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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 BMW OF NORTH AMERICA,
16 LLC, a Delaware corporation; and
BMW MANUFACTURING CO.,
17 LLC, a Delaware corporation,

18 Defendants.

CASE NO. '16CV2590 MMAAGS

**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 Defendants BMW OF NORTH AMERICA, LLC and BMW
4 MANUFACTURING CO., LLC (collectively “BMW” or “Defendants”) as
5 follows:

6 **THE PARTIES**

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

10 2. Upon information and belief, Defendant BMW OF NORTH
11 AMERICA, LLC is a corporation organized under the laws of Delaware, with its
12 principal place of business at 300 Chestnut Ridge Road, Woodcliff, New Jersey
13 07677 and a registered agent at The Corporation Trust Company, Corporation Trust
14 Center, 1209 Orange Street, Wilmington, Delaware 19801.

15 3. Upon information and belief, Defendant BMW MANUFACTURING
16 CO., LLC is a corporation organized under the laws of Delaware, with its principal
17 place of business at 1400 Highway 101 South, Greer, South Carolina 29651 and a
18 registered agent at The Corporation Trust Company, Corporation Trust Center, 1209
19 Orange Street, Wilmington, Delaware 19801.

20 **JURISDICTION AND VENUE**

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

24 5. This Court has personal jurisdiction over Defendants at least because
25 Defendants are present within or have ongoing and systematic contacts with the
26 United States, the State of California, and the Southern District of California.
27 Defendants have purposefully and regularly availed themselves of the privileges of
28 conducting business in the State of California and in the Southern District of

1 California. Plaintiff's claims for relief arise directly from Defendants' business
2 contacts and other activities in the State of California and in the Southern District of
3 California. Defendants have committed acts of patent infringement in this District,
4 and have harmed and continue to harm West View Research in this District, by,
5 among other things, using, selling, offering for sale, and/or importing infringing
6 products and/or services into this District.

7 **BACKGROUND**

8 6. West View Research owns all right, title and interest in U.S. Patent No.
9 9,299,053 (the "'053 patent") and U.S. Patent No. 9,412,367 (the "'367 patent")
10 (collectively, the "Patents-in-Suit").

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

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

15 9. The '053 patent, entitled "Portable Computerized Wireless Apparatus,"
16 was duly and legally issued by the United States Patent and Trademark Office on
17 March 29, 2016, after a full and fair examination. A copy of the '053 patent is
18 attached hereto as Exhibit A.

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

23 **LITIGATION HISTORY**

24 11. Plaintiff initiated a separate action against Defendants on Nov. 10, 2014
25 alleging infringement of several patents. See Case No. 14-CV-2670 CAB WVG.
26 That case is still pending.

27 12. The '053 and '367 patents of the present action were not asserted in the
28 aforementioned case, with the '053 patent being wholly unrelated to those patents

1 asserted in Case No. 14-CV-2670 CAB WVG (hereinafter “Previously Asserted
2 Patents”), and the ‘367 patent being a new family member of the Previously
3 Asserted Patents”. However, the claims of the ‘367 patent were allowed by the
4 USPTO after consideration of, *inter alia*: (i) all prior art (and claim charts) cited by
5 Defendants in their invalidity contentions relating to the Previously Asserted
6 Patents; (ii) all prior art and discussion cited by Defendant Audi/VW (Case No. 14-
7 CV-2668 CAB WVG) in its *Inter Partes Review* (IPR) petitions regarding the
8 Previously Asserted Patents (still pending); and (iii) each of the Court’s Orders (2)
9 granting Defendant’s Motions for Judgment on the Pleadings for the Previously
10 Asserted Patents.

11
12 **DEFENDANTS’ RELEVANT TECHNOLOGY**

13 13. Upon information and belief, Defendants make, use, sell, re-sell, offer
14 for sale, distribute, import, and/or advertise (including the provision of an interactive
15 website) their infringing products, namely vehicles and/or services and/or software
16 that include but are not limited to:

17 (1) 2013 and later (as applicable) 1-Series, 2-Series, 3-Series, 4-Series, 5-
18 Series, 6-Series, 7-Series, Z4, M-models, X-models, and i-Series with “iDrive” with
19 infotainment system including but not limited to those with “BMW
20 ConnectedDrive” and/or “BMW Assist” and/or “BMW Online” (hereinafter,
21 “BMW iDrive Products”);

22 (2) 2013 and later (as applicable) 1-Series, 2-Series, 3-Series, 4-Series, 5-
23 Series, 6-Series, 7-Series, Z4, M-models, X-models, and i-Series with “iDrive” with
24 infotainment system including but not limited to those with “BMW
25 ConnectedDrive” and/or “BMW Assist” and/or “BMW Online” used in conjunction
26 with BMW Connected, BMW Roadside (Assistance), and BMW Remote (including
27 i Remote) application programs (“apps”) (Android Only) (hereinafter, “BMW
28 iDrive Products with Applications”);

1 (3) 2016 and later (as applicable) 7-Series and other vehicles with next-
2 generation touchscreen-based iDrive navigation/infotainment system (hereinafter,
3 “Touchscreen-based iDrive Products”);

4 (4) 2016 and later (as applicable) 7-Series and other vehicles with next-
5 generation touchscreen-based navigation/infotainment system and Android-based
6 portable electronic computing device known as the BMW “Touch Command”
7 Tablet (hereinafter, “Touchscreen and Tablet Products”);

8 (5) 2016 and later (as applicable) 7-Series and other vehicles with BMW
9 “Rear Seat Entertainment Professional” system (hereinafter, “Entertainment
10 Professional Products”);

11 (6) 2016 and later (as applicable) versions of the Android-based, portable
12 electronic tablet computing device known as the BMW “Touch Command” Tablet
13 (hereinafter, “Tablet Products”);

14 (7) 2016 and later (as applicable) BMW Roadside Assistance Services
15 (hereinafter, “Roadside Services”);

16 (8) 2016 and later (as applicable) vehicles with BMW ConnectedDrive
17 technology with “Smart Home” App(s) (hereinafter, “Smart Home Products”); and

18 (9) 2016 and later (as applicable) vehicles with BMW ConnectedDrive
19 technology and Navigation System Professional and SA6AK Services and IFTTT
20 (“If-this-then-that”) Widget Activated (hereinafter, “IFTTT Widget-enabled
21 Products”).

22 14. BMW iDrive Products, BMW iDrive Products with Applications,
23 Touchscreen-based iDrive Products, Touchscreen and Tablet Products, Tablet
24 Products, Roadside Services, Smart Home Products, and IFTTT Widget-enabled
25 Products may be collectively referred to herein as the “Accused Products and
26 Services.”

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

1 16. Upon information and belief, Defendants own, operate, and/or control
2 various Internet websites, including without limitation the URL addresses
3 <http://www.bmw.com/> and <http://www.bmwusa.com> and <https://labs.bmw.com/> and
4 <http://bmwforum.bmwusa.com/> and therefore manage and/or control the contents
5 displayed thereon.

6 17. Upon information and belief, through the publication and dissemination
7 of marketing and/or promotional materials, detailed operational manuals, on-line
8 instructional videos, links or other references to application program download
9 portals such as e.g., “*Google Play*”, and/or technical assistance, Defendants entice,
10 encourage, instruct, enable and otherwise aid and abet third parties, including but
11 not limited to Defendants’ customers and sales or technical personnel, Defendants’
12 agents, owners, and/or drivers of the Accused Products and Services, to use such
13 Accused Products and Services in a manner that directly infringes the Patents-in-
14 Suit, including the ’053 patent and ’367 patent.

15 18. Upon information and belief, Defendants, through ownership and
16 control of the Internet websites <http://www.bmw.com/>, <http://www.bmwusa.com>,
17 <https://labs.bmw.com/>, and <http://bmwforum.bmwusa.com/> (and other related
18 websites), aid and abet the infringement of the ’053 and ’367 patents by past,
19 current, and prospective customers, owners, service personnel, and/or drivers of the
20 Accused Products and/or Services, through Defendants’ publication of additional
21 detailed operating manuals, instructional videos, and press releases concerning the
22 “BMW Roadside Assistance”, “BMW Assist”, “BMW Remote”, and “BMW IFTT
23 Widget-enabled” technologies. Defendants direct the attention of such customers,
24 owners, and/or drivers to these instructional, educational, and tutorial publications,
25 thereby enticing, encouraging and aiding and abetting third parties to use the “BMW
26 Roadside Assistance”, “BMW Assist”, “BMW Remote”, and “BMW IFTT Widget-
27 enabled” features disposed within or in conjunction with the Accused Products and
28 Services, in a manner that directly infringes the ’053 and ’367 patents.

1 19. By way of example, Defendants publish online resources including
2 operating instructions and explanatory videos touting BMW iDrive Navigation
3 Products with Connected Smartphone Application, at [http://www.bmw.com/com/en/
4 owners/connected_drive_services/how_to_use/index.html](http://www.bmw.com/com/en/owners/connected_drive_services/how_to_use/index.html) (a true and correct copy
5 of relevant portions of this webpage are attached hereto as Exhibit C).

6 20. By way of example, Defendants publish press releases and promotional
7 material highlighting the BMW iDrive Navigation Products with Connected
8 Smartphone Application at [https://www.press.bmwgroup.com/usa/pressDetail?
9 title=bmw-connecteddrive-broaden-of-access-and-expansion-of-services-globally-
10 will-include-benefits-for-us&outputChannelId=9&id=T0142592EN](https://www.press.bmwgroup.com/usa/pressDetail?title=bmw-connecteddrive-broaden-of-access-and-expansion-of-services-globally-will-include-benefits-for-us&outputChannelId=9&id=T0142592EN)
11 [US&left_menu_item=node_5238](#) (a true and correct copy of relevant portions of
12 this webpage are attached hereto as Exhibit D).

13 21. By way of example, Defendants publish online resources including
14 descriptions touting BMW iDrive Navigation Products with Smartphone
15 Applications (and where to obtain them online) at
16 [http://www.bmwusa.com/standard/content/innovations/bmwconnecteddrive/connect
17 eddrive.aspx?from=/Standard/Content/Innovations/BMWConnectedDriveRD.aspx&
18 return=/Standard/Content/Innovations/BMWConnectedDriveRD.aspx#view_apps](http://www.bmwusa.com/standard/content/innovations/bmwconnecteddrive/connect)
19 (A true and correct copy of relevant portions are attached hereto as Exhibit E).

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1 22. By way of example, Defendants publish online resources including
2 operating instructions and explanatory videos touting BMW iDrive Navigation
3 Products with Connected Smartphone Application, at [http://www.bmw.com/
4 com/en/insights/technology/connecteddrive/2013/](http://www.bmw.com/com/en/insights/technology/connecteddrive/2013/) (a true and correct copy of
5 relevant portions of this webpage are attached hereto as Exhibit F).

6 23. By way of example, Defendants publish and distribute user manuals for
7 BMW's iDrive Navigation Products with Connected Smartphone Application,
8 which contains detailed instructions for the use and operation of such systems. (A
9 true and correct copy of the manual is attached hereto as Exhibit G).

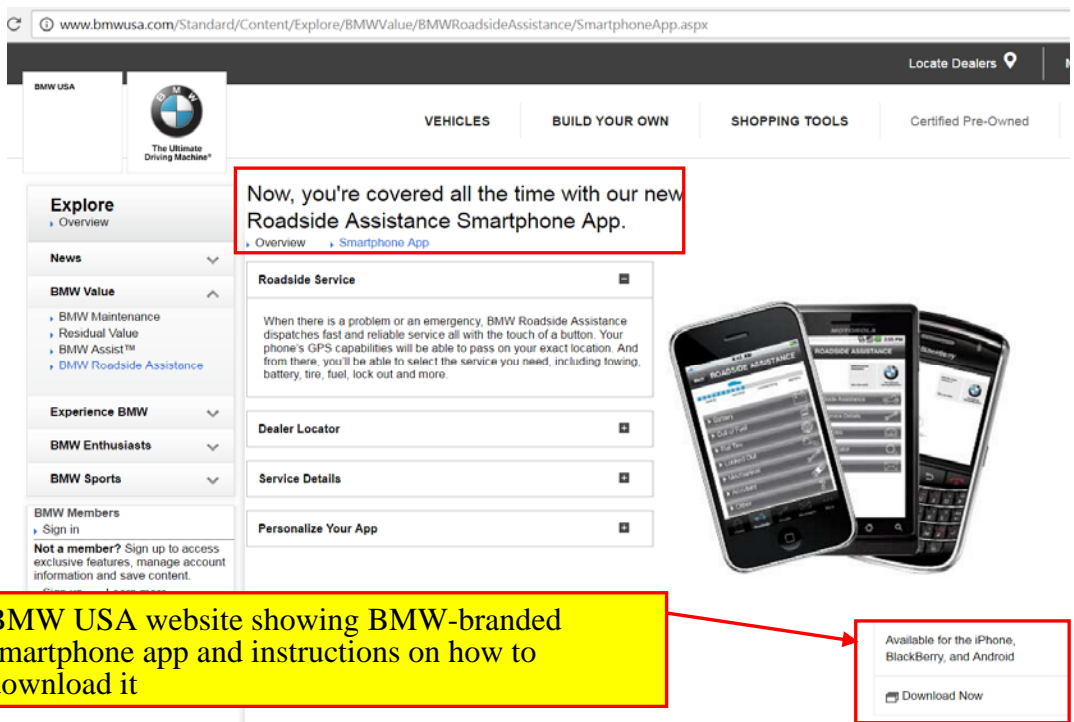
10 24. By way of example, Defendants publish and distribute user manuals for
11 BMW's ConnectedDrive, which contains detailed instructions for the use and
12 operation of such systems, including accessing the Internet. (A true and correct copy
13 of the manual is attached hereto as Exhibit H).

14 25. By way of example, Defendants publish a press release touting 2016
15 BMW 7-Series with Touchscreen-based iDrive Products, Touchscreen and Tablet
16 Products, and Tablet Products, at [https://www.press.bmwgroup.com/global
17 /pressDetail.html?title=the-new-bmw-7-series&outputChannelId=6&id=
18 T0221224EN&left_menu_item=node_4099](https://www.press.bmwgroup.com/global/pressDetail.html?title=the-new-bmw-7-series&outputChannelId=6&id=T0221224EN&left_menu_item=node_4099) (a true and correct copy of relevant
19 portions of this webpage are attached hereto as Exhibit I).

20 26. By way of example, Defendants publish online resources including
21 sign-up and operating instructions touting BMW Roadside Assistance Services and
22 associated smartphone application (BMW iDrive Products with Applications), at
23 [http://www.bmwusa.com/Standard/Content/Explore/BMWValue/BMWRoadsideAss
24 istance/default.aspx?from=/Standard/Content/Explore/BMWValue/BMWRoadsideA
25 ssistance.aspx&return=/Standard/Content/Explore/BMWValue/BMWRoadsideAssis
26 tance.aspx](http://www.bmwusa.com/Standard/Content/Explore/BMWValue/BMWRoadsideAssistance/default.aspx?from=/Standard/Content/Explore/BMWValue/BMWRoadsideAssistance.aspx&return=/Standard/Content/Explore/BMWValue/BMWRoadsideAssistance.aspx) (a true and correct copy of relevant portions of this webpage are attached
27 hereto as Exhibit J).

28 27. By way of example, Defendants publish or cause to be published

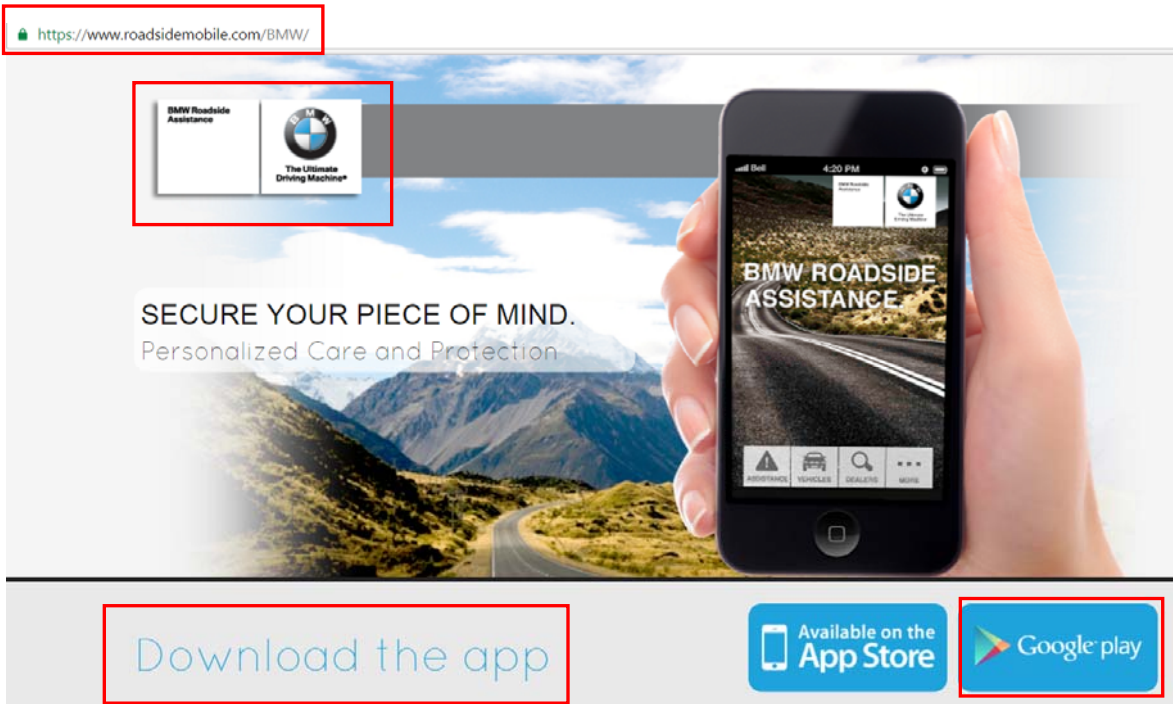
1 online resources including sign-up and operating instructions (including entry of
2 BMW vehicle VIN) touting BMW Roadside Assistance smartphone app (BMW
3 iDrive Products with Applications), at
4 [http://www.bmwusa.com/Standard/Content/Explore/BMWValue/BMWRoadsideAss](http://www.bmwusa.com/Standard/Content/Explore/BMWValue/BMWRoadsideAssistance/SmartphoneApp.aspx)
5 [istance/SmartphoneApp.aspx](http://www.bmwusa.com/Standard/Content/Explore/BMWValue/BMWRoadsideAssistance/SmartphoneApp.aspx), and a download portal,
6 <https://www.roadsidemobile.com/BMW/> (a true and correct copy of relevant
7 portions of this webpage are attached hereto as Exhibits K and L, respectively):
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BMW USA website showing BMW-branded smartphone app and instructions on how to download it

Available for the iPhone, BlackBerry, and Android
Download Now

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“App Description

Have a flat tire? Run out of gas? Need a tow? BMW Roadside Assistance offers outstanding travel protection 24 hours a day, 365 days a year. You, as well as other drivers of your BMW, are covered in all 50 states, including Canada and Puerto Rico.

The BMW Roadside Assistance app has been carefully designed to make requesting assistance faster, more accurate and convenient; a premium ownership experience, when you need it.

Included Features

- Request assistance for a mechanical issue, dead battery, flat tire, out of fuel, lock out, and more
- Select a preferred dealer to contact for appointments and as a default service destination
- Use GPS, maps and satellite to pinpoint the vehicle location
- Follow a dialogue assisting you in diagnosing the problem and requesting appropriate service
- Retrieve confirmation service is on the way and the estimated time of arrival
- Your BMW’s Vehicle Identification Number (VIN) confirms eligibility for Roadside Assistance, as covered by BMW*

1 *Subject to certain limitations and exclusions. See your Owner's Manual for
2 details.” {emphasis added}

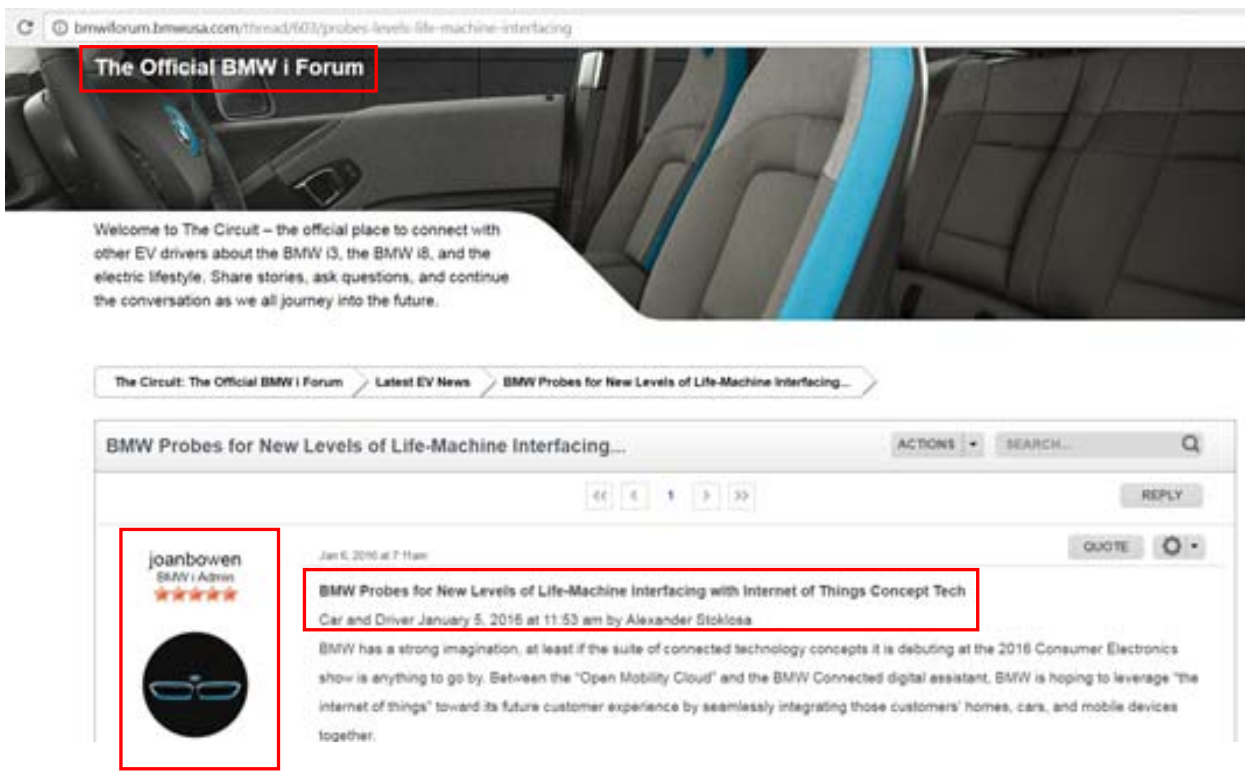
3 28. By way of example, Defendants conducted a marketing presentation
4 and lecture(s), as well as actual product demonstrations, at the Computer Electronics
5 Show (CES) 2016 in January, 2016, as evidenced by the following Internet article
6 published by Samsung Corporation (a partner with BMW in vehicle/”smart home”
7 integration via its “SmartThings” division) at
8 [http://news.samsung.com/us/2016/01/07/samsung-shows-internet-things-now-sync-
9 real-life/](http://news.samsung.com/us/2016/01/07/samsung-shows-internet-things-now-sync-real-life/), and as referenced by BMW personnel on its website at
10 <http://bmwforum.bmwusa.com/thread/603/probes-levels-life-machine-interfacing> (a
11 true and correct copy of relevant portions of these webpages are attached hereto as
12 Exhibits M and N, respectively):



22 “BMW’S Steven Althaus presents a first at CES 2016: a customer-ready solution of
23 Smart Things integration available today – Smart Car meets Smart Home,
24 Thursday, Jan. 7, 2016, in Las Vegas. Your BMW is now a personal IoT cockpit
25 allowing you to control your Samsung ecosystem from your car. (Isaac Brekken/AP
26 Images for Samsung)” {emphasis added}

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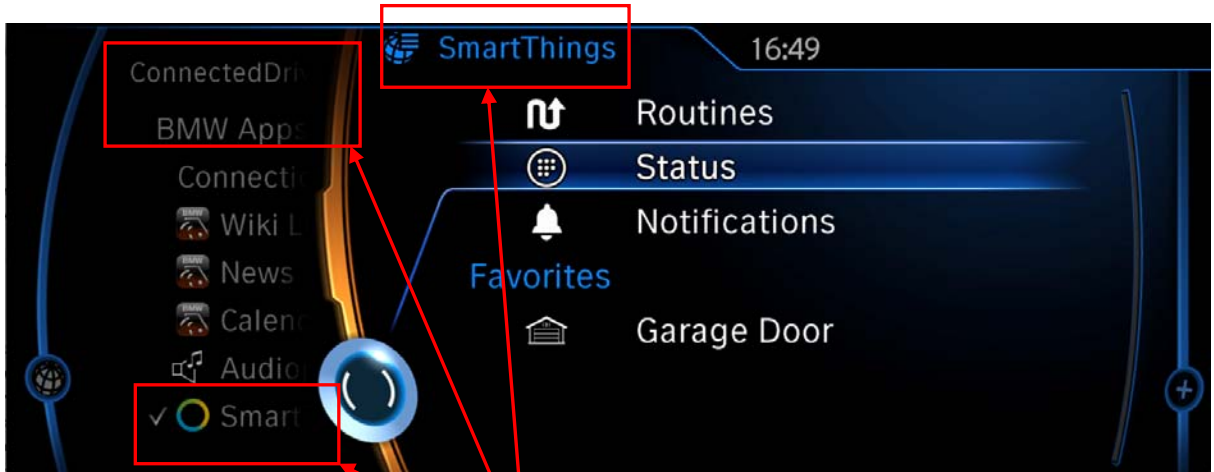
...

“Again, the whole point is to integrate future BMWs with future smart homes and users’ mobile devices in such a way that various common actions become automated, and even those automated sequences trigger other sequences. BMW offers the additional example of a user firing up their coffee maker in the morning, which in turn alerts their i3 that departure is imminent and to pre-conditions their i3’s climate-control system to a comfortable temperature.) Is this level of inter-connectivity near? We doubt it, **but BMW nonetheless points out that Samsung’s Android-based SmartThings app also debuting at CES can be integrated with any BMW model equipped with ConnectedDrive Services infotainment feature.**”

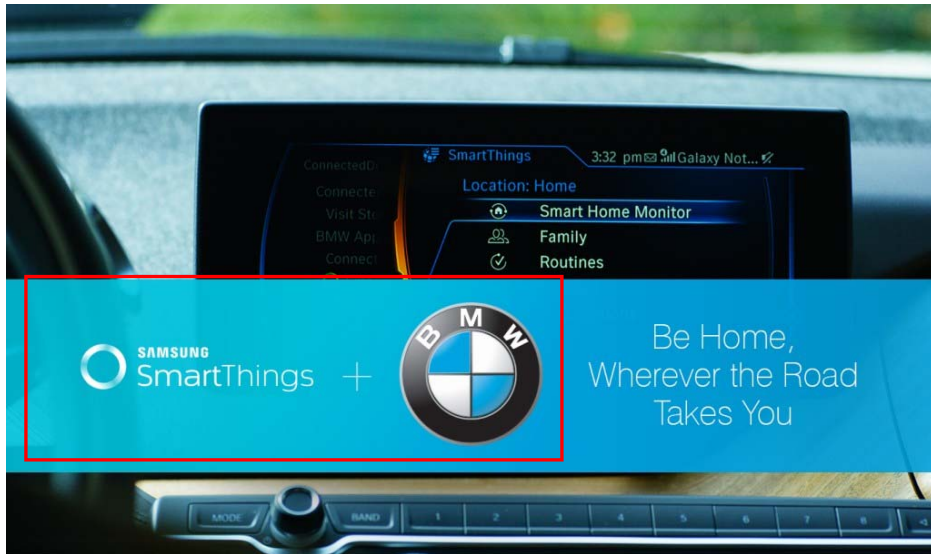
{emphasis added}

29. By way of example, Defendants publish a press release at <https://www.press.bmwgroup.com/global/photo/detail/P90195182/bmw-connecteddrive-smarthings-09-2015> touting BMW i3 vehicles with the Samsung

1 *SmartThings* application installed, and showing an actual working version (a true
2 and correct copy of relevant portions of these webpages are attached hereto as
3 Exhibit O):

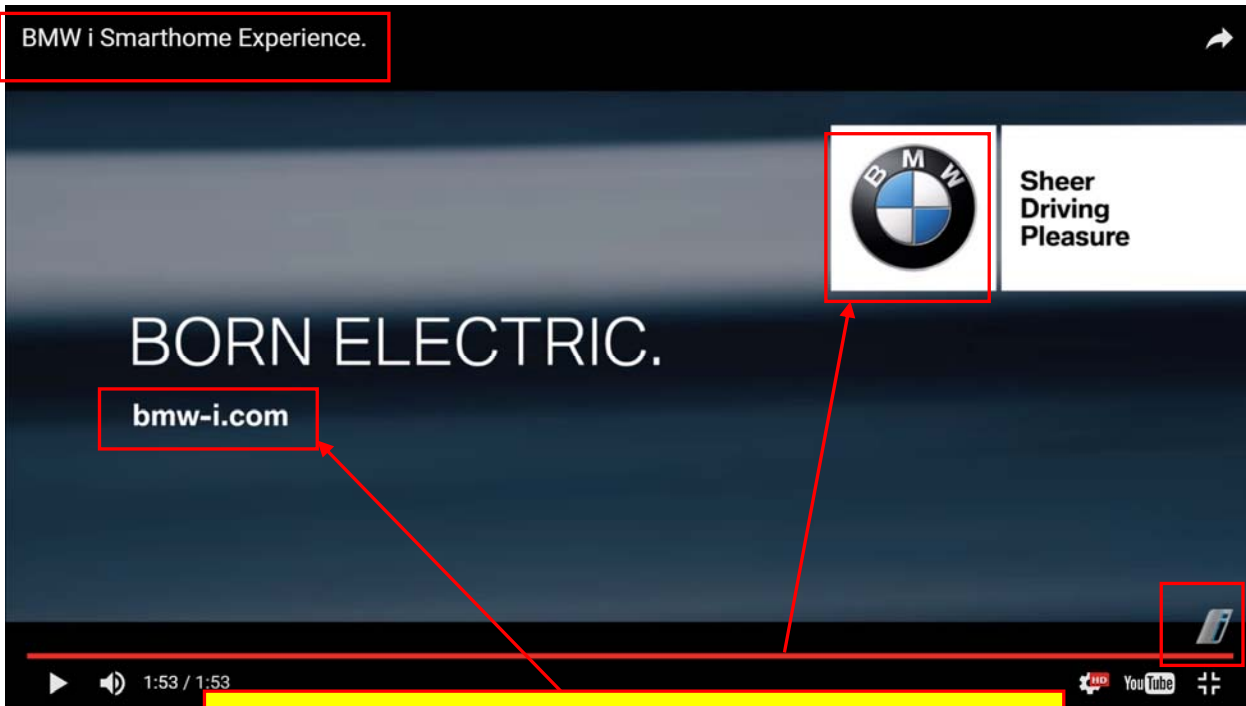


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13 BMW Press Release photo showing the Samsung SmartThings
14 app installed and operating on a BMW ConnectedDrive-
15 equipped navigation system



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25 30. By way of example, Defendants publish a marketing video (accessible at
26 <http://www.bmwblog.com/2016/06/30/video-bmw-i-smarhome-experience/>; note
27 that this site is not an authorized site of Defendants, but does show a video
28 ostensibly created and published by Defendants) touting BMW i3 vehicles with the

1 Samsung SmartThings application installed, and showing an actual working version
2 (a true and correct copy of relevant portions of these webpages are attached hereto
3 as Exhibit P):



31. By way of example, Defendants publish an Internet web page (at

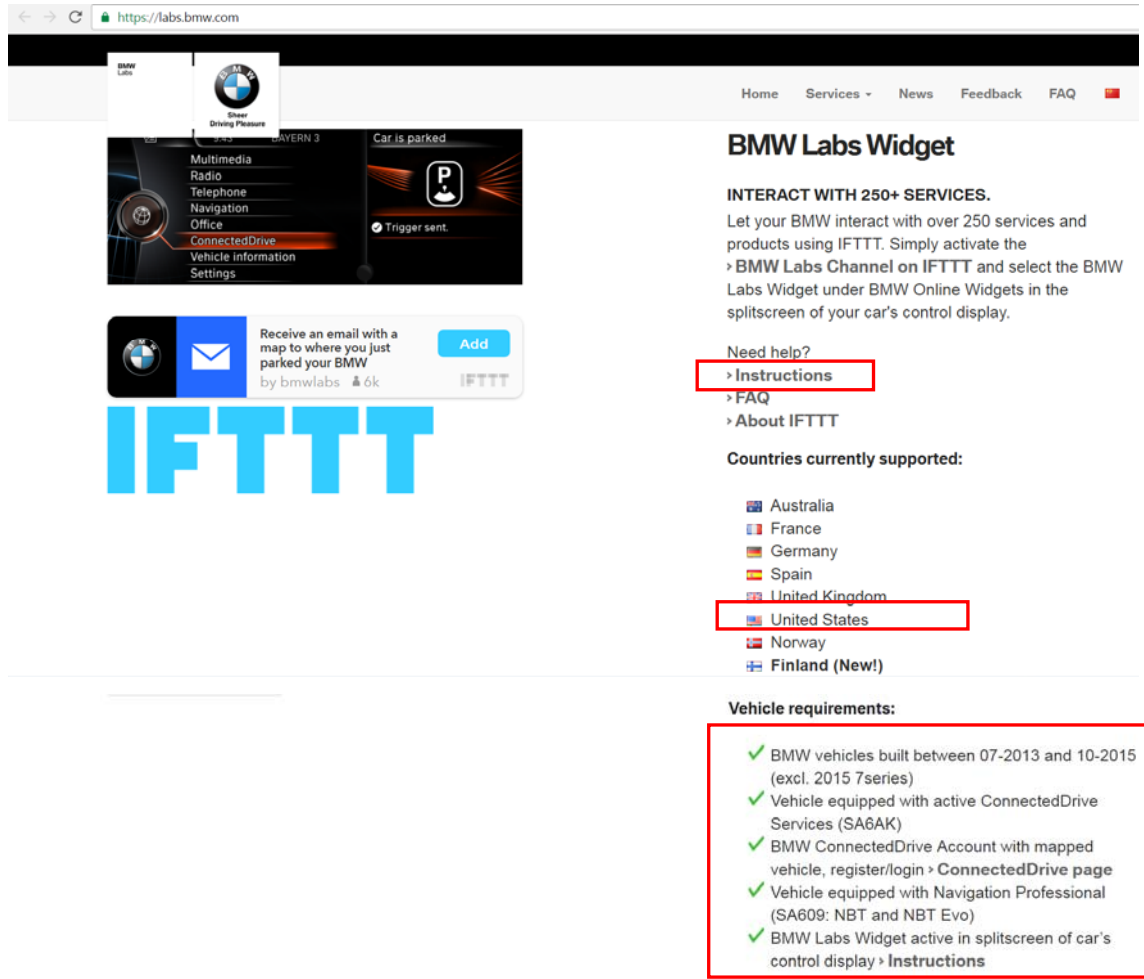
1 [http://www.bmw.com/com/en/newvehicles/i/i3/2016/showroom/connected_mobility](http://www.bmw.com/com/en/newvehicles/i/i3/2016/showroom/connected_mobility.html#smart_home)
2 [.html#smart_home](http://www.bmw.com/com/en/newvehicles/i/i3/2016/showroom/connected_mobility.html#smart_home)) touting BMW i3 vehicles with Smart Home applications and
3 their features (“Smart Home Products”), including home control (a true and correct
4 copy of relevant portions of these webpages are attached hereto as Exhibit Q):



15 “Manage your home even when you’re out on the road – with the Smart Home App
16 from Deutsche Telekom. All Smart Home devices connected to the app can now be
17 controlled via the display and operating system of your BMW. Regulate the
18 heating, the lights or your alarm system comfortably from inside your vehicle. It’s
19 also possible to programme certain situation, such as the “Coming Home” scenario.
20 Thanks to the functions that were specially developed for use in the vehicle, the
21 “Home” profile is activated automatically as soon as you start heading back home.”
22 {emphasis added}

23 32. By way of example, Defendants publish an Internet web page
24 (accessible at <https://labs.bmw.com/>) touting BMW IFTTT applications and their
25 features (BMW IFTTT Widget-enabled Products), including home control (A true
26 and correct copy of relevant portions of these webpages are attached hereto as
27 Exhibit R):
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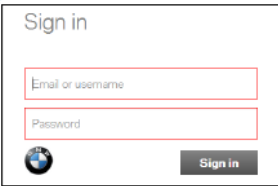
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33. By way of example, Defendants provide explicit instructions to BMW users, owners, drivers, and/or agents (accessible at https://labs.bmw.com/data/en_Instructions.pdf) on how to enable and use the BMW IFTTT Widget-enabled Products in a vehicle for IFTTT applications including home control (A true and correct copy of relevant portions of these webpages are attached hereto as Exhibit S):



Step 1: Activate [BMW Labs Channel on IFTTT.](#)


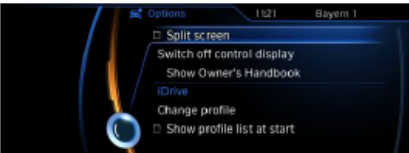
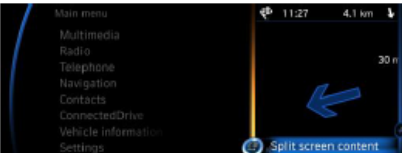
1  2  3  ...

Before clicking on „Connect“ check on the [BMW Labs Website](#) if your country is included and your car fullfills the technical requirements.

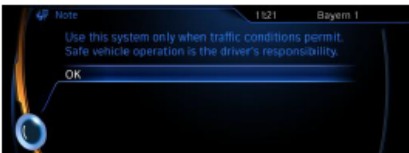


Choose your country of residence. Australia, France, Germany, Spain and the UK are included in „Other Countries“.

Log in with your BMW ConnectedDrive account. Not sure about what account to use? Find help in the [BMW Labs FAQ](#).




Step 2: Activate BMW Labs Widget in split screen of your car's control display.
 The [BMW Labs FAQ](#) also provides help.

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iDrive controller: move right from fullscreen menu. iDrive controller: click on Split screen -> move right iDrive controller: click on Split screen content or press down knob

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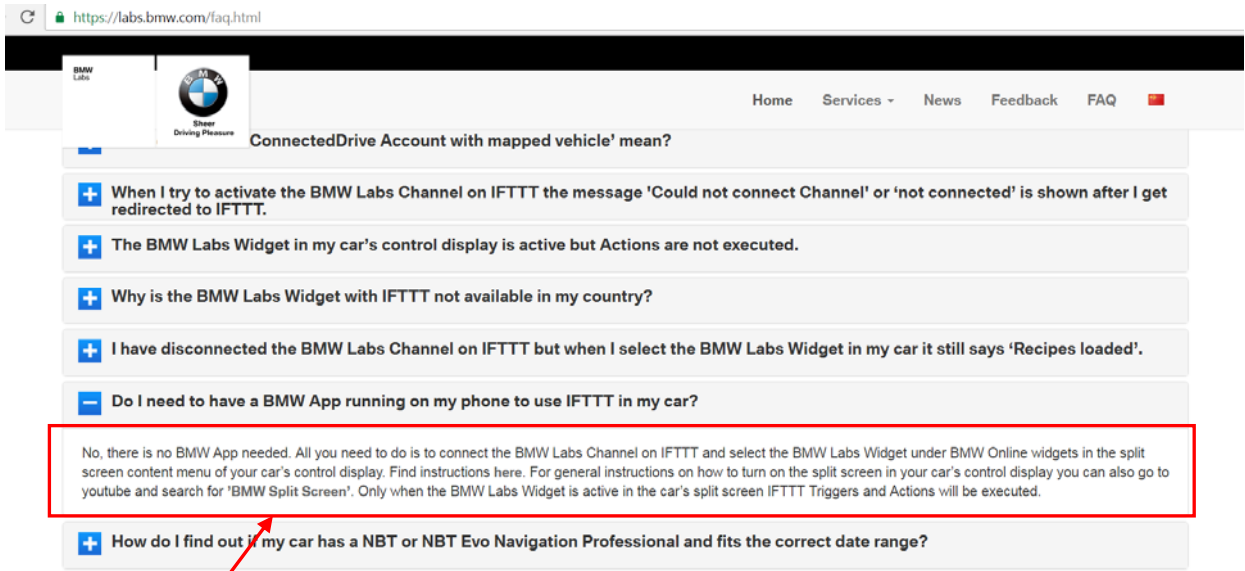
iDrive controller: click on OK. iDrive controller: select BMW Online widgets and click on it. iDrive controller: select BMW Labs Widget and click on it.

24  25  26 

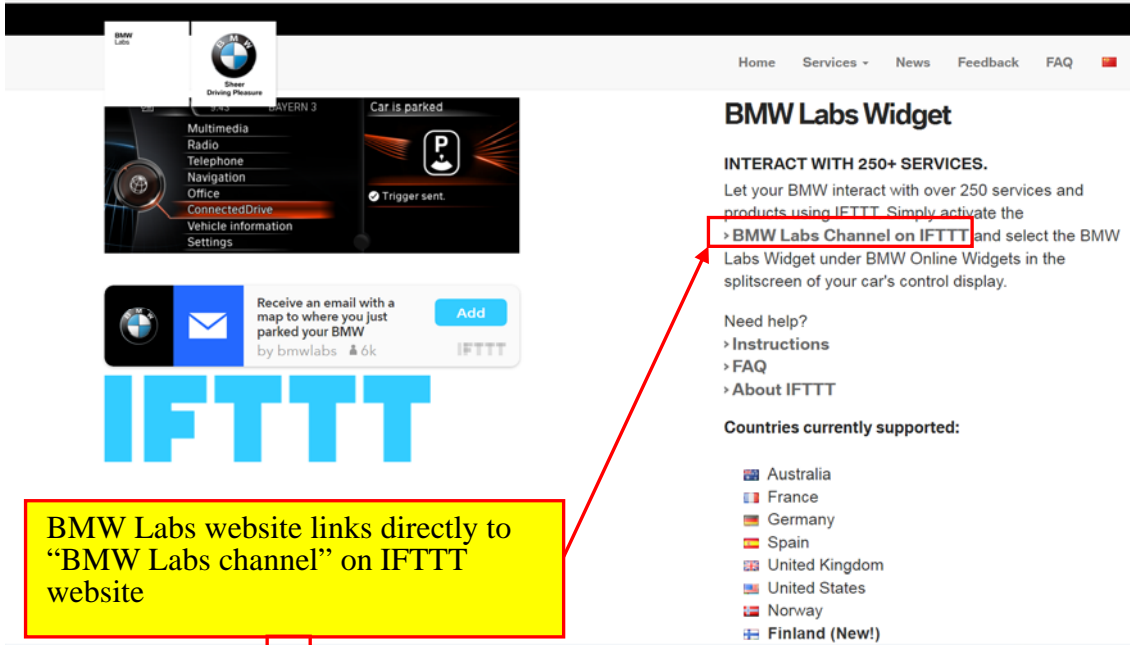
Split screen: circle symbolizes connection set-up to BMW. Split screen: checking if IFTTT is activated for this car. Split screen: BMW Labs Widget is up and running.

https://labs.bmw.com/data/en_Instructions.pdf

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"No, there is no BMW App needed. All you need to do is to connect the BMW Labs Channel on IFTTT and select the BMW Labs Widget under BMW Online widgets in the split screen content menu of your car's control display. Find instructions here. For general instructions on how to turn on the split screen in your car's control display you can also go to youtube and search for 'BMW Split Screen'. Only when the BMW Labs Widget is active in the car's split screen IFTTT Triggers and Actions will be executed."



BMW Labs website links directly to "BMW Labs channel" on IFTTT website

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1 <https://ifttt.com/bmwlabs>

IFTTT enables you to connect the BMW Labs Channel to 369 different Channels. [View all Channels](#)

“BMW Labs channel” on IFTTT website explicitly lists home automation and environmental functions (e.g., lighting control, garage door, etc.) as “popular” and enables users to merely click to add the functionality to their vehicle.

“Widget” is explicitly authored and/or provided by BMW Labs.

BMW Labs enables you to try out new experimental ConnectedDrive services. See what vehicle model and country restrictions apply and learn more about in-car activation here: [BMW Labs Widget](#).

Popular BMW Labs Recipes

- When you arrive home in your BMW signal Garage to open your garage door by [bmwlabs](#) 37 31
- Receive an email with a map to where you just parked your BMW by [bmwlabs](#) 7.0k 144
- Turn on your hue lights when you arrive home by [bmwlabs](#) 410 18

<https://ifttt.com/bmwlabs>

34. Upon information and belief, as a result of Defendants’ 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 Defendants’ 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.

35. Through publication and dissemination of the foregoing materials, as well as others, Defendants actively encourage, solicit, enable, and teach 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 Roadside

1 Assistance Services, Remote Services, “Smart Home”, and “IFTTT Widget-
2 enabled” technologies, as a means to enhance the experience of owning and
3 operating an “BMW”-branded vehicle.

4 **COUNT I**

5 **INFRINGEMENT OF THE '053 PATENT**

6 36. West View Research incorporates paragraphs 1 through 35 by reference
7 as if fully stated herein.

8 37. Defendants have been and are directly infringing literally and/or under
9 the doctrine of equivalents, at least claims 1, 2, 3, 7, 8, 10, 12, 13, 14, 15, 23, 24, 25,
10 26, 27, 28, 29, 30, 32, 33, 35, 36, 39, 40, 41, 45, 48, 51, 59, 60, 61, 66, 67, 68, 69,
11 70, 73, 75,75, 115, 116, 117, 118, 119, 120, 122, 123, 124, 125, 126, 127, 128, 141,
12 142, 143, 144, 145, 146, 147, 148, 149, 150, 160, 161, 162, 163, 164, 165, 166, 167,
13 168, 169, 172, 173, 174, 175, 176, and 180 of the '053 patent.

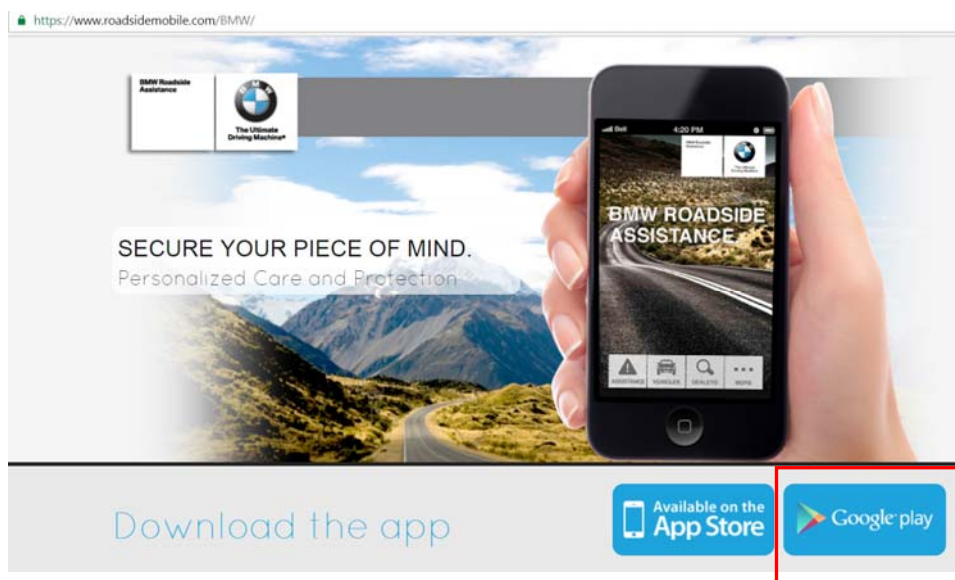
14 38. Defendants have directly infringed, and continue to directly infringe,
15 either literally and/or under the doctrine of equivalents, in violation of 35 U.S.C. §
16 271(a), by making, using, selling, offering for sale, and/or importing in or into the
17 United States, without authority products and/or services that infringe at least claims
18 60, 61, 66, 67, 68, 69, 70, 73, 75,75, 115, 116, 117, 118, 119, 120, 122, 123, 124,
19 125, 126, 127, 128, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 160, 161, 162,
20 163, 164, 165, 166, 167, 168, 169, 172, 173, 174, 175, 176, and 180 of the '053
21 patent, which products and/or services include but may not be not limited to BMW
22 iDrive Products, BMW ConnectedDrive, BMW Assist, and BMW Roadside
23 Assistance Products and Services, Touchscreen Products, Touchscreen and Tablet
24 Products, Entertainment Professional Products, Tablet Products, and/or other
25 Accused Products or Services sold or offered for sale on or after March 29, 2016.

26 39. Defendants have been and are directly infringing literally and/or under
27 the doctrine of equivalents, at least claims 23, 24, 25, 26, 27, 28, 29, 30, 32, 33, 35,
28 36, 39, 40, 41, 45, 48, 98, 99, 100, 101, 102, 103, 104, 105, 106, 111, 112, 113, 181,

1 182, 183, 184, 185, 186, 187, 188, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199,
2 200, 201, 202, 203, and 204 of the '053 patent.

3 40. By way of example, Defendants have been and are directly infringing
4 literally and/or under the doctrine of equivalents, claim 23 of the '053 patent as
5 follows.

6 41. The Accused Products and Services include the BMW Roadside
7 Assistance Application, which is promoted on BMW websites as detailed *supra*.



18 42. Upon information and belief and by way of example, the BMW
19 Roadside Assistance Application is available for download on, *inter alia*, Google
20 Android-based smartphones, as shown in the image above, and [r]equires Android
21 2.2 and up” per the Google Play Website:
22 (<https://play.google.com/store/apps/details?id=com.allstate.bmw&hl=en>)

23 43. Upon information and belief and by way of example, the BMW
24 Roadside Assistance Application requires the smartphone to have: (i) a computer
25 readable storage apparatus, such as a program memory device, on which to store the
26 Application (computer program code); and (ii) a processor to execute the computer
27 program code after storage:
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ADDITIONAL INFORMATION

Updated September 2, 2012	Size 2.6M	Installs 10,000 - 50,000
Current Version 3.2.0	Requires Android 2.2 and up	Content Rating Everyone Learn more
Interactive Elements Shares Location	Permissions View details	Report Flag as inappropriate
Offered By Signature Motor Club, Inc.	Developer Visit website Email BMWAppTechSupport@allstate.com	

BMW Roadside App requires 2.6Mb of storage, and Android 2.2 O/S (execution environment) or later on the host smartphone

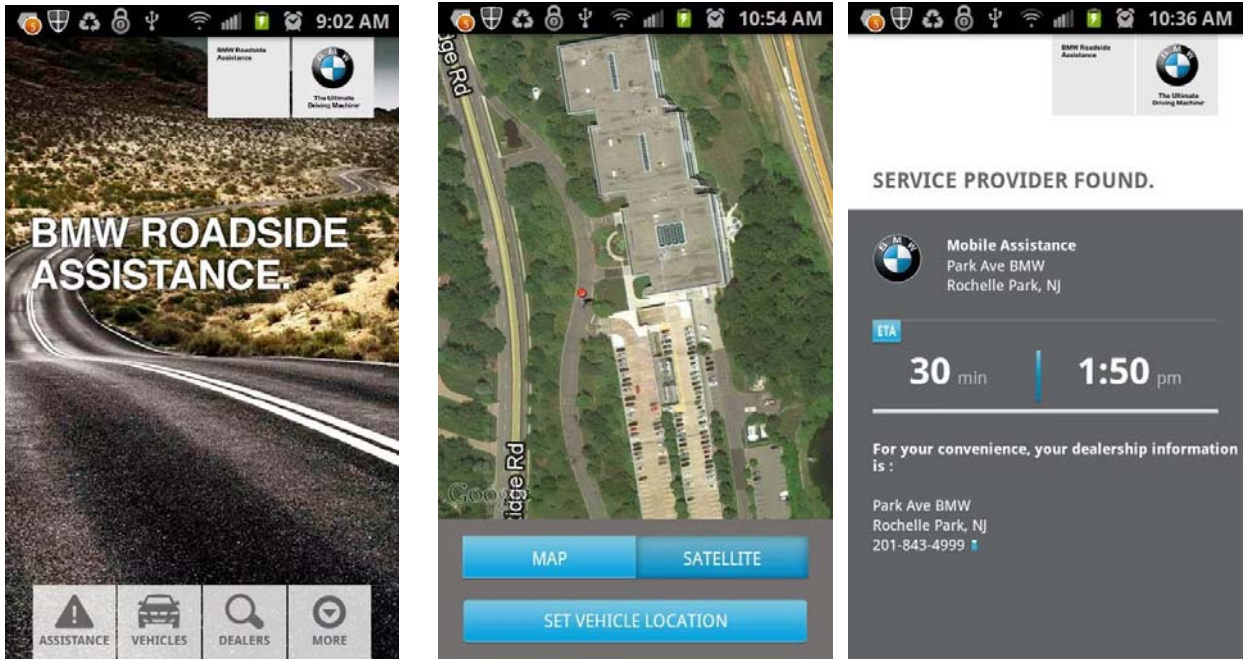
44. Upon information and belief and by way of example, the BMW Roadside Assistance Application further utilizes the smartphone’s Global Positioning System (GPS)-based receiver for the GPS-based functions described below (i.e., generation of location data):

“When there is a problem or an emergency, BMW Roadside Assistance dispatches fast and reliable service all with the touch of a button. Your phone’s GPS capabilities will be able to pass on your exact location. And from there, you’ll be able to select the service you need, including towing, battery, tire, fuel, lock out and more.”
{emphasis added}

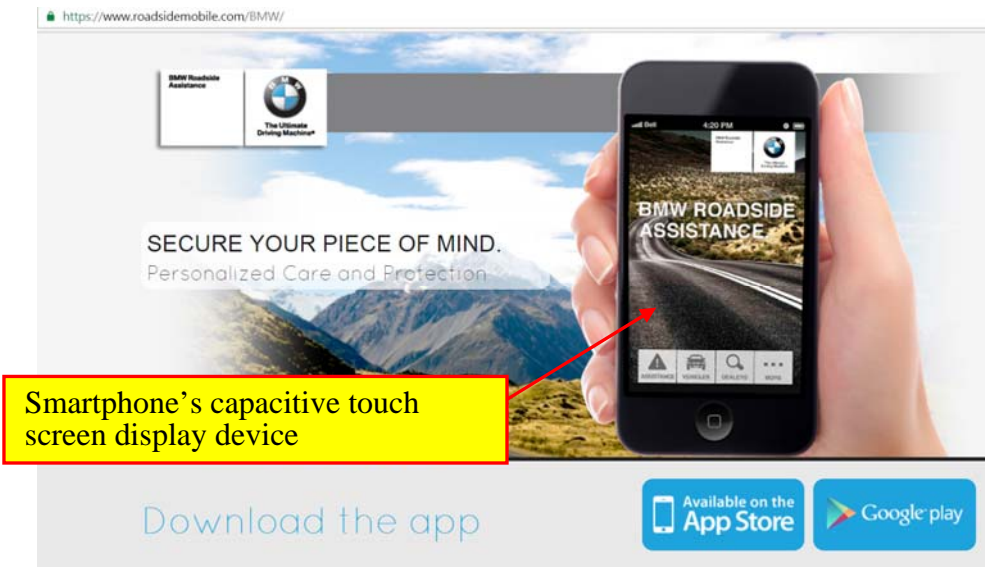
<http://www.bmwusa.com/Standard/Content/Explore/BMWValue/BMWRoadsideAssistance/SmartphoneApp.aspx>

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

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46. Upon information and belief and by way of example, the BMW Roadside Assistance Application further requires the smartphone to have a display device to display the user interface:



47. Upon information and belief and by way of example, the BMW Roadside Assistance Application further requires the smartphone to have a cellular,

1 Wi-Fi or other wireless interface so that the Application can contact BMW or its
2 designated proxy (agent):

3 “Version 3.2.0 can access:
4

5 Identity

- 6 - find accounts on the device

7 Contacts

- 8 - find accounts on the device

9 Location

- 10 - approximate location (network-based)
11 - precise location (GPS and network-based)

12 ...

13 Wi-Fi connection information

- 14 - view Wi-Fi connections

15 Device ID & call information

- 16 - read phone status and identity

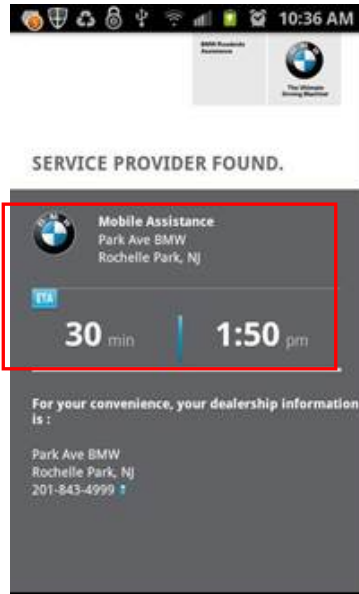
17 Other

- 18 - receive data from Internet
19 - view network connections
20 - connect and disconnect from Wi-Fi
21 - full network access
22 - use accounts on the device

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

25
26 48. Upon information and belief and by way of example, the BMW
27 Roadside Assistance Application contacts BMW or its designated service provider
28 to cause provision of roadside assistance (e.g., tow, fuel delivery, flat tire repair,

1 etc.) at the then-current location of the smartphone:



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11 49. Upon information and belief and by way of example, the BMW
12 Roadside Assistance Application is presently available and can be used in the United
13 States:

14
15 “The BMW Roadside Assistance app has been carefully designed to make
16 requesting assistance faster, more accurate and convenient; a premium ownership
17 experience, when you need it.

18 Functions:

- 19 • Request assistance for a mechanical issue, dead battery, flat tire, out of fuel,
20 lock out, and more
- 21 • Select a preferred dealer to contact for appointments and as a default
22 service destination
- 23 • Use GPS, maps and satellite to pinpoint the vehicle location
- 24 • Follow a dialogue assisting you in diagnosing the problem and requesting
25 appropriate service
- 26 • Retrieve confirmation service is on the way and the estimated time of
27 arrival
- 28 • Your BMW’s Vehicle Identification Number (VIN) confirms eligibility for
Roadside Assistance, as covered by BMW*

28 ...Only available for North American Vehicles.”

1 <https://www.roadsidebmw.com/BMW/> {emphasis added}

2 50. Defendants have directly infringed, and continue to directly infringe,
3 either literally and/or under the doctrine of equivalents, in violation of 35 U.S.C. §
4 271(a), by at least developing, testing, maintaining, demonstrating, and/or using in
5 the United States, without authority, products and/or services that infringe at least
6 claims 23, 24, 25, 26, 27, 28, 29, 30, 32, 33, 35, 36, 39, 40, 41, 45, 48, 98, 99, 100,
7 101, 102, 103, 104, 105, 106, 111, 112, 113, 181, 182, 183, 184, 185, 186, 187, 188,
8 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, and 204 of the
9 '053 patent, which products and/or services include but may not be not limited to
10 BMW Connected, BMW Remote, and BMW Roadside Assistance Products and
11 Services, and/or other Accused Products or Services sold or offered for sale on or
12 after March 29, 2016.

13 51. 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 Defendants have,
16 since receiving notice of the filing and/or service of this Complaint, induced
17 infringement and continue to induce infringement of at least claims 23, 24, 25, 26,
18 27, 28, 29, 30, 32, 33, 35, 36, 39, 40, 41, 45, 48, 98, 99, 100, 101, 102, 103, 104,
19 105, 106, 111, 112, 113, 181, 182, 183, 184, 185, 186, 187, 188, 190, 191, 192, 193,
20 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, and 204 of the '053 patent under
21 35 U.S.C. § 271(b).

22 52. Upon information and belief, Defendants continue, since receiving
23 notice of the filing of the this Complaint, actively, knowingly, and intentionally
24 induced, and continue to actively, knowingly, and intentionally induce, infringement
25 of the '053 patent by making, using, selling, offering for sale, importing, and/or
26 otherwise supplying products and/or services including the Accused Products and
27 Services to third parties, with the knowledge and specific intent that such third
28

1 parties will use, sell, offer for sale, and/or import, products and/or services supplied
2 by Defendants, including without limitation the Roadside Assistance, iDrive with
3 Applications Products, and Touchscreen and Tablet Products of the Accused
4 Products and Services to directly infringe the '053 patent.

5 53. Upon information and belief, despite Defendants' knowledge of the
6 existence of the '053 patent since at least as early as the filing of this Complaint,
7 Defendants continue to encourage, instruct, enable and otherwise aid and abet third
8 parties, including but not limited to Defendants' customers and sales or technical
9 personnel, Defendants' agents, owners, and/or drivers of the Accused Products and
10 Services to use the Accused Products and Services in a manner that directly
11 infringes the '053 patent.

12 54. Upon information and belief, Defendants specifically intends that their
13 customers and sales or technical personnel, Defendants' agents, owners, and/or
14 drivers use the Accused Products and Services in such a way that directly infringes
15 the '053 patent by, at a minimum, advertising, enticing, encouraging, instructing,
16 and aiding and abetting their customers, agents, owners, and/or drivers, through the
17 publication and dissemination of marketing materials, detailed operational manuals,
18 on-line instructional videos, links to vendors or Internet sites where computer
19 software can be obtained, 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 Defendants, including the Accused Products and Services, to
22 directly infringe the '053 patent.

23 55. Upon information and belief, Defendants knew and know that their
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 and Services, would induce, have induced, and continues to induce direct
27 infringement of the '053 patent by third parties, including but not limited to
28 Defendants' customers and sales or technical personnel, Defendants' agents, owners,

1 and/or drivers.

2 56. Specifically, upon information and belief and by way of example,
3 Defendants exercise direction and control over the performance and conduct of the
4 BMW Mobile Assistance/Roadside Assistance programs, as is provided in
5 agreements with service providers such as Allstate, Signature Auto Club, and
6 individual BMW dealers (as well as non-BMW service providers). Per its Roadside
7 Assistance brochure (accessible at
8 <http://www.bmwusa.com/Standard/Content/Explore/BMWValue/BMWRoadsideAssistance/default.aspx?from=/Standard/Content/Explore/BMWValue/BMWRoadsideAssistance.aspx&return=/Standard/Content/Explore/BMWValue/BMWRoadsideAssistance.aspx>),
9 Defendants indicate that: (i) BMW factory-trained technicians are used
10 to provide such services, and (ii) BMW vehicles are used to provide such services:

11
12 “The BMW Mobile Assistance Program is an invaluable service
13 offered to enhance the Roadside Assistance program. It is another way
14 for us to show you how much we cherish your business and your
15 safety. With “BMW Mobile Assistance, BMW factory-trained technicians and roadside-equipped BMW vehicles are standing by to provide on-site assistance for flat tires, a dead battery, running out of
16 gas and other services. For complete details, please contact your BMW center.” {emphasis added}
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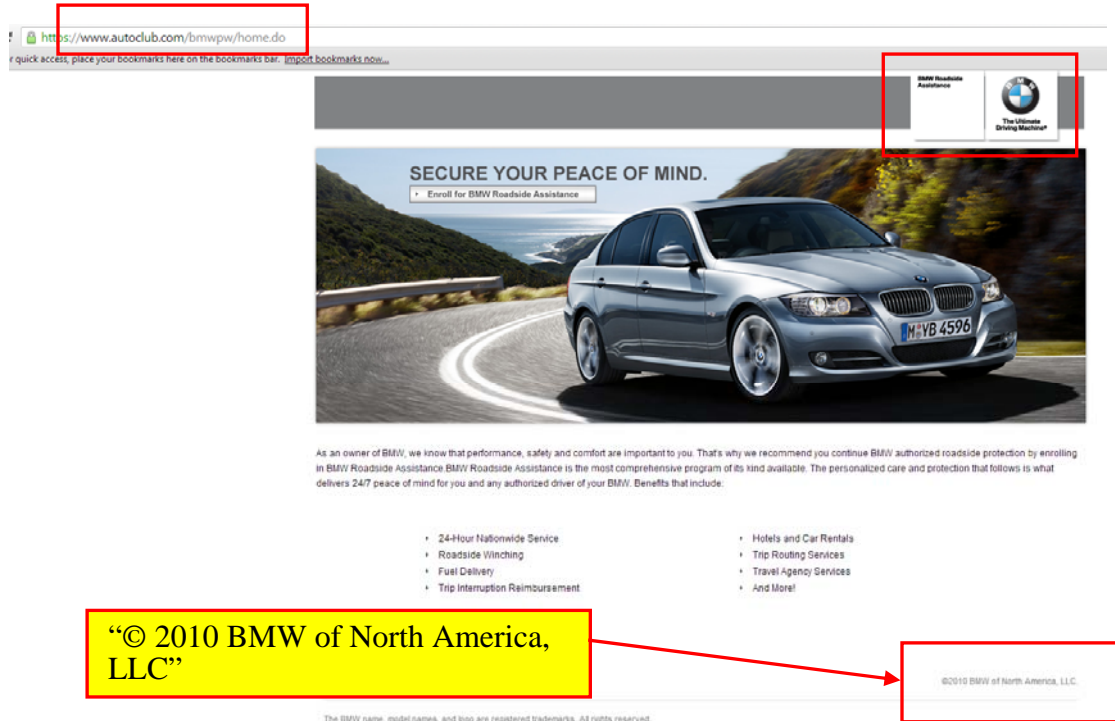


28 57. Moreover, upon information and belief and by way of example,

1 Defendants explicitly refer to their third-party service providers as “business
2 partners”:



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10 58. Upon information and belief and by way of example, Defendants
11 further explicitly control the branding (“BMW”) and “look and feel” of their
12 Roadside Assistance partners’ website(s):



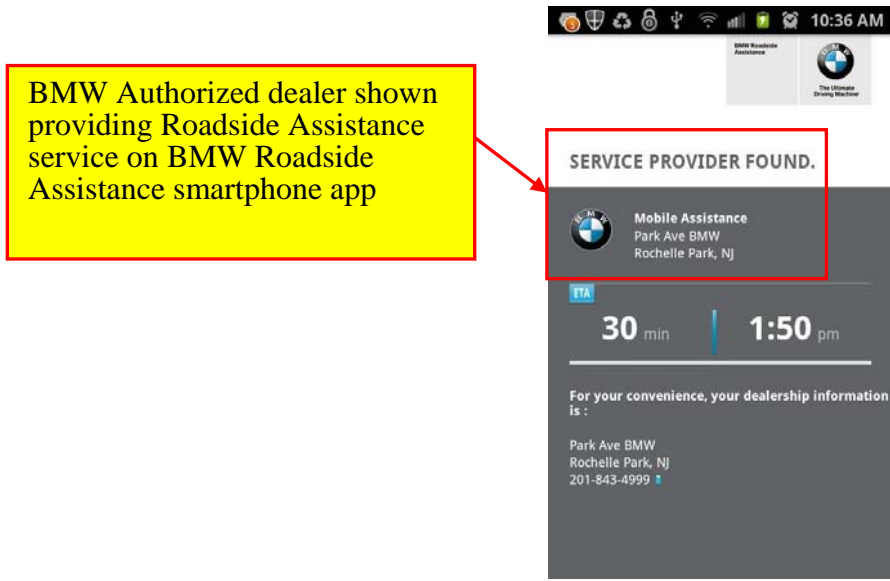
23
24
25
26 <https://www.autoclub.com/bmwpw/home.do>

27 59. Upon information and belief and by way of example, Defendants
28

1 further explicitly have customers call “BMW Roadside Assistance directly” (as
2 opposed to calling a third party):

3
4 “To receive covered assistance in the event of a breakdown, contact
5 BMW Roadside Assistance directly at its toll-free number: 800-332-
6 4BMW (800-332-4269).” {emphasis added}

7 60. Upon information and belief and by way of example, Only certain
8 BMW-authorized repair facilities may be used for certain vehicles:



19
20 “Only BMW SAV centers are authorized to repair the X5 and X3
21 Sports Activity Vehicles.” {emphasis added}

22 61. Upon information and belief and by way of example, Defendants
23 further explicitly control the contents of its Roadside Assistance brochure (as
24 opposed to a third party):

25
26 “All rights reserved. Printed in USA. This brochure, or any portion
27 thereof, may not be reproduced without the express written permission
28 of BMW of North America, LLC.” {emphasis added}

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

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

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

COUNT II
INFRINGEMENT OF THE '367 PATENT

65. West View Research incorporates paragraphs 1 through 64 by reference as if fully stated herein.

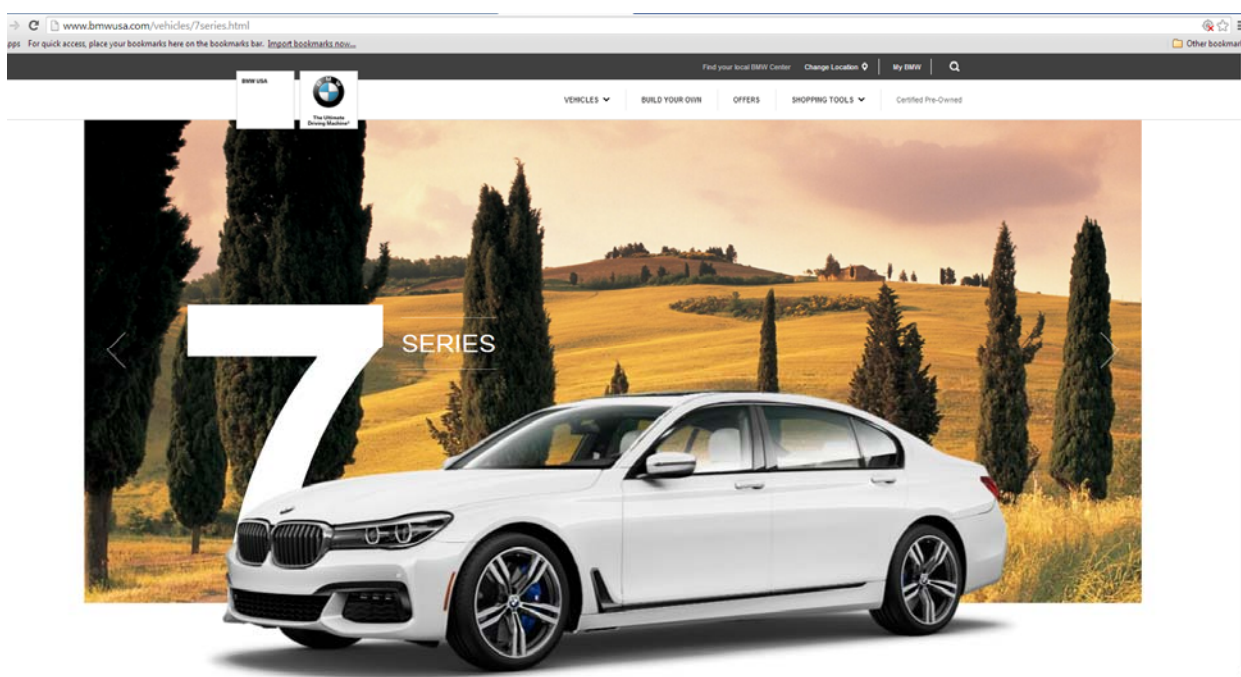
66. Defendants have been and are directly infringing literally and/or under the doctrine of equivalents, at least claims 10, 11, 12, 15, 16, 17, 18, 77, 79, 88, 96, 97, 98, and 99 of the '367 patent.

67. Defendants have directly infringed, and continue 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 that infringe at least claims 10, 11, 12, 15, 16, 17, 18, 77, 79, 88, 96, 97, 98, and 99 of the '367 patent, which products include but may not be not limited to BMW iDrive Products, BMW ConnectedDrive Products, BMW iDrive with Applications Products, Touchscreen-based iDrive

1 Products, Touchscreen and Tablet Products, Rear Seat Entertainment Products,
2 and/or other of the Accused Products and Services sold on or after August 9, 2016.

3 68. By way of example, Defendants have been and are directly infringing
4 literally and/or under the doctrine of equivalents, claim 10 of the '367 patent as
5 follows.

6 69. The Accused Products and Services include the 2016 BMW 7-Series,
7 which is promoted on the BMW USA website as shown below at
8 <http://www.bmwusa.com/vehicles/7series.html>:



21 70. Upon information and belief and by way of example, the 2016 BMW 7-
22 Series includes a BMW iDrive Navigation and Infotainment system with
23 ConnectedDrive functionality, which is a computerized information and display and
24 control subsystem of the vehicle:

25

26 **“ALL CONTROL AT ALL TIMES.**

27 State-of-the-art features in the 7 Series give you the opportunity
28 to orchestrate them in the most advanced ways. Whether navigating

1 the iDrive 5.0 system with the first-ever Gesture Control system,
 2 toggling entertainment functions with simple touches of your finger
 3 on the exclusive Touch Command tablet, Remote Control Parking the
 4 7 Series with the Display Key, or preconditioning the cabin in the
 5 iPerformance model – every time you step foot in the 7 Series you’ll
 6 find yourself at the center of command within the center of your own
 7 luxurious universe.” <http://www.bmwusa.com/vehicles/7series.html>
 {emphasis added}

8 71. Upon information and belief and by way of example, the 2016 BMW 7-
 9 Series includes an LTE-based wireless network interface, as well as an LTE-
 10 supported Wi-Fi “hotspot”:



12 With the BMW Car Hotspot your passengers can also surf the Internet with their
 13 smartphones, tablets or laptops at any time during the journey. Installation of the
 14 hotspot is quick and easy thanks to the snap-in adapter in the central armrest. Up to
 15 eight devices can receive high-speed Internet at the same time with the new LTE (long-
 16 term evolution) wireless communication standard. Wi-Fi in your BMW permits faster
 17 data transfer, improved reception, reduced electromagnetic radiation and extended
 18 battery life. It can also be used outside of the vehicle for up to 30 minutes.

- 19 **Requirements/availability**
- 20 Requirements:
- 21 • own LTE-capable SIM card necessary
 - 22 • an 8-digit PIN has to be entered when first establishing a connection with the
 23 Hotspot. For devices with NFC (Near Field Communication) technology, simply move
 24 the device a short distance above the LTE lettering, and coupling takes place
 25 automatically
 - 26 • The BMW Car Hotspot LTE is not available in all countries

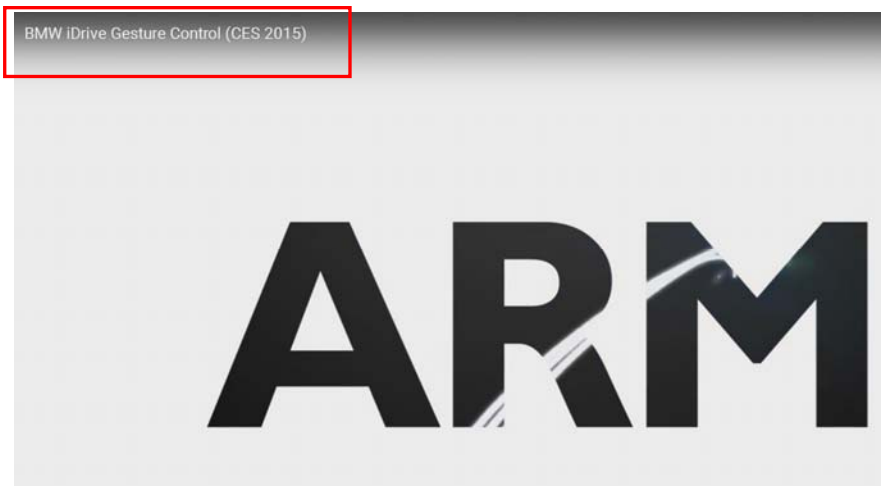
27 <http://www.bmw.com/com/en/insights/technology/connecteddrive/2013/conn>
 28 [activity_technologies/index.html#hotspot](http://www.bmw.com/com/en/insights/technology/connecteddrive/2013/conn)

1 72. Upon information and belief and by way of example, the 2016 BMW 7-
2 Series iDrive 5.0 system includes one or more digital processors that communicate
3 with the LTE cellular interface (e.g., “ARM core” digital processor technology):

4 <https://www.youtube.com/watch?v=tB2UrX2z0r8>

5 “Published on Feb 2, 2015

6 BMW iDrive infotainment ARM-based solution adds touchscreen capability
7 to the LCD and a camera to recognize control gestures from the driver.” {emphasis
8 added}

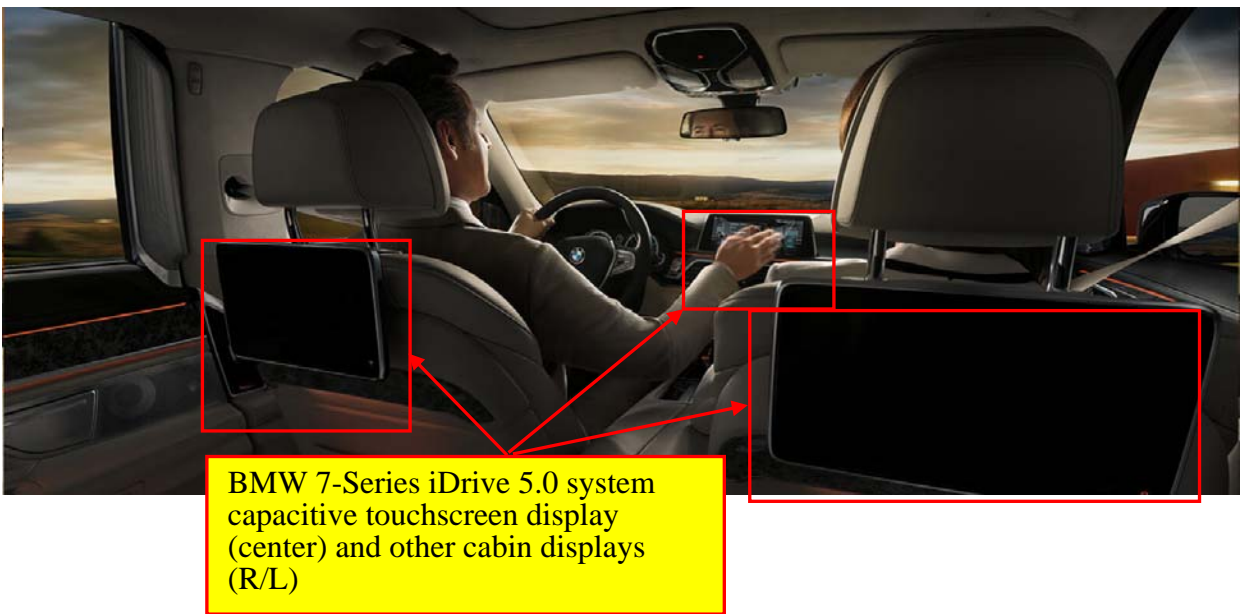


ARM core-
equipped BMW
7-Series iDrive
5.0 system
demonstrated at
CES 2015



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1 73. Upon information and belief and by way of example, the 2016 BMW 7-
2 Series iDrive system includes several display devices, including capacitive touch
3 screen devices that both display and receive user touch input:



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27 74. Upon information and belief and by way of example, the 2016 BMW 7-
28 Series iDrive 5.0 system includes several types of data interfaces that enable transfer

1 of data between the iDrive system and a portable electronic device (such as the
2 user's smartphone, table, or Touch Command tablet):



BMW 7-Series iDrive 5.0 system with Bluetooth, USB, and Wi-Fi (including Touch Command) interfaces to portable devices

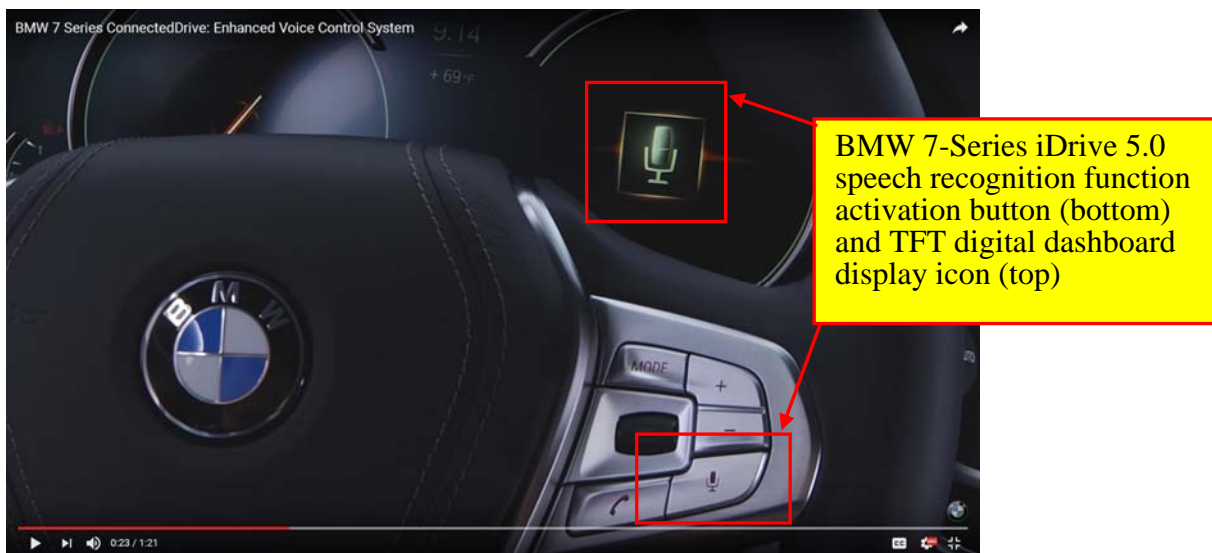
17 **Q:** How do I use the Touch Command Tablet with the Internet Hotspot?
18 **A:** When using the Internet Hotspot via the Touch Command Tablet, please ensure
19 that Touch Command is enabled to do so by following these steps: My Vehicle --> System Settings --> Mobile Devices --> Select Touch Command Tablet (SM - Txxxx_xxxx). --> Make sure both options, Touch Command and Internet Hotspot, are selected.



26 These steps are done in addition to connecting the Touch Command Tablet to the
27 Internet Hotspot via the tablet's settings as well: Select Apps --> Exit to
28 Homescreen --> Select Settings --> Connections --> Wi-Fi --> Select
corresponding vehicle hotspot (MY BMW Hotspot xxxx - these numbers
correspond to the last 5 digits of the VIN) --> Enter Password.

1 http://www.bmwbill.com/files/G12_FAQs.pdf

2 75. Upon information and belief and by way of example, the 2016 BMW 7-
3 Series iDrive 5.0 system includes several storage devices (e.g., program memory) to
4 store the iDrive computer programs and algorithms that enable the various functions
5 of the system, including speech recognition:



16 <https://www.youtube.com/watch?v=MXagOSVg5oo>

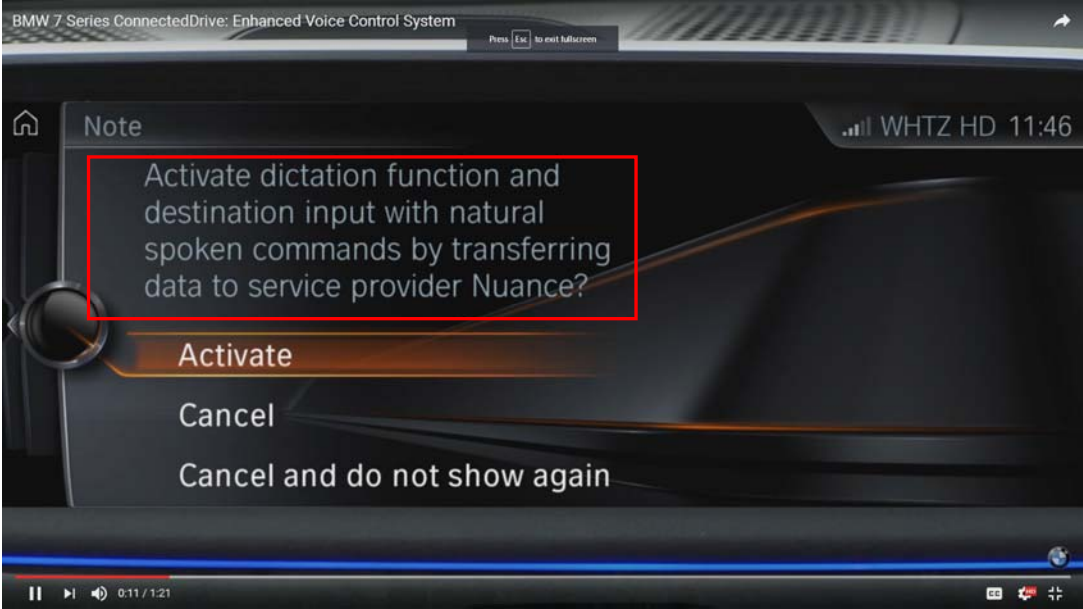
17 76. Upon information and belief and by way of example, the 2016 BMW 7-
18 Series iDrive 5.0 system speech recognition functions enable e.g., Internet access of
19 remote servers for maps, navigation data, etc. :

20 <https://www.youtube.com/watch?v=MXagOSVg5oo>



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77. Upon information and belief and by way of example, the 2016 BMW 7-Series iDrive 5.0 system speech recognition can also utilize a remote (off-board) server for its speech processing:



78. Upon information and belief and by way of example, the 2016 BMW 7-Series iDrive 5.0 system accesses the servers for the desired information, and is able to provide the accessed information to the aforementioned portable user devices

1 (e.g., the user's smartphone for use with BMW Connected app, Touch Command
2 tablet, etc.) via the USB, Bluetooth, and/or in-car Wi-Fi interfaces:

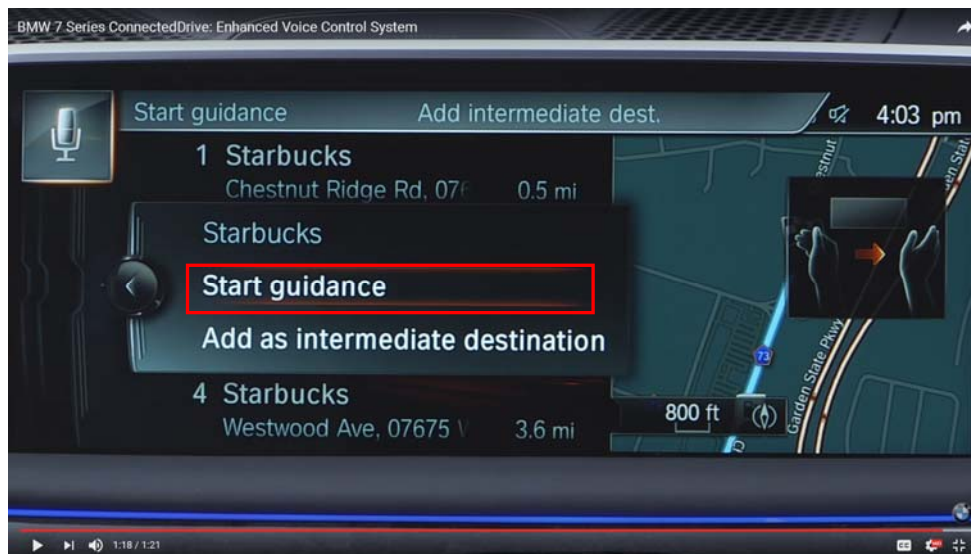


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79. Upon information and belief and by way of example, the 2016 BMW 7-Series iDrive 5.0 system engages the user in an interactive dialogue comprising a user speech input (e.g., “find me the nearest Starbucks” in video example above), and one or more replies by iDrive system speech synthesis function (e.g., “Starbucks Coffee...” in video example), and subsequent user inputs (e.g., “Start guidance” in example video).

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





80. Upon information and belief and by way of example, the 2016 BMW 7-Series iDrive 5.0 system 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 iDrive display(s):

“BMW Night Vision.

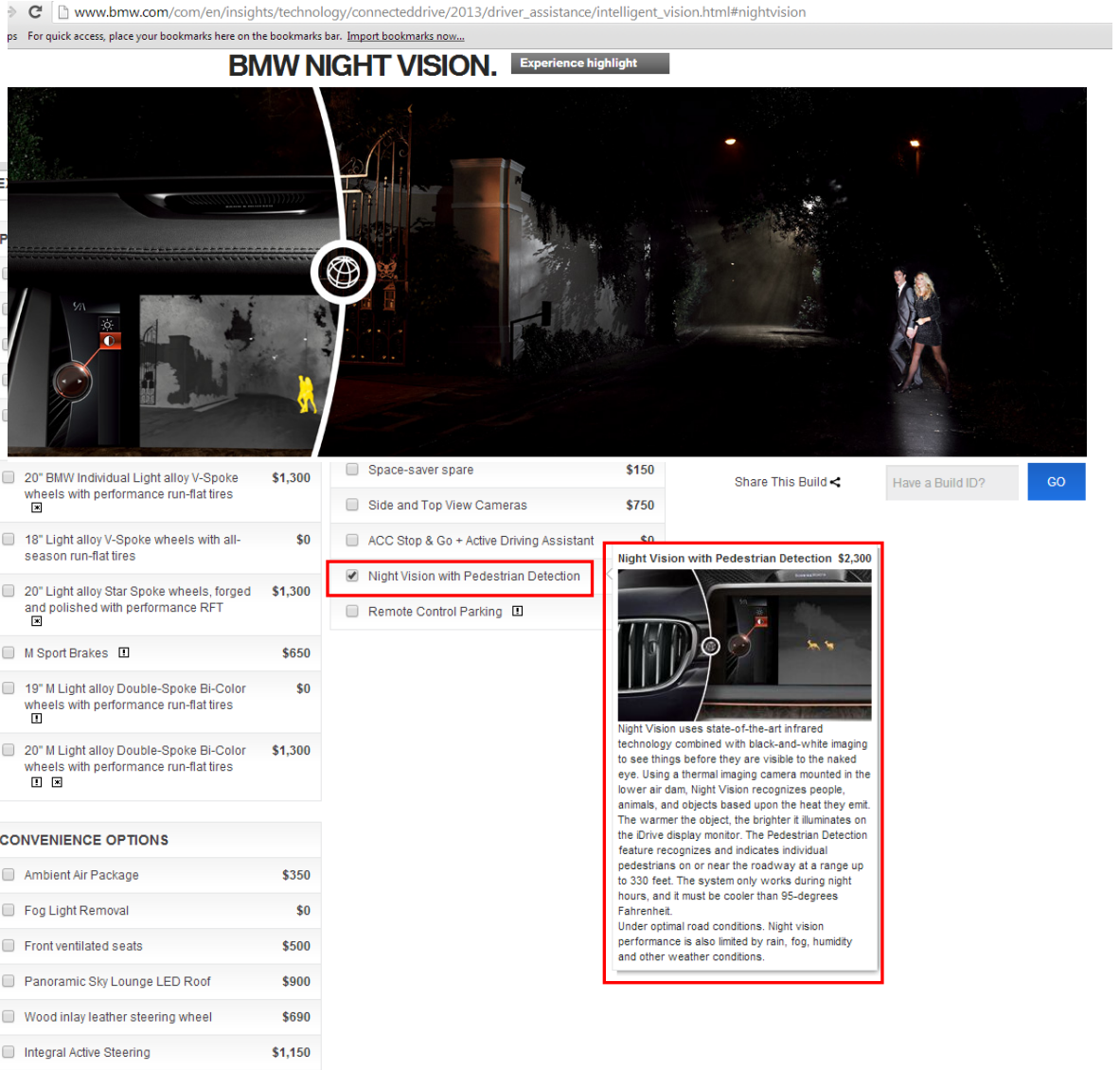
...The system directs one of the two spotlights onto any unlit persons or larger animals. This very effectively warns drivers and pedestrians of a potentially hazardous situation. An infrared camera films the area in front of the vehicle, recognises any persons and larger animals and marks them accordingly in the thermal image in either a lighter (pedestrians) or darker shade of yellow (larger animals). The thermal image can also be displayed in the Control Display if desired.

BMW Night Vision recognises people and larger animals and determines their position and proximity. It takes the speed and steering angle into consideration to establish whether or not something poses a problem and, if there is one, shows a warning

1 symbol in the shape of a person or an animal in the instrument display
2 or in the optional BMW Head-Up Display.

3 In extremely dangerous situations, the symbol additionally flashes, a
4 warning signal is sounded and the car prepares to brake.”

5 [http://www.bmw.com/com/en/insights/technology/technology_guide/a](http://www.bmw.com/com/en/insights/technology/technology_guide/articles/mm_bmw_night_vision.html)
6 [rticles/mm_bmw_night_vision.html](http://www.bmw.com/com/en/insights/technology/technology_guide/articles/mm_bmw_night_vision.html) {emphasis added}

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8 **BMW NIGHT VISION.** Experience highlight

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<input type="checkbox"/> 20" BMW Individual Light alloy V-Spoke wheels with performance run-flat tires	\$1,300	<input type="checkbox"/> Space-saver spare	\$150
<input type="checkbox"/> 18" Light alloy V-Spoke wheels with all-season run-flat tires	\$0	<input type="checkbox"/> Side and Top View Cameras	\$750
<input type="checkbox"/> 20" Light alloy Star Spoke wheels, forged and polished with performance RFT	\$1,300	<input type="checkbox"/> ACC Stop & Go + Active Driving Assistant	\$0
<input type="checkbox"/> M Sport Brakes	\$650	<input checked="" type="checkbox"/> Night Vision with Pedestrian Detection	\$2,300
<input type="checkbox"/> 19" M Light alloy Double-Spoke Bi-Color wheels with performance run-flat tires	\$0	<input type="checkbox"/> Remote Control Parking	\$1
<input type="checkbox"/> 20" M Light alloy Double-Spoke Bi-Color wheels with performance run-flat tires	\$1,300		

CONVENIENCE OPTIONS

<input type="checkbox"/> Ambient Air Package	\$350
<input type="checkbox"/> Fog Light Removal	\$0
<input type="checkbox"/> Front ventilated seats	\$500
<input type="checkbox"/> Panoramic Sky Lounge LED Roof	\$900
<input type="checkbox"/> Wood inlay leather steering wheel	\$690
<input type="checkbox"/> Integral Active Steering	\$1,150

Night Vision with Pedestrian Detection \$2,300

Night Vision uses state-of-the-art infrared technology combined with black-and-white imaging to see things before they are visible to the naked eye. Using a thermal imaging camera mounted in the lower air dam, Night Vision recognizes people, animals, and objects based upon the heat they emit. The warmer the object, the brighter it illuminates on the iDrive display monitor. The Pedestrian Detection feature recognizes and indicates individual pedestrians on or near the roadway at a range up to 330 feet. The system only works during night hours, and it must be cooler than 95-degrees Fahrenheit.

Under optimal road conditions, Night vision performance is also limited by rain, fog, humidity and other weather conditions.

25 81. Upon information and belief and by way of example, the infra-red night
26 vision apparatus (and all other features described herein) are available on 2016
27 BMW 7-Series cars sold in the U.S.:

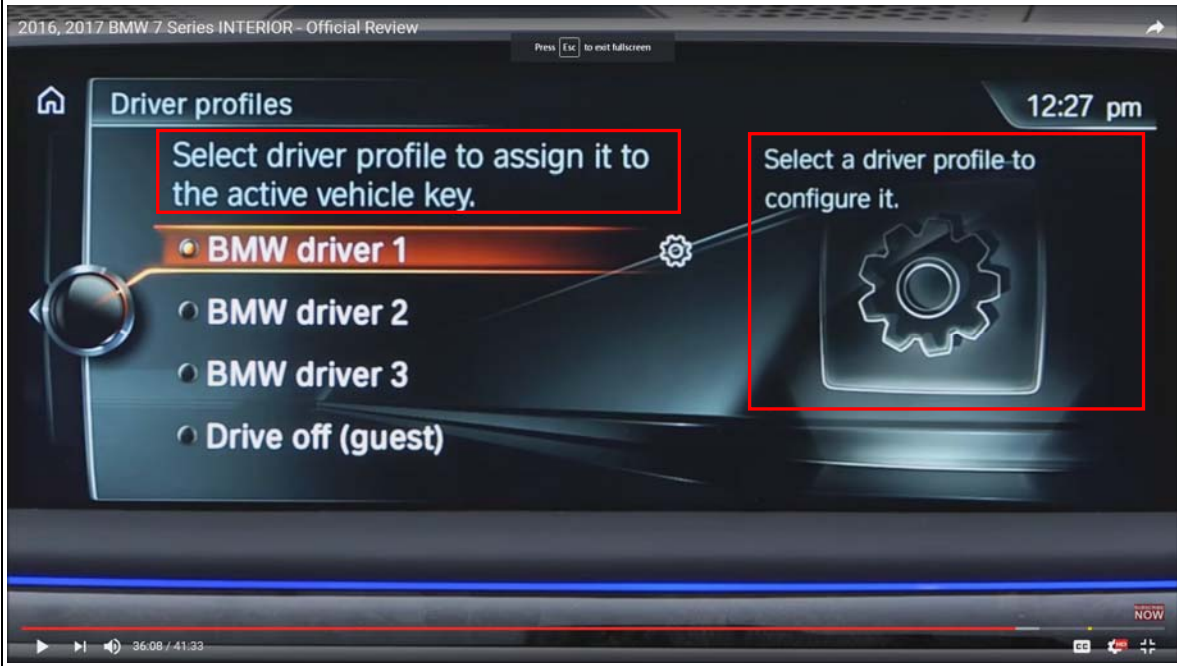
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82. Upon information and belief and by way of example, the 2016 BMW 7-Series includes an RF-based “smart” key which the user carries and that communicates with the iDrive 5.0 system:



<http://www.bmwusa.com/vehicles/7series.html>

83. Upon information and belief and by way of example, the RF-based “smart” key can, *inter alia*, enable user-specific profiles and functions within the vehicle, such as e.g., navigation functions:



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“Navigation and route criteria can be individually configured for each driver. The settings are stored for the driver profile currently being used.”

84. Upon information and belief, based on the information presently available to West View Research absent discovery, in addition to and/or in the alternative to direct infringement, West View Research alleges Defendants have, since receiving notice of the filing and/or service of this Complaint, induced

1 infringement and continue to induce infringement of at least claims 83, 84, 85, 86
2 and 87 of the '367 patent under 35 U.S.C. § 271(b).

3 85. Upon information and belief, Defendants continue, since receiving
4 notice of the filing of the this Complaint, actively, knowingly, and intentionally
5 induced, and continue to actively, knowingly, and intentionally induce, infringement
6 of the '367 patent by making, using, selling, offering for sale, importing, and/or
7 otherwise supplying products and/or services including the Accused Products and
8 Services to third parties, with the knowledge and specific intent that such third
9 parties will use, sell, offer for sale, and/or import, products and/or services supplied
10 by Defendants, including at least the BMW iDrive Products with Applications,
11 Smart Home Products, and IFTTT Widget-enabled Products of the Accused
12 Products and Services to directly infringe the '367 patent.

13 86. Upon information and belief, despite Defendants' knowledge of the
14 existence of the '367 patent since at least as early as the filing of this Complaint,
15 Defendants continue to encourage, instruct, enable and otherwise aid and abet third
16 parties, including but not limited to Defendants' customers and sales or technical
17 personnel, Defendants' agents, owners, and/or drivers of the Accused Products and
18 Services to use the Accused Products and Services in a manner that directly
19 infringes the '367 patent.

20 87. Upon information and belief, Defendants specifically intended that their
21 customers and sales or technical personnel, Defendants' agents, owners, and/or
22 drivers use the Accused Products and Services in such a way that directly infringes
23 the '367 patent by, at a minimum, advertising, enticing, encouraging, instructing,
24 and aiding and abetting their customers, agents, owners, and/or drivers, through the
25 publication and dissemination of marketing materials, detailed operational manuals,
26 on-line instructional videos, and/or technical assistance related to the Accused
27 Products and Services, to use, sell, offer for sale, and/or import, products and/or
28 services supplied by Defendants, including the Accused Products and Services, to

1 directly infringe the '367 patent.

2 88. Upon information and belief, Defendants knew and know that their
3 actions, including but not limited to providing detailed operating manuals, press
4 releases, instructional on-line videos, and other literature, in relation to the Accused
5 Products, would induce, have induced, and continues to induce direct infringement
6 of the '367 patent by third parties, including but not limited to Defendants'
7 customers and sales or technical personnel, Defendants' agents, owners, and/or
8 drivers.

9 89. West View Research has no adequate remedy at law against these acts
10 of patent infringement. Defendants' actions complained of herein are causing
11 irreparable harm and damages to West View Research and will continue to do so
12 unless and until Defendants are permanently enjoined by the Court.

13 90. As a direct and proximate result of the acts of patent infringement by
14 Defendants, West View Research has been damaged and continues to be damaged in
15 an amount not presently known.

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

20
21 **PRAYER FOR RELIEF**

22 West View Research respectfully requests that judgment be entered in its
23 favor and against Defendants, and that the Court award the following relief to West
24 View Research:

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

27 B. A permanent injunction against Defendants, its officers, directors,
28 agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents,

1 and all others acting in active concert therewith from infringement of the Patents-
2 in-Suit, or such other equitable relief the Court determines is warranted;

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

6 D. A judgment and order finding that this is an exceptional case within
7 the meaning of 35 U.S.C. § 285 and awarding West View Research its reasonable
8 attorneys' fees against Defendants;

9 E. A judgment and order requiring Defendants to provide an accounting
10 and to pay supplemental damages to West View Research, including without
11 limitation, pre-judgment and post-judgment interest; and

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

13 **JURY DEMAND**

14 West View Research hereby respectfully demands trial by jury of all issues
15 so triable.

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Dated: October 17, 2016

Respectfully submitted,

GAZDZINSKI & ASSOCIATES, P.C.

/s/ Adam Garson
ADAM GARSON
FREDERIC G. LUDWIG, III

Attorneys for Plaintiff WEST VIEW RESEARCH, LLC