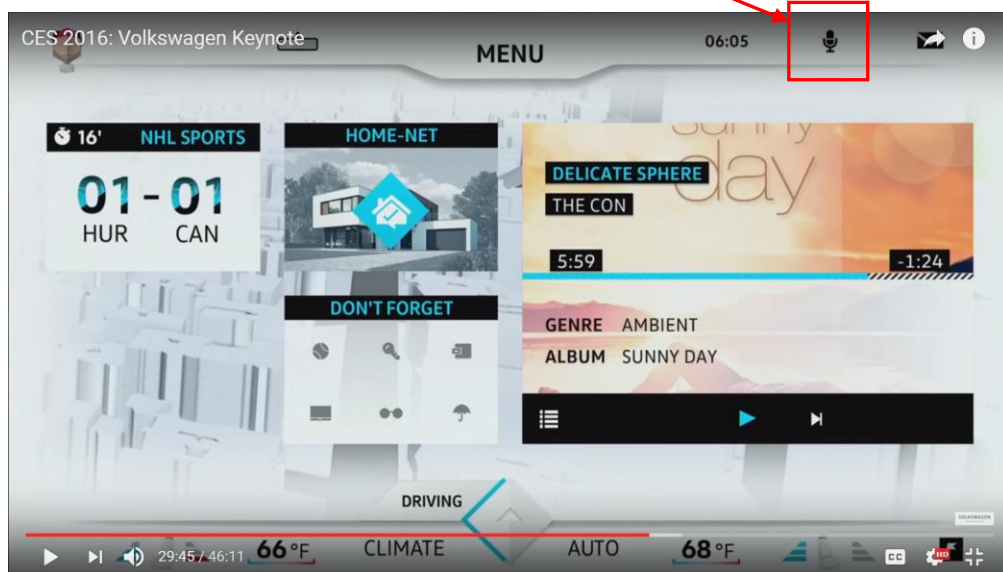
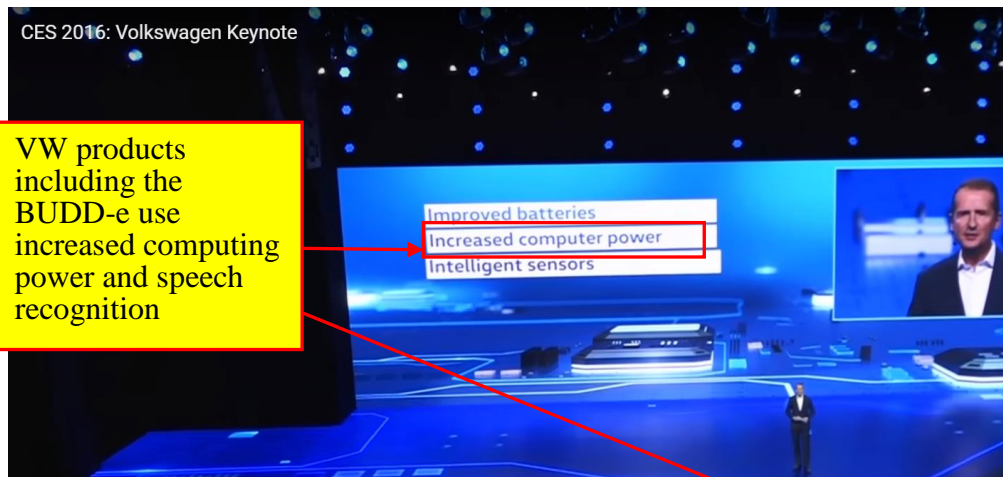
98. Upon information and belief and by way of example, the computerized information and display and control subsystem of the BUDD-e vehicle has one or more central processors (CPU)s, one or more DSPs, and one or more graphics processors to support the many computerized functions of the system, including navigation image rendering, and speech recognition and processing:

“Featuring next-generation infotainment technologies and offering an advanced new method of operation and information processing, BUDD-e turns travel into a fully interactive, intuitive experience. Utilizing the latest in user interface innovation, touch and gesture

control merge seamlessly and result in the removal of switches and buttons inside the cabin, individual displays that blend into large infotainment panels, and digital screens instead of analog mirrors.

...

The idea behind the navigation panel is rooted in the car's original function: driving. Behind the panel resides a sliding 3D navigation map with graphics..." <http://media.vw.com/release/1122/>{emphasis added}



For example, the Qualcomm Snapdragon 602A (detailed above in Defendant's 2017 Audi Q7) is typical of multi-core processing apparatus currently used in state-of-the-art vehicular applications such as the BUDD-e:

FEATURES & SPECIFICATIONS

CPU

+ Up to 1.5 GHz quad-core
(4x Qualcomm® Krait™ 300)

GPU

+ Qualcomm® Adreno™ 320 GPU
+ Up to OpenGL ES 3.0

DSP

+ Qualcomm® Hexagon™ DSP

Storage

+ eMMC 4.51
+ SD 3.0 (UHS-I)

Memory

+ PCDDR3 533MHz dual-channel

Camera

+ MIPI—CSI with support for up to 4 simultaneous cameras

Wi-Fi

+ Qualcomm® VIVE™ 1-stream
802.11n/ac with MU-MIMO†

Video

+ Up to 1080p capture and playback
+ H.264 (AVC)

Display

+ Flexible 3 display concurrency support
+ E.g., 1080p60 center console + 720p60 navigation window for instrument cluster + 540p60 HUD

PCIe

+ PCIe 2.0

Bluetooth

+ Bluetooth 4.1

Process Technology

+ 28 nm LP

Location

+ Qualcomm® IZat™ Gen8A
+ GPS, GLONASS

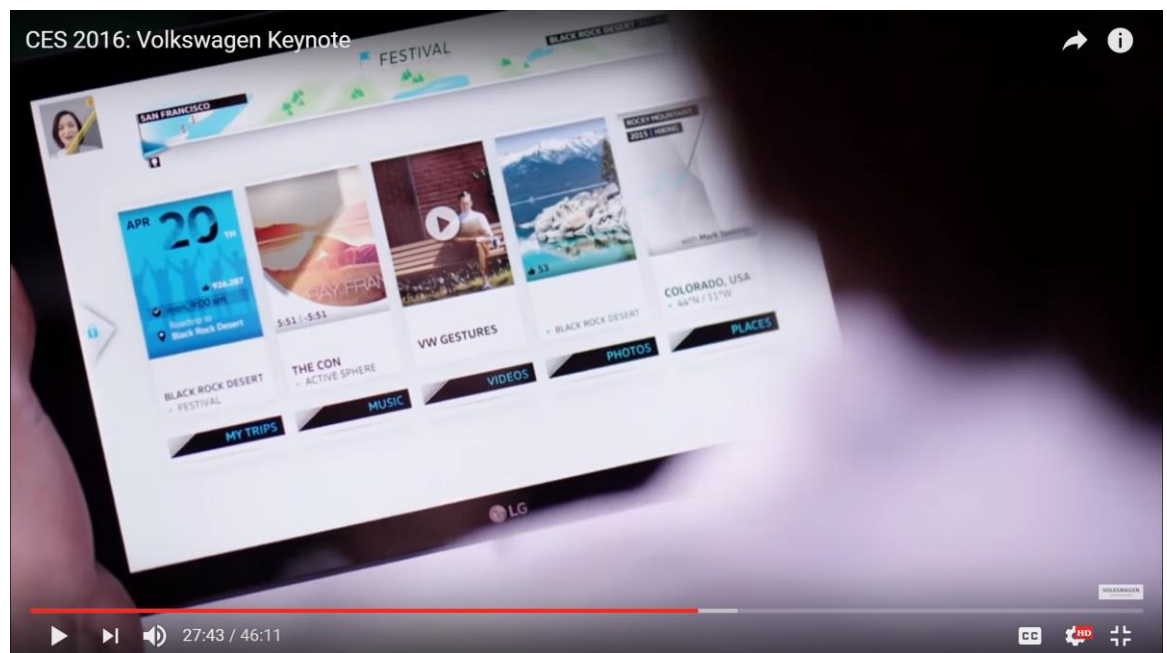
USB

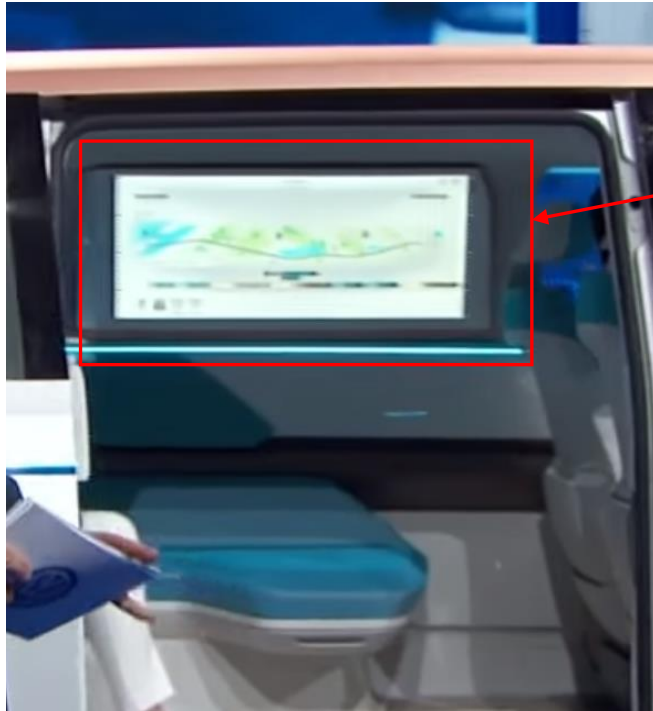
+ USB 2.0 x3

Part Number

+ 8064-AU

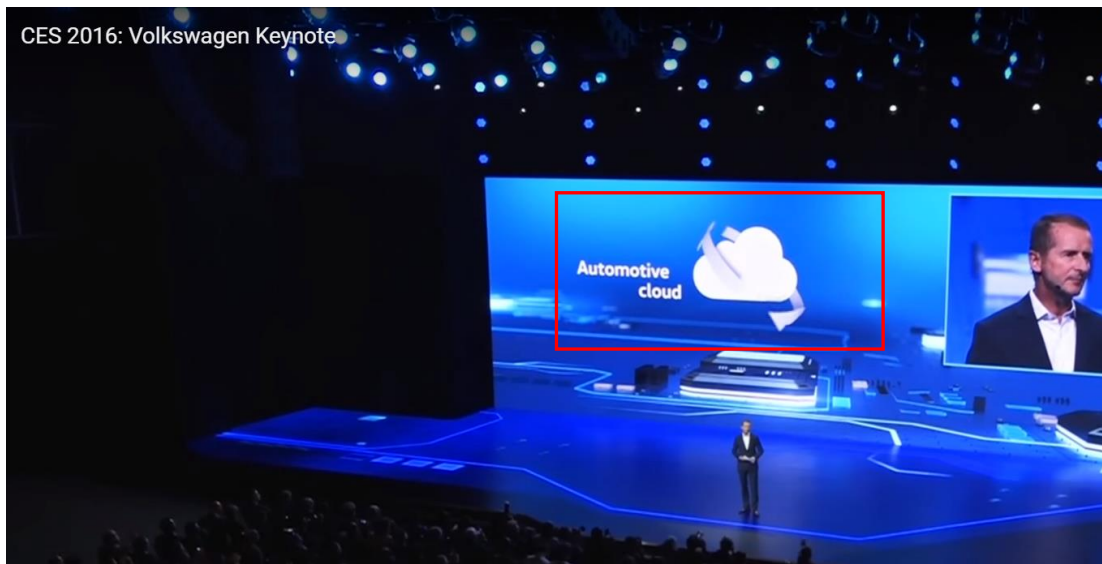
<https://www.qualcomm.com/documents/snapdragon-602a-processor-product-brief>





BUDD-e vehicle includes both a rear “common” digital display as well as one or more LG tablets (above) with software designed to execute on the tablet processor(s) and communicate (wirelessly) with the common display and main infotainment system.

99. Upon information and belief and by way of example, the BUDD-e computerized information and display and control subsystem includes multiple wireless interfaces, including for “cloud” networking, communication with a user’s smartphone or smartwatch, and their home automation system:



“Completely and thoroughly networked, BUDD-e is a mobile interface which connects the vehicle with the world around it. With the BUDD-e Volkswagen has developed a vehicle that is more

1 thoroughly connected with its surroundings than any car before it. An
2 integral automotive component in the Internet of Things (IoT),
3 BUDD-e is capable of seamlessly communicating with your Smart
4 Home or office.” <http://media.vw.com/release/1122/> {emphasis
5 added}

6 ...
7 **“Don’t forget anything.** BUDD-e can remind its occupants if they
8 have forgotten anything in the car, via their smart watch and/or
9 smartphone. You can also find things in the car using “Home-Net
10 don’t forget”. Through an inventory list, the driver or passengers can
11 see everything that has been put in the car, and if they are still there.
12 The intelligent “Reminder” also informs when particular items should
13 be remembered. For example, if rain is forecast, BUDD-e will notify
14 the driver if there is an umbrella in the car. Relevant items are fitted
15 with a transmitter (a small sticker) in advance, making it possible for
16 the car to locate them. The “Home-Net don’t forget” app uses an
17 **encrypted wireless interface,** meaning that it is impossible for the
18 items to be located from outside the car, or by unauthorized users.”
19 <http://media.vw.com/release/1122/>{emphasis added}

20 The BUDD-e’s passenger tablets (shown above) also wirelessly connect with at
21 least a portion of the vehicle’s infotainment system:

22
23 “Using Wi-Fi connectivity, the BUDD-e’s passengers can access their
24 smart homes to turn on the air-conditioning, check to see if anyone’s in
25 the house, put the house in energy-saver mode, and turn the lights on or
26 off.” [http://www.motortrend.com/news/volkswagen-budd-e-concept-](http://www.motortrend.com/news/volkswagen-budd-e-concept-first-look/)
27 [first-look/](http://www.motortrend.com/news/volkswagen-budd-e-concept-first-look/) {emphasis added}

1 The BUDD-e's infotainment system also includes a Bluetooth wireless
2 interface:



14 The BUDD-e also includes an “App-Connect” functionality to enable, *inter*
15 *alia*, use of the user’s smartphone as a cellular interface and media source:
16

17 “**At home on the road.** ...With App-Connect—Volkswagen’s advanced
18 smartphone integration platform—the BUDD-e makes it possible to
19 control certain “Connected Home” functions from the car, while
20 driving.” {emphasis added}
21

22 100. Upon information and belief and by way of example, the BUDD-e
23 computerized information and display and control subsystem includes several mass
24 storage devices (e.g., flash memory, solid state drives) to support the various
25 aforementioned data processors, including for retaining the various computer programs
26 for speech recognition, home automation control, graphics display, etc. (see discussion
27 of exemplary Qualcomm Snapdragon processor above for example).
28

101. Upon information and belief and by way of example, the BUDD-e computerized information and display and control subsystem includes several wireless (short-range RF, Wi-Fi, and other) and wired data interfaces (e.g., USB-C), such as for communication with the rear display, user's tablets (discussed *supra*), user's smartphone/smartwatch, etc.:

"Both the BUDD-e concept and another VW show car, the e-Golf Touch, demonstrated coming electronics, including ... a USB Type C port for high-speed data transfers; and Volkswagen's Personalization 2.0 that saves settings for different drivers." <http://autoweek.com/article/international-ces/vw-reveals-budd-e-cs-and-it-aint-no-microbus> {emphasis added}

102. Upon information and belief and by way of example, the BUDD-e computerized information and display and control subsystem includes several capacitive touch screen input and display devices for the driver and passenger(s);

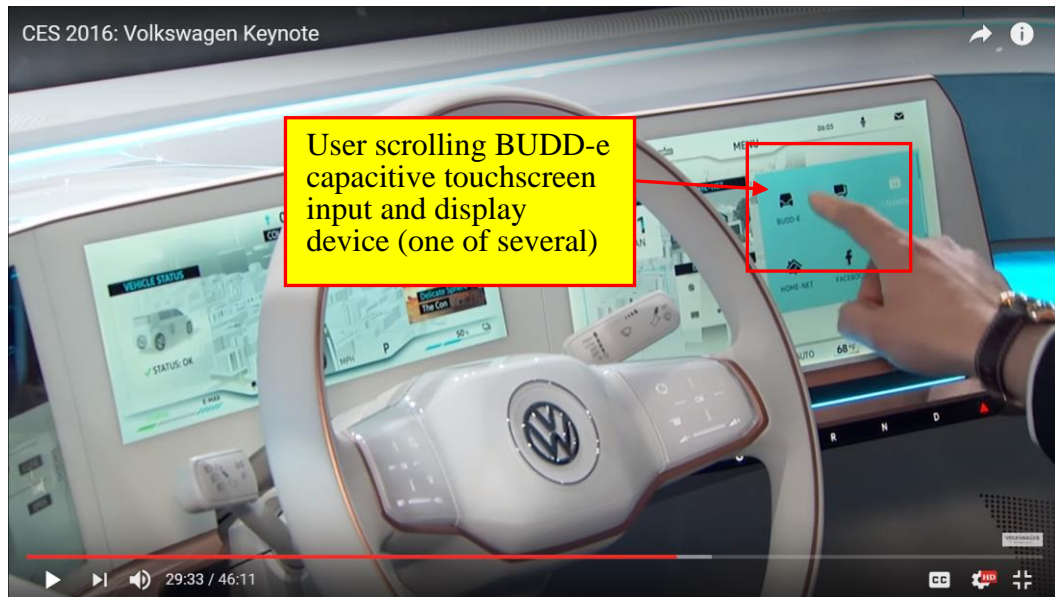
"All of BUDD-e's systems are operated intuitively by gesture control, touchscreen (displays and touch slider) or voice control. The driver can choose between various intuitive control modes (multi-modal interaction)." <http://media.vw.com/release/1122/> {emphasis added}

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103. Upon information and belief and by way of example, the BUDD-e computerized information and display and control subsystem includes several video cameras configured to generate digital video data relating to two or more regions surrounding the BUDD-e:

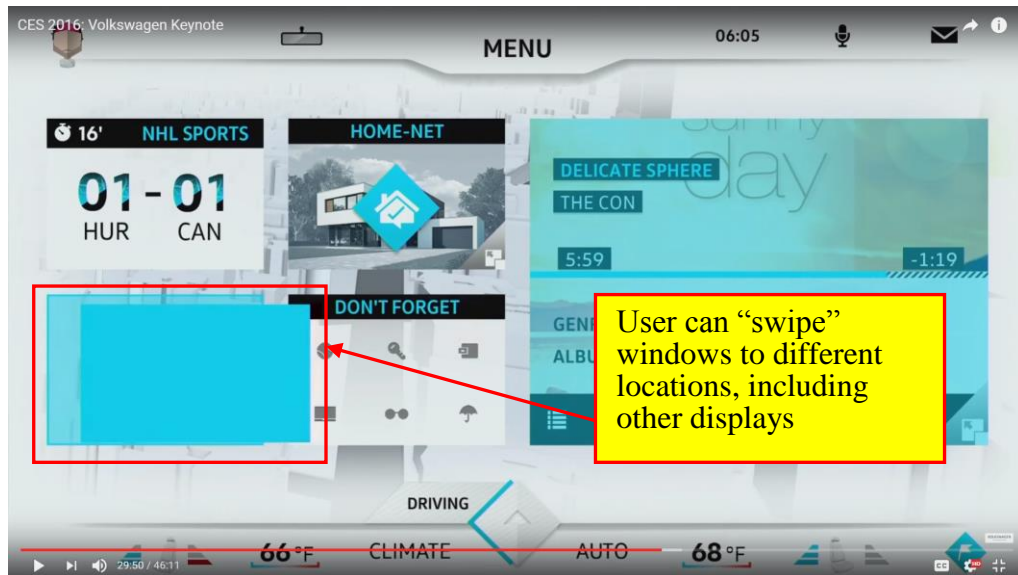
“Utilizing the latest in user interface innovation, touch and gesture control merge seamlessly and result in the removal of switches and buttons inside the cabin, individual displays that blend into large infotainment panels, and digital screens instead of analog mirrors.

...

e-Mirror. This feature integrates the displays of the digital wing mirrors (e-Mirror). Images come from two external cameras, which feed into multifunction displays. When stationary, the driver and front-seat passenger can also use these panels to open and close the electric doors. The display on the driver’s side is 7.9 inches in size and the front-seat passenger has a 5.9-inch screen.”

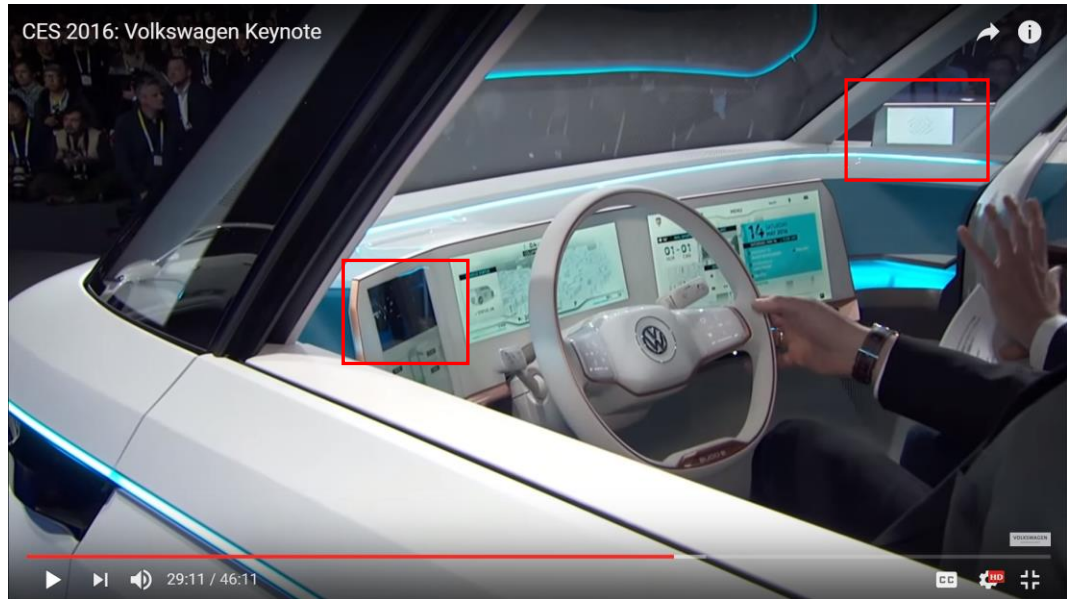
<http://media.vw.com/release/1122/>{emphasis added}

104. Upon information and belief and by way of example, the BUDD-e computerized information and display and control subsystem includes computerized logic that enables the capacitive touch screen display device(s) to simultaneously display multiple different on-screen windows (which can be both moved around on the same screen by a user, or shifted to another one of the displays):

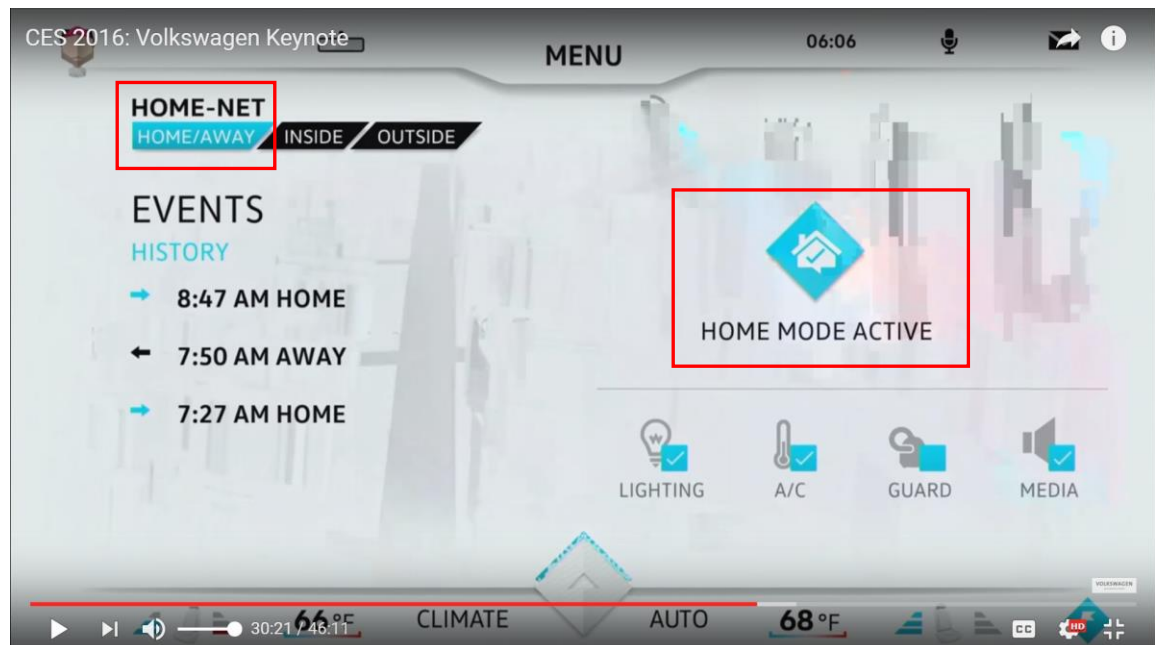


Moreover, the BUDD-e includes two lateral touch-screen displays, each displaying respective digital video data from the two “wing” cameras:

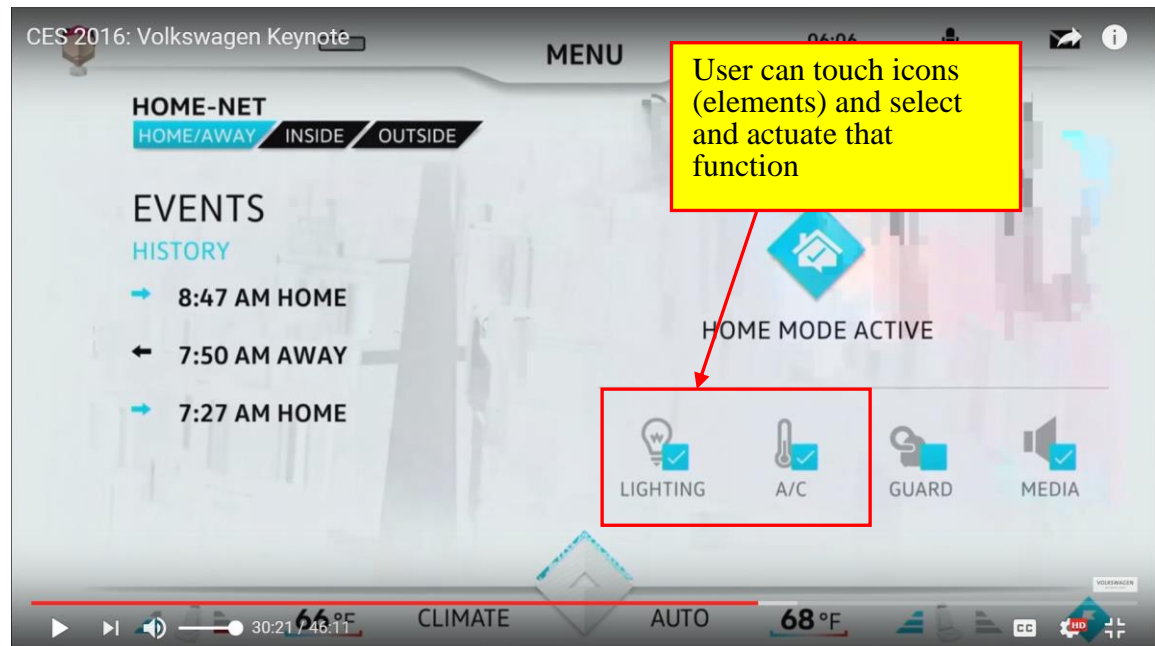
“**e-Mirror.** This feature integrates the displays of the digital wing mirrors (e-Mirror). Images come from two external cameras, which feed into multifunction displays. When stationary, the driver and front-seat passenger can also use these panels to open and close the electric doors. The display on the driver’s side is 7.9 inches in size and the front-seat passenger has a 5.9-inch screen.”
<http://media.vw.com/release/1122/>{emphasis added}



105. Upon information and belief and by way of example, the BUDD-e computerized information and display and control subsystem also includes computerized logic (e.g., software/firmware) that actuates one or more environmental control functions associated with a premises of the user (e.g., home or office):



106. Upon information and belief and by way of example, the BUDD-e displays on at least one of its capacitive touch screen input and display devices, display elements corresponding to the one or more environmental control functions:



107. Upon information and belief and by way of example, the BUDD-e computerized information and display and control subsystem wirelessly transmits to the “cloud” data relating to the user’s input to cause remote actuation at the premises of e.g., the lighting or air conditioner/heater at the premises:

“Using Wi-Fi connectivity, the BUDD-e’s passengers can access their smart homes to turn on the air-conditioning, check to see if anyone’s in the house, put the house in energy-saver mode, and turn the lights on or off.” <http://www.motortrend.com/news/volkswagen-budd-e-concept-first-look/> {emphasis added}

108. Upon information and belief and by way of example, the BUDD-e computerized information and display and control subsystem includes a short-range radio frequency apparatus that can receive data uniquely identifying a portable radio

1 frequency device of the user (i.e., “smart key”) and, based on data from that device,
 2 authenticate the user and enable one or more functions within the BUDD-e, including
 3 the ability to turn on and utilize the environmental control functions via the capacitive
 4 touch screen shown above:

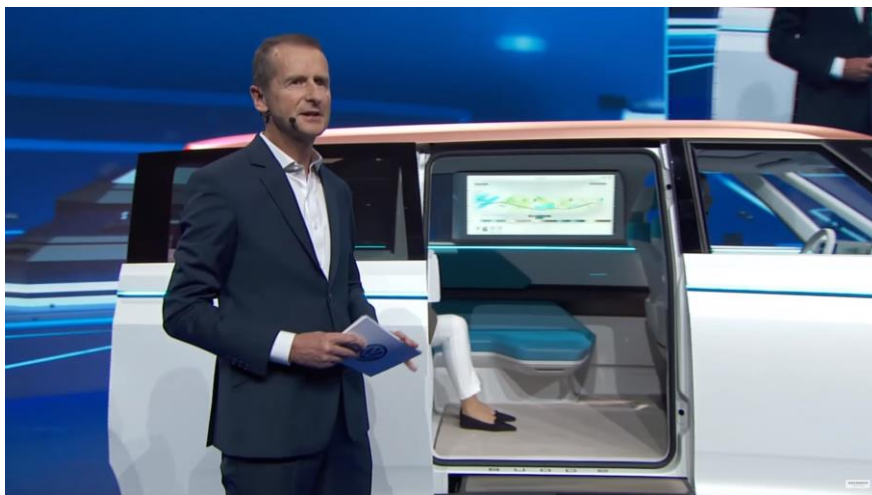
5
 6 **“Smart Gesture.** ... Functionality will include in-car control
 7 functions which operate certain things at home. A good example of
 8 this is the familiar “Easy Open” function, where the BUDD-e can use
 9 a laser to project a virtual footprint in front of its hatch. If an
 10 **authorized** user kicks this position, the hatch opens automatically.”

11 <http://media.vw.com/release/1122/>{emphasis added}

12 The BUDD-e also can wirelessly authenticate a user to enable opening of the
 13 rear “mailbox”:

14
 15 “The vehicle “reads” an access code to open the Drop Box for
 16 authorized parcel delivery services, using a digital key, essentially
 17 making the vehicle a mobile mailbox.”

18 <http://media.vw.com/release/1122/>{emphasis added}



27 *“The car literally recognizes you”* (upon opening outer door with gesture)
 28

“Both sliding side and rear doors are opened by gesturing at them rather than contacting any part of the van or key fob.”

<http://www.goauto.com.au/mellor/mellor.nsf/story2/23D4B7DEAB7BEDDFCA257F33000A7223> {emphasis added}

The BUDD-e system also includes a short-range wireless receiver/transceiver for locating items, and its use is limited (via encryption) to only an authorized user:

“The intelligent “Reminder” also informs when particular items should be remembered. ... Relevant items are fitted with a transmitter (a small sticker) in advance, making it possible for the car to locate them. The “Home-Net don’t forget” app uses an encrypted wireless interface, meaning that it is impossible for the items to be located from outside the car, or by unauthorized users.”

<http://media.vw.com/release/1122/>{emphasis added}

109. Upon information and belief and by way of example, the BUDD-e computerized information and display and control subsystem can establish a temporary data link with the user’s portable electronic device (e.g., smartphone, smartwatch, passenger tablet, etc. as discussed *supra*) via one or more of the data interfaces (Wi-Fi, USB-C, etc.) so as to enable data transfer between the portable device and the BUDD-e sub-system. For example:

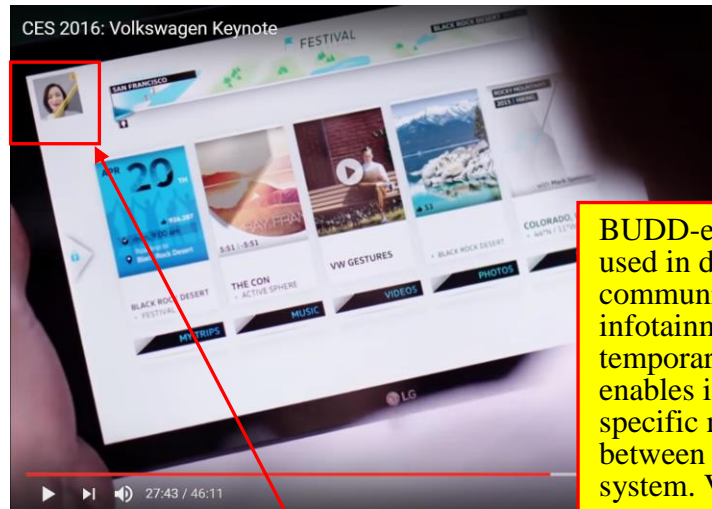
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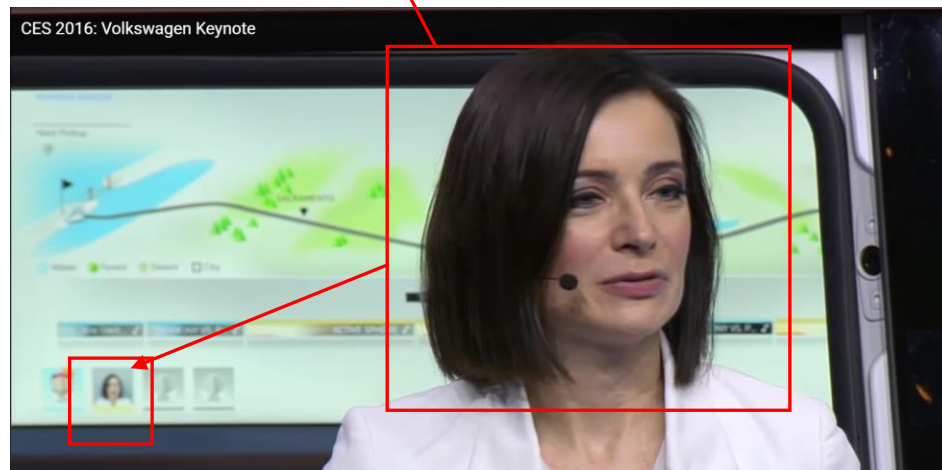
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BUDD-e app equipped tablet used in demonstration communicates with vehicle infotainment system via a temporary Wi-Fi link, and enables interchange of user-specific media and other data between the tablet and system. Vehicle infotainment system maintains user-specific profile.



The USB-C interface can also be utilized for such transfers:

“Both the BUDD-e concept and another VW show car, the e-Golf Touch, demonstrated coming electronics, including ... a USB Type C port for high-speed data transfers; and Volkswagen’s Personalization 2.0 that saves settings for different drivers.”
<http://autoweek.com/article/international-ces/vw-reveals-budd-e-cs-and-it-aint-no-microbus> {emphasis added}

110. Upon information and belief and by way of example, the BUDD-e

1 computerized information and display and control subsystem can initiate the data
2 transfer via the user's touch selection of a display element displayed on the capacitive
3 touch screen and display device (e.g., the user can get messages, synchronize their
4 calendar, or transfer music from their smartphone):



13 111. Upon information and belief, based on the information presently
14 available to West View Research absent discovery, in addition to and/or in the
15 alternative to direct infringement, West View Research alleges Defendant has, since
16 receiving notice of the filing and/or service of this Complaint, induced infringement
17 and continue to induce infringement of at least 10, 11, 12, 15, 16, 17, 18, 57, 58, 59,
18 66, 77, 79, 83, 84, 85, 86, 87, 88, 96, 97, 98, 99, and 102 of the '367 patent under
19 35 U.S.C. § 271(b).

20 112. Upon information and belief, Defendant has, since receiving notice of
21 the filing of the this Complaint, to actively, knowingly, and intentionally induce,
22 and continues to actively, knowingly, and intentionally induce, infringement of the
23 '367 patent by making, using, selling, offering for sale, importing, and/or otherwise
24 supplying products and/or services including the Accused Products and Services to
25 third parties, with the knowledge and specific intent that such third parties will use,
26 sell, offer for sale, and/or import, products and/or services supplied by Defendant,
27 including at least the Audi MMI and Audi connect® with Applications Products,
28

1 Audi Entertainment Mobile Products, Audi Entertainment Mobile Vehicles, Audi
2 App-enabled Services, Audi Android Auto Products, Volkswagen MIB Products,
3 Volkswagen Cross Vehicles, Volkswagen Media Control Tablet/Smartphone
4 Application Products, and Volkswagen Cross with Tablet Integration Vehicles, of
5 the Accused Products and Services to directly infringe the '367 patent.

6 113. Upon information and belief, despite Defendant's knowledge of the
7 existence of the '367 patent since at least as early as the filing of this Complaint,
8 Defendant continues to encourage, instruct, enable and otherwise aid and abet third
9 parties, including but not limited to Defendant's customers and sales or technical
10 personnel, Defendant's agents, owners, and/or drivers of the Accused Products and
11 Services to use the Accused Products and Services in a manner that directly
12 infringes the '367 patent.

13 114. Upon information and belief, Defendant specifically intended that their
14 customers and sales or technical personnel, Defendant's agents, owners, and/or
15 drivers use the Accused Products and Services in such a way that directly infringes
16 the '367 patent by, at a minimum, advertising, enticing, encouraging, instructing,
17 and aiding and abetting their customers, agents, owners, and/or drivers, through the
18 publication and dissemination of marketing materials, detailed operational manuals,
19 on-line instructional videos, and/or technical assistance related to the Accused
20 Products and Services, to use, sell, offer for sale, and/or import, products and/or
21 services supplied by Defendant, including the Accused Products and Services, to
22 directly infringe the '367 patent.

23 115. Upon information and belief, Defendant knew and knows that its
24 actions, including but not limited to providing detailed operating manuals, press
25 releases, instructional on-line videos, and other literature, in relation to the Accused
26 Products, would induce, have induced, and continues to induce direct infringement
27 of the '367 patent by third parties, including but not limited to Defendant's
28 customers and sales or technical personnel, Defendant's agents, owners, and/or

1 drivers.

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

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

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

13
14 **PRAYER FOR RELIEF**

15 West View Research respectfully requests that judgment be entered in its
16 favor and against Defendant, and that the Court award the following relief to West
17 View Research:

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

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

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

27 D. A judgment and order finding that this is an exceptional case within
28 the meaning of 35 U.S.C. § 285 and awarding West View Research its reasonable

1 attorneys' fees against Defendant;

2 E. A judgment and order requiring Defendant to provide an accounting
3 and to pay supplemental damages to West View Research, including without
4 limitation, pre-judgment and post-judgment interest; and

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

6 **JURY DEMAND**

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

9
10 Dated: October 24, 2016

Respectfully submitted,

11 GAZDZINSKI & ASSOCIATES, P.C.

12 /s/ Adam Garson

13 ADAM GARSON

14 FREDERIC G. LUDWIG, III

15 Attorneys for Plaintiff WEST VIEW RESEARCH, LLC
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