

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

COLLISION AVOIDANCE  
TECHNOLOGIES INC.,

Plaintiff,

v.

FORD MOTOR COMPANY,

Defendant.

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

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Collision Avoidance Technologies Inc. (“CAT” or “Plaintiff”), for its Complaint against Ford Motor Company (“Ford” or “Defendant”) alleges the following:

**NATURE OF THE ACTION**

1. This is an action for patent infringement arising under the Patent Laws of the United States of America, 35 U.S.C. § 1 *et seq.*
2. Plaintiff is a corporation organized under the laws of the State of Delaware with a place of business at 600 Anton Blvd, Suite 1350, Costa Mesa, California 92626.
3. Upon information and belief, Ford is a corporation organized and existing under the laws of the state of Delaware, with a place of business at One American Road, Dearborn, Michigan 48126, and may be served through its registered agent, CT Corp. Systems, 1999 Bryan Street, Suite 900, Dallas, Texas 75201-3136. Upon information and belief, Ford sells and offers to sell automobiles and related products and services under the brand names “Ford” and “Lincoln” throughout the United States, including in this judicial district and in Texas, and introduces products and services into the stream of commerce that incorporate infringing technology, with

the knowledge that these products and services would be sold in this judicial district and elsewhere in the United States.

**JURISDICTION AND VENUE**

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

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

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

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

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

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

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

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

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

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

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

14. Upon information and belief, Defendant has infringed, and continues to directly infringe at least independent claim 21, and dependent claims 22 and 24 of the '803 Patent by making, using, selling, importing and/or providing and causing to be used products, including, but not limited to, Ford and Lincoln cars, sport utility vehicles, minivans, and pickup trucks that employ Ford's "Active Parking Assist." At a minimum, and without the benefit of specific discovery related to Plaintiff's claims, Plaintiff has determined that at least the following vehicles infringe at least claims 21, 22 and 24 of the '803 Patent:

<b>Ford</b>	<b>Lincoln</b>
Fusion	MKC
Escape	MKX
Explorer	MKT
F-150	Continental
Edge	
Taurus	
C-Max Hybrid	
Flex	
Focus	
Fusion-Hybrid	

15. Independent Claim 21 of the '803 Patent recites a collision avoidance system that provides object detection around the exterior of a vehicle, comprising: a control module, a plurality of transmitting devices connected to the control module, wherein each of the plurality of transmitting devices transmits a signal, a plurality of receiving devices connected to the control module, wherein each of the plurality of receiving devices receives a return representative of one of the plurality of transmitted signals and wherein each of the plurality of receiving devices transmits to the control module a return signal representative of the return received by that receiving device, and wherein the control module measures the return signals, detects an object as a function of the return signals, calculates a distance to and location of the object and displays the distance to and the location of the object.

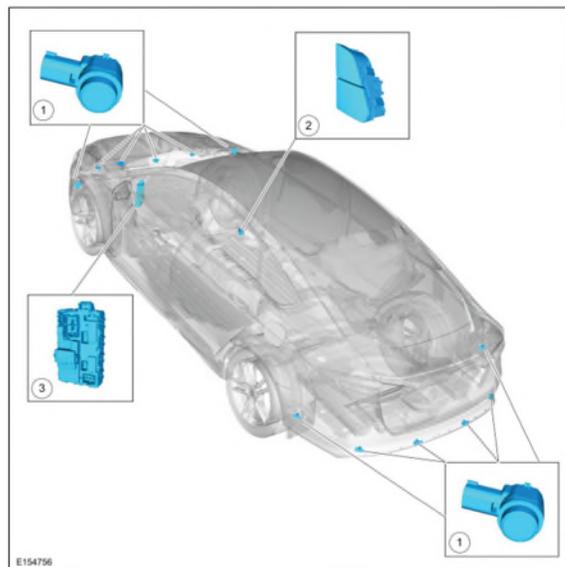
16. The accused Ford automobiles meet every limitation of claim 21 and therefore directly infringe claim 21.

17. The accused Ford and Lincoln vehicles include front and rear parking assist, which provides an alert of surrounding objects using multiple sensors in the front and rear of the vehicles equipped with the feature. In operation, the sensors, shown below in a diagram from the Ford Fusion 2014 Service Manual, include ultrasonic transmitters and receivers:

413-13B Parking Aid - Vehicles With: Active Park Assist  
 2013 - 2014 Fusion  
 Description and Operation  
 Procedure revision date: 08/1/2012

**Parking Aid - Component Location**

**Parking Aid - Active Park Assist**

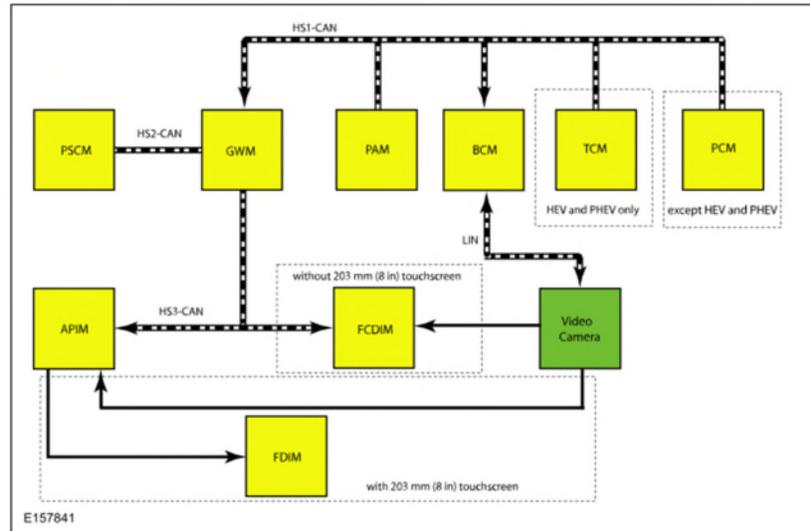


Item	Description
1	Active park assist sensors
2	Active park assist switch
3	Parking Aid Module (PAM) (integral to the BCM)

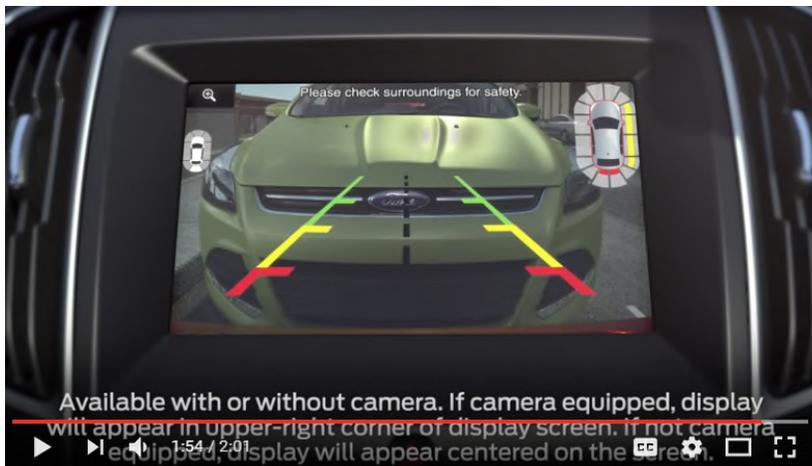
18. The transceivers are connected directly to the control module, which calculates the detection of objects in the field of the transceivers to determine the distance and location of the objects relative to the sensors. The control module in the example of the Ford Fusion is the “Parking Aid Module (PAM),” which is connected to the Front Display Interface Module, which displays the distance and location information of the object on the Front Display:

**Parking Aid - Video**

**System Diagram**



19. The display shows the relative location and distance to the object, for example, as shown in the video below, *available at* <https://www.youtube.com/watch?v=r83ayIRTTh8f>:



20. Claim 22 recites that the control module fuses data received from the plurality of sensors to detect objects within a 360° view surrounding the vehicle. The infringing Ford and Lincoln vehicles detect objects to the front, rear, and sides of the vehicles, as shown, for example in the 2017 Ford Fusion “Videos and Demos / Videos: Enhanced active park assist with parallel

and reverse perpendicular parking,” available at <http://www.ford.com/cars/fusion/gallery/videos-and-demos/Videos/enhanced-active-park-assist-with-parallel-and-reverse-perpendicular-parking/FMFT1346000H/>:



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

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

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

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

**JURY DEMAND**

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

**PRAYER FOR RELIEF**

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

- A. An adjudication that Defendant has directly infringed the '803 Patent;
- B. An award of damages to be paid by Defendant adequate to compensate Plaintiff for Defendant's past infringement of the '803 Patent, and in any event no less than a reasonable royalty, and for any continuing or future infringement through the date such judgment is entered, including interest, costs, expenses, and an accounting of all infringing acts including, but not limited to, those acts not presented at trial;
- C. A declaration that this case is exception under 35 U.S.C. § 285, and an award of Plaintiff's reasonable attorneys' fees; and
- D. An award to Plaintiff of such further relief at law or in equity as the Court deems just and proper.

Dated: January 26, 2017

Respectfully submitted,

WHITAKER CHALK SWINDLE  
& SCHWARTZ PLLC

/s/ Decker A. Cammack

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