

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

KITT HOLDINGS INC.	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	Civil Action No.: 1:17-cv-2421
	)	
	)	
MOBILEYE N.V.,	)	
	)	JURY TRIAL DEMANDED
Defendant.	)	
	)	

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff KITT HOLDINGS INC. (“KITT” or “Plaintiff”), by and through its attorneys, Brannon Sowers & Cracraft, PC, and Mattingly Burke Cohen & Biederman LLP, hereby submits its Complaint against Defendant Mobileye N.V. (“Mobileye NV”), (“Mobileye” or “Defendant”) and alleges as follows:

**NATURE OF THE ACTION**

1. This is a civil action arising in part under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*, and, in particular, 35 U.S.C. § 271.
2. KITT seeks injunctive relief and monetary damages resulting from Defendant’s infringement of its patent rights under United States Patent No. 6,240,346, as set forth more fully below.

**THE PARTIES**

3. KITT is an Indiana company with its principal place of business in Indianapolis, Indiana, and accordingly, KITT is a citizen of the State of Indiana.
4. Defendant Mobileye NV is a foreign corporation organized under the laws of the

Netherlands and has a principal place of business at Har Hotzvim, 13 Hartom Street, P.O. Box 45157, Jerusalem, Israel 9777513.

### **JURISDICTION**

5. This Court has exclusive subject matter jurisdiction over the claims asserted herein pursuant to 28 U.S.C. §§ 1331 and 1338(a).

6. This Court has personal jurisdiction over Mobileye, which does business within the State of Indiana and within this Judicial District, committed acts of infringement within this Judicial District, advertised or otherwise promoted its accused products as available in this Judicial District, and placed its products within the stream of commerce with the expectation and/or knowledge that such products would be purchased by customers and/or used by customers within this Judicial District.

7. Mobileye maintains a website ([www.mobileye.com](http://www.mobileye.com)) that promotes, or at one time promoted, its lines of Advanced Drive Assistance System Products.

8. Mobileye works through a series of suppliers including Delphi Automotive, which maintains manufacturing and testing facilities in the Judicial District, to supply Mobileye products to vehicle manufacturers.

9. Mobileye also maintains a series of authorized Mobileye installers throughout the United States and within this judicial district that install Mobileye products into vehicles on an aftermarket basis.

10. Defendant, individually or through its agents and authorized suppliers and dealers, solicit orders for, and/or offer to sell, and/or sell, the Mobileye products to, entities and individuals in the United States, including entities and individuals located within this Judicial District.

11. Mobileye's conduct as alleged herein has been systematic and continuous within the Southern District of Indiana.

**VENUE**

12. Venue in this Judicial District is proper under 28 U.S.C. § 1391(b), in that a substantial part of the events that give rise to this action occurred and continue to occur in this Judicial District and Mobileye, a foreign company, is subject to jurisdiction in this Judicial District.

13. Venue is proper in this Judicial District pursuant to 28 U.S.C. §§ 1391(b) and (d) and 1400(b) because various acts and transactions constituting at least a substantial portion of the claims arose in this Judicial District. Venue is also proper in this Judicial District because Defendant is subject to personal jurisdiction in this Judicial District pursuant to 28 U.S.C. § 1391(c).

**U.S. PATENT NO. 6,240,346**

14. United States Patent No. 6,240,346 (the “‘346 patent”), entitled “System with Right Display and Data Recorder for Monitoring Vehicle in Relation to Adjacent Vehicle,” was duly and legally issued. A true and correct copy of the ‘346 patent is attached hereto as Exhibit 1.

15. Gary Pignato (“Pignato”) was the original owner of all rights, title and interests in the ‘346 patent, including the right to sue thereon and the right to recover for infringement thereof.

16. Pignato lawfully assigned his rights to the ‘346 patent to KITT and Pignato remains the sole shareholder of KITT.

17. The subject matter of the ‘346 patent generally relates to systems and devices for monitoring, storing, and analyzing data indicative of certain parameters of neighboring vehicles—such as speed and proximity to a resident vehicle—and generating output signals responsive to these data.

18. The claims of the ‘346 patent are generally directed to systems that relate to

monitoring certain parameters of vehicles proximate to a resident vehicle, generating data indicative of the parameters, analyzing data encoding information indicative of the parameters, and generating one or more signals configured to indicate the result of these analyses; and/or devices configured to record and/or store data collected data.

19. Defendant had prior knowledge of the '346 patent.

20. In 2007, Pignato wrote to Mobileye identifying the '346 patent and the raising potential of Mobileye licensing Plaintiff's technology.

21. Mobileye's I.P. Manager, who worked out of Mobileye's Jerusalem offices, acknowledged the '346 patent, acknowledged that Mobileye examined the '346 patent, and declined to license the '346 patent because it was not of "strategic value" to Mobileye at the time.

22. Pignato filed suit against Mobileye in this Judicial District, Civil Action 1:16-cv-800-WTL-DML.

23. After Mobileye raised concerns about the patentability of the '346 patent, Pignato chose to have the '346 patent reexamined.

24. The U.S. Patent Office reissued the '346 patent, as amended and after a few of its claims were canceled, on or about June 13, 2017. *See* Exhibit 2, which is a true and accurate copy of the Ex Parte Reexamination Certificate.

#### **DEFENDANT'S INFRINGING ACTIVITIES AND ACCUSED PRODUCTS**

25. Mobileye refused to license Plaintiff's technology and instead chose to manufacture, make, market, and sell lines of products that when properly installed in a vehicle infringe multiple claims of the '346 patent.

26. Certain of Defendant's driver assistance systems (the "Accused Driver Assistance Lines") include Forward Collision Warning ("FCW"), Urban Forward Collision Warning ("UFCW"), and Headway Monitoring and Warning ("HMW") technologies requiring a camera

or cameras or like sensors, an electronic memory, and electronic controller connected to the camera or like sensor and the electronic memory. *See*

<https://web.archive.org/web/20160325075952/http://www.mobileye.com/technology/processing-platforms/system-configurations/> (illustrating system configurations for products that include sensors/cameras, memory, and proprietary controller (e.g., EyeQ®, EyeQ2®, SeeQ®, SeeQ2® controller units);

<https://web.archive.org/web/20160325073930/http://www.mobileye.com/technology/processing-platforms/> (stating the above referenced technology is incorporated into commercial and OEM products).

27. Defendant, individually or in concert with others, such as Delta Automotive, promotes, advertises for sale, offer for sale, imports, sells and/or uses within the United States the Accused Driver Assistance Lines. *See*

<https://web.archive.org/web/20160405112058/http://www.mobileye.com/markets/> (providing a list of markets to which Defendant's products are available). The Accused Driver Assistance Lines are intended to be installed in vehicles. *See e.g.,*

<https://web.archive.org/web/20160405112634/http://www.mobileye.com/about/>.

28. The Accused Driver Assistance Lines also can be purchased and in fact are purchased as an integral part of new vehicles and/or can be installed as an aftermarket item on most vehicles.

<https://web.archive.org/web/20160405112053/http://www.mobileye.com/markets/fleet-management-systems-providers/>

29. Plaintiff's technology allowed Mobileye to enter into partnerships with several auto manufacturers to include Accused Driver Assistance Lines in their vehicles.

30. At least one of the automobile manufacturers that have entered into commercial

arrangements with Mobileye, either individually or in concert with others, directly infringed at least independent claims 17 and 18, and one or more dependent claims of the '346 patent, including, without limitation, dependent claim 22 and 26 by advertising for sale, offering for sale, importing, selling and/or using within the United States vehicles that include a properly installed product from the Accused Driver Assistance Lines.

31. The Accused Driver Assistance Lines are also sold and installed as aftermarket items for automobiles and other vehicles through Mobileye's nationwide network of dealerships.

*E.g.,*

<https://web.archive.org/web/20160405112610/http://www.mobileye.com/products/mobileye-shield-plus/> ; *see also* <http://www.autosonics.net/mobileye.htm> (licensed installer of Mobileye technology located in the Southern District of Indiana).

32. Mobileye's infringement is so complete that each and every claim element of independent claim I of the '346 patent is present, either literally or under the doctrine of equivalents, in vehicles that include Accused Driver Assistance Lines.

33. Further, each and every claim element of one or more of dependent claims through of the '346 patent is present, either literally or under the doctrine of equivalents, in vehicles that include Accused Driver Assistance Lines. For example, and without limitation, each and every claim element of dependent claim 38 of the '346 patent is present, either literally or under the doctrine of equivalents, in Accused Driver Assistance Lines when properly installed in a vehicle.

#### **COUNT I: DIRECT INFRINGEMENT OF THE '346 PATENT**

34. Plaintiff realleges and incorporates Paragraphs 1 through 33 of this Complaint as if specifically set forth herein.

35. Mobileye, individually or in concert with others, directly infringed at least

independent claims 17 and 18, and one or more dependent claims of the '346 patent, including, without limitation, dependent claim 22 and 26 by advertising for sale, offering for sale, importing, selling and/or using within the United States infringing products from its Accused Driver Assistance Lines when properly installed in a vehicle.

36. Mobileye's infringement of the '346 patent has been willful because Mobileye had knowledge of the '346 patent as early as 2007 and continued to infringe the '346 patent despite this knowledge. At the very least, Mobileye's infringement has been willful from and after receipt of the complaint filed against Mobileye in this Judicial District, Civil Action 1:16-cv-800-WTL-DML.

37. Mobileye's activities injured and continue to injure Plaintiff and, as a result thereof, Plaintiff is entitled to recover damages adequate to compensate it for the infringement complained of herein, including lost profits, but in no event less than a reasonable royalty.

38. Mobileye's complained-of activities caused and continue to cause Plaintiff substantial damage and irreparable injury by virtue of its past and on-going infringement.

**COUNT II: INDUCEMENT TO INFRINGE THE '346 PATENT**

39. Plaintiff realleges and incorporates Paragraphs 1 through 33 of this Complaint as if specifically set forth herein.

40. Defendant knew of and examined the '346 patent in 2007.

41. Despite this knowledge actively induced infringement of the '346 Patent by advertising for sale, offering to sell, selling and/or importing into the United States and this Judicial District products from the Accused Driver Assistance Lines, and providing instructions for installing products from the Accused Driver Assistance Lines, which directly infringe at least independent claims 17 and 18, and one or more dependent claims of the '346 patent, including, without limitation, dependent claims 22 and 26 of the '346 patent.

42. Defendant's induced the installation of products from the Accused Driver Assistance Lines into vehicles within the United States and within this Judicial District, which infringes at least independent claims 17 and 18, and one or more dependent claims of the '346 patent, including, without limitation, dependent claims 22 and 26 of the '346 patent.

43. Defendant knew that the sales of products from the Accused Driver Assistance Lines would actively induce actual infringement of the patent.

44. Defendant's activities injured and continue to injure Plaintiff and, as a result thereof, Plaintiff is entitled to recover damages adequate to compensate it for the infringement complained of herein, including lost profits, but in no event less than a reasonable royalty.

45. Defendant's complained-of activities caused and continue to cause Plaintiff substantial damage and irreparable injury by virtue of its past and on-going infringement.

**COUNT III: CONTRIBUTORY INFRINGEMENT OF THE '346 PATENT**

46. Plaintiff realleges and incorporates Paragraphs 1 through 40 of this Complaint as if specifically set forth herein.

47. Mobileye offered for sale, sold and/or imported within the United States and within this Judicial District products from the Accused Driver Assistance Lines, which became and continue to become material parts of vehicles which directly infringe the '346 patent.

48. Mobileye's products from the Accused Driver Assistance Lines were especially made to be mounted in vehicles, which directly infringes at least independent claims 17 and 18, and one or more dependent claims of the '346 patent, including, without limitation, dependent claim 22 and 26 of the '346 patent.

49. Mobileye's products from the Accused Driver Assistance Lines were installed in vehicles within the United States and within this Judicial District, which directly infringes at least independent claims 17 and 18, and one or more dependent claims of the '346 patent, including,

without limitation, dependent claims 22 and 26 of the '346 patent.

50. Mobileye's products from the Accused Driver Assistance Lines are not a staple article or commodity of commerce suitable for substantial non-infringing use.

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a jury trial of all issues in the above-captioned action which are triable to a jury.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff KITT Holdings, Inc. prays for relief against Defendant Mobileye N.V. as follows:

1. Judgment that Defendant directly infringed one or more claims of the '346 patent;
2. Judgment that Defendant actively induced infringement one or more claims of the '346 patent;
3. Judgment that Defendant contributorily infringed one or more claims of the '346 patent;
4. A preliminary and permanent injunction enjoining Defendant, its officers, agents, servants, employees, representatives, licensees, successors, assigns, and those persons in active concert or participation with any of them, from directly or indirectly infringing the '346 patent.
5. Awarding Plaintiff damages adequate to compensate him for the infringement of the patent, but in no event less than a reasonable royalty for use of the invention together with interest and costs under 35 U.S.C. § 284;
6. Awarding pre-judgment and post-judgment interest on the damages assessed;
7. Awarding treble damages on the damages assessed if the infringement is determined

to be willful;

8. Declaring that this action be an exceptional case pursuant to 35 U.S.C. § 285 and awarding Plaintiff its attorneys' fees;
9. Awarding Plaintiff its costs; and
10. Awarding to Plaintiff such other and further relief as the Court deems just and proper.

Dated: July 18, 2017

Respectfully submitted,

/s/ Sean P. Burke

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