

1 Nada I. Shamonki (SBN 205359)
nshamonki@mintz.com
2 MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO P.C.
2029 Century Park East, Suite 1370
3 Los Angeles, CA 90067
Telephone: 310-586-3200
4 Facsimile: 310-586-3202

5 Attorneys for Plaintiff
Intellectual Ventures II LLC
6
7

8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10 **WESTERN DIVISION**
11

12 _____)
13 INTELLECTUAL VENTURES II LLC,)

14 Plaintiff,)

15 v.)

16)
17 TOYOTA MOTOR CORPORATION;)
TOYOTA MOTOR NORTH)
18 AMERICA, INC.; TOYOTA MOTOR)
19 SALES, U.S.A., INC.; TOYOTA)
MOTOR ENGINEERING &)
20 MANUFACTURING NORTH)
21 AMERICA, INC.; TOYOTA MOTOR)
MANUFACTURING, INDIANA, INC.;)
22 AND TOYOTA MOTOR)
23 MANUFACTURING KENTUCKY,)
INC.,)

24)
25 Defendants.)
26 _____)

Case No. 2:17-cv-7681

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

1 Intellectual Ventures II LLC (“IV” or “Plaintiff”), brings this action for
2 patent infringement against Defendants Toyota Motor Corporation, Toyota Motor
3 North America, Inc., Toyota Motor Sales, U.S.A., Inc., Toyota Motor Engineering
4 & Manufacturing North America, Inc., Toyota Motor Manufacturing, Indiana, Inc.,
5 and Toyota Motor Manufacturing, Kentucky, Inc. (“Toyota” or “Defendants”), and
6 alleges as follows:

7 **NATURE OF THE ACTION**

8 1. This is an action for patent infringement under the patent laws of the
9 United States, Title 35 of the United States Code, including 35 U.S.C. § 281. IV
10 seeks remedies for Defendants’ infringement of IV’s U.S. Patent Nos. 7,067,944
11 (“the ’944 Patent”), 7,067,952 (“the ’952 Patent”), 7,154,200 (“the ’200 Patent”),
12 7,683,509 (“the ’509 Patent”), and 7,928,348 (“the ’348 Patent”) (collectively, the
13 “Patents-in-Suit”).

14 **THE PARTIES**

15 2. Intellectual Ventures II LLC is a Delaware limited liability company,
16 with a principal place of business at 3150 139th Ave. SE, Bldg. 4, Bellevue, WA
17 98005.

18 3. Upon information and belief, Toyota Motor Corporation is a
19 corporation organized and existing under the laws of Japan, with its principal place
20 of business at 1 Toyota-cho, Toyota-shi, Aichi-ken 471-8571, Japan.

21 4. Upon information and belief, Toyota Motor North America, Inc. is a
22 New York corporation headquartered at 1114 Avenue of the Americas, Ste. 4115,
23 41st Floor, New York, NY 10036.

24 5. Upon information and belief, Toyota Motor Sales, U.S.A., Inc. is a
25 California corporation headquartered at 19001 S. Western Ave. Torrance, CA
26 90501.

27
28

1 60/172,287 filed on December 17, 1999. A copy of the '944 Patent is attached
2 hereto as Exhibit 1.

3 14. United States Patent No. 7,067,952 is entitled "Stator assembly made
4 from a molded web of core segments and motor using same," and issued June 27,
5 2006 to inventor Griffith D. Neal. The '952 Patent issued from United States
6 Patent Application No. 10/383,219 filed on March 5, 2003. The '952 Patent claims
7 priority to U.S. Patent No. 7,036,207 filed on March 2, 2001. A copy of the '952
8 Patent is attached as Exhibit 2.

9 15. United States Patent No. 7,154,200 is entitled "Motor," and issued
10 December 26, 2006 to inventor Griffith D. Neal. The '200 Patent issued from
11 United States Patent Application No. 11/439,733 filed on May 23, 2006. The '200
12 Patent claims priority to U.S. provisional application serial number 60/146,446
13 filed on July 29, 1999. A copy of the '200 Patent is attached as Exhibit 3.

14 16. United States Patent No. 7,683,509 is entitled "Electromagnetic
15 device with open, non-linear heat transfer system," and issued March 23, 2010 to
16 inventor Griffith D. Neal. The '509 Patent issued from United States Patent
17 Application No. 11/489,914 filed on July 19, 2006. A copy of the '509 Patent is
18 attached as Exhibit 4.

19 17. United States Patent No. 7,928,348 is entitled "Electromagnetic
20 device with integrated fluid flow path," and issued April 19, 2011 to inventor
21 Griffith D. Neal. The '348 Patent issued from United States Patent Application
22 No. 11/489,911 filed on July 19, 2006. A copy of the '348 Patent is attached as
23 Exhibit 5.

24 18. IV is the lawful assignee and owner of all right, title and interest in
25 and to the '944 Patent, the '952 Patent, the '200 Patent, the '509 Patent, and the
26 '348 Patent.

27
28

1 Exemplary Toyota Products practice, in whole or in material part, the technology
2 claimed by the '952 Patent. Accordingly, the Exemplary Toyota Products infringe
3 at least exemplary claims 10 and 12 of the '952 Patent.

4 36. IV is entitled to recover damages adequate to compensate for Toyota's
5 infringement.

6 **COUNT III**

7 **(Toyota's Infringement of the '200 Patent)**

8 37. Paragraphs 1 through 36 are incorporated by reference as if fully
9 restated herein.

10 38. IV is the assignee and lawful owner of all right, title, and interest in
11 and to the '200 Patent.

12 39. The '200 Patent is valid and enforceable.

13 40. Toyota has infringed, and is still infringing, the '200 Patent in at least
14 this District by making, using, offering to sell, selling and/or importing Accused
15 Products that infringe at least claims 1, 2, 4, 6, and 7 of the '200 Patent (the
16 "Exemplary '200 Patent Claim") literally or by the doctrine of equivalents.

17 41. On information and belief, Toyota directly infringes the '200 Patent
18 by designing, manufacturing, and selling the Exemplary Toyota Products.

19 42. Exhibits 17-22 include charts comparing exemplary claims 1, 2, 4, 6,
20 and 7 of the '200 Patent to the Exemplary Toyota Products. As set forth in this
21 chart, the Exemplary Toyota Products practice, in whole or in material part, the
22 technology claimed by the '200 Patent. Accordingly, the Exemplary Toyota
23 Products infringe at least exemplary claims 1, 2, 4, 6, and 7 of the '200 Patent.

24 43. IV is entitled to recover damages adequate to compensate for Toyota's
25 infringement.

26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

COUNT IV

(Toyota’s Infringement of the ’509 Patent)

44. Paragraphs 1 through 43 are incorporated by reference as if fully restated herein.

45. IV is the assignee and lawful owner of all right, title and interest in and to the ’509 Patent.

46. The ’509 Patent is valid and enforceable.

47. Toyota has infringed, and is still infringing, the ’509 Patent in at least this District by making, using, offering to sell, selling and/or importing Accused Products that infringe at least claims 1, 2, 14, and 15 of the ’509 Patent (the “Exemplary ’509 Patent Claims”) literally or by the doctrine of equivalents.

48. On information and belief, Toyota directly infringes the ’509 Patent by designing, manufacturing, and selling the Exemplary Toyota Products.

49. Exhibits 23-28 include charts comparing exemplary claims 1, 2, 14, and 15 of the ’509 Patent to the Exemplary Toyota Products. As set forth in this chart, the Exemplary Toyota Products practice, in whole or in material part, the technology claimed by the ’509 Patent. Accordingly, the Exemplary Toyota Products infringe at least exemplary claims 1, 2, 14, and 15 of the ’509 Patent.

50. IV is entitled to recover damages adequate to compensate for Toyota’s infringement.

COUNT V

(Toyota’s Infringement of the ’348 Patent)

51. Paragraphs 1 through 50 are incorporated by reference as if fully restated herein.

52. IV is the assignee and lawful owner of all right, title, and interest in and to the ’348 Patent.

53. The ’348 Patent is valid and enforceable.

1 54. Toyota has infringed, and is still infringing, the '348 Patent in at least
2 this District by making, using, offering to sell, selling and/or importing Accused
3 Products that infringe at least claims 24, 25, 26, and 27 of the '348 Patent (the
4 "Exemplary '348 Patent Claim") literally or by the doctrine of equivalents.

5 55. On information and belief, Toyota directly infringes the '348 Patent
6 by designing, manufacturing, and selling the Exemplary Toyota Products.

7 56. Exhibits 29-31 include charts comparing exemplary claims 24, 25, 26,
8 and 27 of the '348 Patent to the Exemplary Toyota Products. As set forth in this
9 chart, the Exemplary Toyota Products practice, in whole or in material part, the
10 technology claimed by the '348 Patent. Accordingly, the Exemplary Toyota
11 Products infringe at least exemplary claims 24, 25, 26, and 27 of the '348 Patent.

12 57. IV is entitled to recover damages adequate to compensate for Toyota's
13 infringement.

14 **PRAYER FOR RELIEF**

15 WHEREFORE, Plaintiff respectfully requests the following relief:

- 16 a) A judgment that the '944 Patent, the '952 Patent, the '200 Patent, the
17 '509 Patent, and the '348 Patent are valid and enforceable.
- 18 b) A judgment that Defendants have infringed one or more claims of the
19 '944 Patent;
- 20 c) A judgment that Defendants have infringed one or more claims of the
21 '952 Patent;
- 22 d) A judgment that Defendants have infringed one or more claims of the
23 '200 Patent;
- 24 e) A judgment that Defendants have infringed one or more claims of the
25 '509 Patent;
- 26 f) A judgment that Defendants have infringed one or more claims of the
27 '348 Patent; and
- 28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

g) A judgment that awards Plaintiff all appropriate damages under 35 U.S.C. § 284 for Defendants’ past infringement, and any continuing or future infringement of the Patents-in-Suit, up until the date such judgment is entered, including pre or post judgment interest, costs, and disbursements as justified under 35 U.S.C. § 284 and, if necessary, to adequately compensate Plaintiff for Defendants’ infringement, an accounting:

- i. that this case be declared exceptional within the meaning of 35 U.S.C. § 285 and that Plaintiff be awarded its reasonable attorneys’ fees against Defendants that it incurs in prosecuting this action;
- ii. that Plaintiff be awarded costs, and expenses that it incurs in prosecuting this action; and
- iii. that Plaintiff be awarded such further relief at law or in equity as the Court deems just and proper.

Dated: October 20, 2017

MINTZ LEVIN COHN FERRIS GLOVSKY
AND POPEO P.C.

By: Nada Shamonki
Nada I. Shamonki

Attorneys for Plaintiff
Intellectual Ventures II LLC

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DEMAND FOR JURY TRIAL

Plaintiff hereby demands trial by jury on all claims and issues so triable.

Dated: October 20, 2017

MINTZ LEVIN COHN FERRIS GLOVSKY
AND POPEO P.C.

By: Nada Shamonki
Nada I. Shamonki

Attorneys for Plaintiff
Intellectual Ventures II LLC