

Blitzsafe sells its products throughout the United States including in this judicial district. Blitzsafe is the owner of all right, title, and interest in and to U.S. Patent No. 7,489,786 and U.S. Patent No. 8,155,342.

2. Upon information and belief, Defendant Subaru Corporation is a Japanese multinational conglomerate with a place of business at Ebisu Subaru Bldg. 1-20-8, Ebisu, Shibuya-ku, Tokyo 150-8554, Japan.

3. Upon information and belief, Defendant Subaru of America, Inc. is a New Jersey corporation with a place of business at Subaru Plaza, 2235 Route 70 West Cherry Hill, NJ 08002 and may be served with process through its register agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, DE 19801.

4. Upon information and belief, Defendant Fuji Heavy Industries U.S.A., Inc. is a New Jersey corporation with a place of business at Subaru Plaza, 2235 Route 70, West Cherry Hill, NJ 08002.

5. Upon information and belief, Defendant Subaru of Indiana Automotive, Inc. is an Indiana corporation with a place of business at 5500 State Road 38 East, Lafayette, IN 47905 and may be served with process through its register agent, Thomas V. Easterday, 5500 State Rd. 38 East, Lafayette, IN 47905.

6. Upon information and belief, Defendant Subaru Research & Development, Inc. is a California corporation with a place of business at 3995 Research Park Drive, Ann Arbor, MI 48108 and may be served with process through its register agent, The Corporation Company, 555 Capital Mall, STE 1000, Sacramento, CA 95814.

7. Upon information and belief, Defendant Subaru Intelligent Service Ltd. is a Japanese corporation with a place of business at 3-9-6, Osawa, Mitaka-shi, Tokyo 181-0015, Japan.

8. Upon information and belief, Defendant Subaru Auto Accessories Ltd. is a Japanese corporation with a place of business at 1-854-1, Miyahara-cho, Kitaku, Saitama-shi, Saitama, 331-0812, Japan.

JURISDICTION

9. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 1, *et seq.* This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

10. This Court has personal jurisdiction over Defendants. Defendants conduct business and have committed acts of patent infringement and/or have induced acts of patent infringement by others in this judicial district and/or have contributed to patent infringement by others in this judicial district, the State of Texas, and elsewhere in the United States.

11. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b), 1391(c) and 1400(b) because, among other things, Defendants are subject to personal jurisdiction in this judicial district, Defendants have regularly conducted business in this judicial district, and certain of the acts complained of herein occurred in this judicial district.

PATENTS-IN-SUIT

12. On February 10, 2009, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 7,489,786 (the “786 Patent”) entitled “Audio Device Integration System.”

13. On April 10, 2012, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 8,155,342 (the “342 Patent”) entitled “Multimedia Device Integration System.”

FACTUAL ALLEGATIONS

14. The patents-in-suit generally cover systems for integrating third-party audio devices and multimedia devices with a car stereo.

15. Plaintiff has complied with the requirements of 35 U.S.C. § 287(a).

16. Defendants manufacture, import, and/or sell audio and multimedia integration systems which have been installed in Subaru-branded vehicles made in or imported into the United States since at least approximately 2011, including the “Starlink” systems, as well as accessories to be installed at or after the time of delivery of the vehicle (hereinafter collectively referred to as “Infotainment Systems”). These Infotainment Systems include head units, extension modules, and iPod/iPhone and mp3 integration kits that Subaru purchases from third-party suppliers.

17. The Subaru Infotainment Systems are sold in at least the following Subaru vehicles during the period from 2011 to the present: Justy/Tutto, Legacy/Liberty, Impreza, Impreza WRX, Impreza WRX STI, Outback Sport/Gravel Express/RV, Forester, Tribeca, Trezia, Exiga, BRZ, SubaruXV, Levorg, and Subaru WRX.

18. The Infotainment Systems support the integration of third-party external audio and multimedia devices, such as MP3 players, with the car stereo. The Infotainment Systems permit an end user to connect a third-party external audio or multimedia device to the car stereo by wire, such as through a USB port or auxiliary port, or wirelessly, such as through Bluetooth. Once connected, the end user may control the third-party external audio or multimedia device

using the car stereo’s controls, and the audio from the external device may be played through the car stereo and speakers while text, pictures, visual images, and video may be displayed on the display screen of the car stereo.

19. Subaru’s user manuals, instructional videos, websites and other information demonstrate to the Subaru’s users, customers, and prospective customers how an external audio device and external multimedia device may be connected to the car stereo by wire to, for example, a USB port or wirelessly by Bluetooth, and how the external device may be controlled by the car stereo’s controls. For example, the 2012 Subaru Audio and Visual Guide downloaded from <https://www.subaru.com/owners/index.html> instructs: :

Playing the iPod-Music

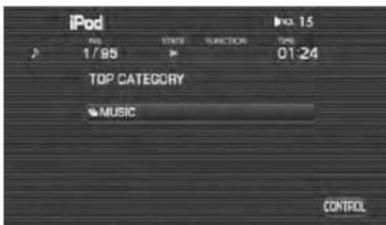
Music files stored in the memory of an externally connected iPod can be played back.

1 Change the audio source to the iPod.

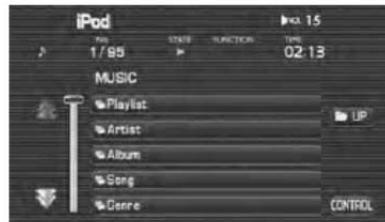
NOTE

When no iPod device is set in the in-vehicle equipment, set the iPod device.

2 Select **MUSIC** (music).



3 Select the desired category from the list.



Selecting scrolls to display 5 category positions ahead or behind.

4 Select the desired category from the list.



NOTE

When briefly pressing (category play) of the category to be played back, all the items contained in the category will be played back from the first one.

5 Select the desired file from the list.



The file selected is played back.

The first tune in the first folder in the iPod device is played back from the start.
 When the last tune in the folder is played back, the first tune in the next folder is played back.
 When the last tune in the iPod device is played back, the playback is resumed from the first tune in the lead folder.

6 Select **CONTROL** (control).



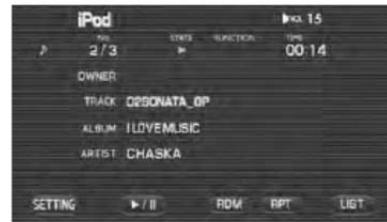
7 The tune information is displayed.



To stop playing back temporarily

An item being played back on an iPod will be paused.

1 Select **▶/||** (pause).



To stop playing back

An item being played back on an iPod will be stopped.
 When switching the iPod source to other sources, the playback of the connected iPod will be pause.

Setting the Bluetooth audio

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This function enables you to play back audio sources recorded in Bluetooth audio devices.

You need to register the in-vehicle equipment and Bluetooth audio device before using it. If you have registered two audio devices, you need to select one of them. (See Page 200)

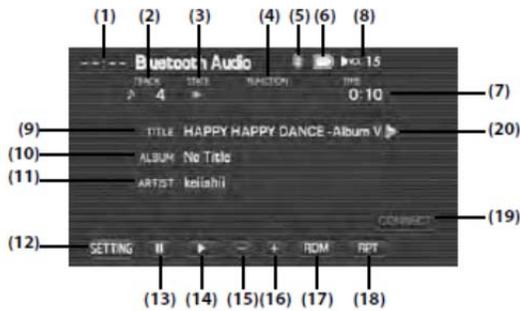
Bluetooth audio control screen display

When the Bluetooth audio screen is not displayed while playing back a Bluetooth audio file, press the [TUNE/TRACK] button to display the Bluetooth audio screen.

NOTE:

Some of the controls that are described in the following instructions depend on the Bluetooth audio device. Therefore, some of the controls may not be displayed or may be incorrectly displayed on the screen.

Selecting the screen displays the Bluetooth audio control screen.



- (1) Clock
The current time is displayed. Refer to clock setting screen "SET CLOCK" as described on Page 74.
- (2) TRACK
The number of the track being played back is displayed.

- (3) STATE
The status of the track being played back is displayed.
 - ▶: Play
 - ⏸: Pause
 - ⏹: Stop
 - ⏭: Forward search
 - ⏮: Reverse search

- (4) FUNCTION
The status of the file being played back is displayed.
 - RPT: Repeat
 - RDM: Random playback
 - SCAN: Scan

- (5) Bluetooth
The status of Bluetooth connection is displayed. One of the following three icons is displayed to show the connection status.
 - Signal strength 1 icon: Bluetooth link is not connected.
 - Signal strength 2 icon: Poor sound quality
 - Signal strength 3 icon: Good sound quality

COUNT I
(Infringement of the '786 Patent)

20. Paragraphs 1 through 19 are incorporated by reference herein as if fully set forth in their entireties.

21. Blitzsafe has not licensed or otherwise authorized Defendants to make, use, offer for sale, sell, or import any products that embody the inventions of the '786 Patent.

22. Defendants have and continue to directly infringe one or more claims of the '786 Patent, including claim 57, either literally or under the doctrine of equivalents, by making, using, offering to sell, selling and/or importing into the United States infringing Infotainment Systems without authority and in violation of 35 U.S.C. § 271.

23. Defendants have and continue to indirectly infringe one or more claims of the '786 Patent by knowingly and intentionally inducing others to directly infringe, either literally or under the doctrine of equivalents, by making, using, offering to sell, selling, and/or importing

into the United States the infringing Infotainment Systems. For example, Defendants, with knowledge that the Infotainment Systems infringe the '786 Patent at least as of the date of this Complaint, knowingly and intentionally induced, and continue to knowingly and intentionally induce, direct infringement of the '786 Patent by providing Infotainment System user manuals, product manuals, instructional videos, website information, and documentation that instruct end users how to use the Infotainment Systems, including specifically how to connect their external third-party audio and multimedia devices to the car stereo and how to control the external device using the car stereo's controls. Defendants induced infringement by others, including end users, with the intent to cause infringing acts by others or, in the alternative, with the belief that there was a high probability that others, including end users, infringe the '786 Patent, but while remaining willfully blind to the infringement.

24. Defendants have and continue to indirectly infringe one or more claims of the '786 Patent by contributing to the direct infringement, either literally or under the doctrine of equivalents, by others, including end users, by offering to sell, selling, and/or importing into the United States the infringing Infotainment Systems and with the knowledge, at least as of the date of this Complaint, that the Infotainment Systems contain components that constitute a material part of the inventions claimed in the '786 Patent. Such components include, for example, interfaces that permit an end user to use a car stereo's controls to control an external third party audio device and multimedia device. Defendants know that these components are especially made or especially adapted for use in an infringement of the '786 Patent and that these components are not a staple article or commodity of commerce suitable for substantial non-infringing use. Alternatively, Defendants believed there was a high probability that others would infringe the '786 Patent, but remained willfully blind to the infringing nature of others' actions.

25. Blitzsafe has suffered damages as a result of Defendants' direct and indirect infringement of the '786 Patent in an amount to be proved at trial.

26. Blitzsafe has suffered, and will continue to suffer, irreparable harm as a result of Defendants' infringement of the '786 Patent, for which there is no adequate remedy at law, unless Defendants' infringement is enjoined by this Court.

27. Defendants have committed and continue to commit acts of infringement that Defendants actually knew or should have known constituted an unjustifiably high risk of infringement of at least one valid and enforceable claim of the '786 Patent. Upon information and belief, Defendants had actual knowledge of the '786 Patent from prior litigations accusing products made by Infotainment System suppliers of Defendants, and prior litigations in which their Infotainment System suppliers were involved as third parties. Defendants' infringement of the '786 Patent has been and continues to be willful, entitling Blitzsafe to an award of treble damages, reasonable attorney fees, and costs in bringing this action.

COUNT II
(Infringement of the '342 Patent)

28. Paragraphs 1 through 19 are incorporated by reference herein as if fully set forth in their entireties.

29. Blitzsafe has not licensed or otherwise authorized Defendants to make, use, offer for sale, sell, or import any products that embody the inventions of the '342 Patent.

30. Defendants have and continue to directly infringe one or more claims of the '342 Patent, including claim 49, either literally or under the doctrine of equivalents, by making, using, offering to sell, selling, and/or importing into the United States infringing Infotainment Systems without authority and in violation of 35 U.S.C. § 271.

31. Defendants have and continue to indirectly infringe one or more claims of the '342 Patent by knowingly and intentionally inducing others to directly infringe, either literally or under the doctrine of equivalents, by making, using, offering to sell, selling, and/or importing into the United States the infringing Infotainment Systems. For example, Defendants, with knowledge that the Infotainment Systems infringe the '342 Patent, at least as of the date of this Complaint, knowingly and intentionally induced, and continue to knowingly and intentionally induce, direct infringement of the '342 Patent by providing Infotainment System operating manuals, product manuals, instructional videos, website information, and documentation that instruct end users how to use the Infotainment Systems, including specifically how to connect external third-party audio and multimedia devices to the car stereo and how to control the external device using the car stereo's controls. Defendants induced infringement by others, including end users, with the intent to cause infringing acts by others or, in the alternative, with the belief that there was a high probability that others, including end users, infringe the '342 Patent, but while remaining willfully blind to the infringement.

32. Defendants have and continue to indirectly infringe one or more claims of the '342 Patent by contributing to the direct infringement, either literally or under the doctrine of equivalents, by others, including end users, by offering to sell, selling, and/or importing into the United States infringing Infotainment Systems, with the knowledge, at least as of the date of this Complaint, that the Infotainment Systems contain components that constitute a material part of the inventions claimed in the '342 Patent. Such components include, for example, interfaces that permit an end user to use a car stereo's controls to control an external third-party audio device. Defendants know that these components are especially made or especially adapted for use in an infringement of the '342 Patent and that these components are not a staple article or commodity

of commerce suitable for substantial non-infringing use. Alternatively, Defendants believed there was a high probability that others would infringe the '342 Patent, but remained willfully blind to the infringing nature of others' actions.

33. Blitzsafe has suffered damages as a result of Defendants' direct and indirect infringement of the '342 Patent in an amount to be proved at trial.

34. Blitzsafe has suffered, and will continue to suffer, irreparable harm as a result of Defendants' infringement of the '342 Patent, for which there is no adequate remedy at law, unless Defendants' infringement is enjoined by this Court.

35. Defendants have committed and continue to commit acts of infringement that Defendants actually knew or should have known constituted an unjustifiably high risk of infringement of at least one valid and enforceable claim of the '342 Patent. Upon information and belief, Defendants had actual knowledge of the '342 Patent from prior litigations accusing products made by Infotainment System suppliers of Defendants, and prior litigations in which their Infotainment System suppliers were involved as third parties. Defendants' infringement of the '786 Patent has been and continues to be willful, entitling Blitzsafe to an award of treble damages, reasonable attorney fees, and costs in bringing this action.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury for all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Blitzsafe prays for relief against Defendants as follows:

- a. Entry of judgment declaring that Defendants have directly and/or indirectly infringed one or more claims of each of the patents-in-suit;
- b. An order pursuant to 35 U.S.C. § 283 permanently enjoining Defendants, their

officers, agents, servants, employees, attorneys, and those persons in active concert or participation with them, from further acts of infringement of the patents-in-suit;

c. An order awarding damages sufficient to compensate Blitzsafe for Defendants' infringement of the patents-in-suit, but in no event less than a reasonable royalty, together with interest and costs;

d. Entry of judgment declaring that this case is exceptional and awarding Blitzsafe its costs and reasonable attorney fees under 35 U.S.C. § 285; and

e. Such other and further relief as the Court deems just and proper.

Dated: May 12, 2017

Respectfully submitted,

MCKOOL SMITH, P.C.

/s/ Samuel F. Baxter

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