

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

AUTOBRILLIANCE, LLC,

Plaintiff

v.

TOYOTA MOTOR CORPORATION,
TOYOTA MOTOR NORTH
AMERICA, INC., TOYOTA MOTOR
ENGINEERING &
MANUFACTURING NORTH
AMERICA, INC., TOYOTA MOTOR
SALES, U.S.A., INC.,

Defendants.

Civil Action No.: 4:19-cv-712

JURY TRIAL DEMANDED

PATENT CASE

PLAINTIFF'S ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff AutoBrilliance, LLC ("AutoBrilliance" or "Plaintiff"), files this Complaint against Toyota Motor Corporation, Toyota Motor North America, Inc., Toyota Motor Engineering & Manufacturing North America, Inc., and Toyota Motor Sales, U.S.A. (together "Defendants") seeking damages and other relief for patent infringement, and alleges with knowledge to its own acts, and on information and belief as to other matters, as follows:

PARTIES

1. Plaintiff is a Texas limited liability company with its principal place of business at 100 Commons Road, #11, Dripping Springs, TX 78620. AutoBrilliance is the owner of intellectual property rights at issue in this action.

2. Defendant Toyota Motor Corporation is a corporation organized and existing under the laws of Japan with a principal place of business at 1 Toyota-Cho, Toyota City, Aichi Prefecture 471-8571, Japan.

3. Toyota Motor North America, Inc. is a corporation organized and existing under the laws of the State of Texas with a place of business at 6565 Headquarters Drive, Plano, TX 75024-5965. Toyota Motor North America, Inc. may be served through its registered agent, CT Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201.

4. Toyota Motor Engineering & Manufacturing North America, Inc. is a corporation organized and existing under the laws of the State of Texas with a place of business at 6565 Headquarters Drive W1-3C C/O Corp Tax Dept Plano, TX 75024. Toyota Motor Engineering & Manufacturing North America, Inc. may be served through its registered agent, CT Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201.

5. Toyota Motor Sales, U.S.A., Inc. is a corporation organized and existing under the laws of the State of Texas with a place of business at 6565 Headquarters Drive W1-3C C/O Corp Tax Dept Plano, TX 75024-5965. Toyota Motor Sales, U.S.A. may be served through its registered agent, CT Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201.

6. This Court has personal jurisdiction over Defendants at least because Defendants conduct business, including performing infringing acts as described herein, in this District. For example, Toyota Motor Corporation and/or Toyota Motor North America sell vehicles (that have been alleged to infringe) at multiple locations throughout this District (e.g., at 4100 South Interstate 35, Denton, TX 76210).

7. Defendants conduct business in Texas, directly or through intermediaries and offer products or services, including those accused herein of infringement, to customers, and potential customers located in Texas, including in this District.

JURISDICTION AND VENUE

8. This action arises under the patent laws of the United States, 35 U.S.C. §101, et seq. This Court has subject matter jurisdiction under 28 U.S.C. §§1331 and 1338(a).

9. As to Toyota Motor Corporation, Inc., venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(c)(3), as venue is proper over a foreign corporation in “any judicial district.”

10. As to Toyota Motor North America, Inc., venue is proper in this judicial district pursuant to 28 U.S.C. §1400(b). Toyota Motor North America, Inc. maintains an established place of business in the state of Texas and this District, specifically including an office at 6565 Headquarters Drive, Plano, TX 75024-5965.

11. As to Toyota Motor Engineering & Manufacturing North America, Inc., venue is proper in this judicial district pursuant to 28 U.S.C. §1400(b). Toyota Motor Engineering & Manufacturing North America, Inc. maintains an established place of business in the state of Texas and in this District, specifically including an office at 6565 Headquarters Drive, Plano, TX 75024-5965.

12. As to Toyota Motor Sales, U.S.A., venue is proper in this judicial district pursuant to 28 U.S.C. §1400(b). Toyota Motor Sales, U.S.A. maintains an established place of business in the state of Texas and in this District, specifically including an office at 6565 Headquarters Drive, Plano, TX 75024-5965.

13. Defendants are subject to this Court's specific and general personal jurisdiction pursuant to due process or the Texas Long Arm Statute, because Defendants conduct substantial business in this forum, including: (i) making, using, selling, offering for sale, and/or importing vehicles that have been alleged to infringe the Patents-in-Suit in this Complaint; and (ii) regularly conducting or soliciting business, engaging in other persistent courses of conduct, and deriving substantial revenue from goods and services provided to citizens and residents in Texas and in this District.

THE PATENT-IN-SUIT

14. The United States Patent and Trademark Office ("USPTO") duly and legally issued United States Patent No. 6,792,351 ("the '351 Patent") entitled "METHOD AND APPARATUS FOR MULTI-VEHICLE COMMUNICATION" to Robert Pierce Lutter et al. on September 14, 2004.

15. AutoBrilliance, LLC is the owner of the '351 Patent and has the full and exclusive right to bring actions and recover past, present, and future damages for the Defendants' infringement of the '351 Patent.

16. The '351 Patent is valid and enforceable. A true and correct copy of the '351 Patent is attached hereto as Exhibit A.

17. The '351 Patent is collectively referred to herein as the "Patent" or the "Patent-in-Suit."

18. AutoBrilliance has not practiced any claimed invention of the Patent-in-Suit.

COUNT I: INFRINGEMENT OF THE '351 PATENT

19. AutoBrilliance repeats and re-alleges the allegations of the above paragraphs as if fully set forth herein.

20. The '351 Patent includes 10 claims. '351 Patent, Ex. A at 6:16–8:14.

21. The '351 Patent discloses systems and methods for processing messages received by a computerized system a vehicle. As the '351 Patent describes, a message containing a message identifier is received in a vehicle. The message identifier is compared with information associated with the vehicle. If message identifier and the vehicle information correspond in some manner, the message is reported to a vehicle operator and may be relayed to other vehicles. '351 Patent, Ex. A, Abstract.

22. As the '351 Patent further describes, “Information needs to be transferred between different vehicles. However, there may not be a communication infrastructure available in certain geographic areas for transmitting information between vehicles. . . . Digital maps are used by vehicles to help navigate to desired locations. The problem is that these maps may not give the best route for arriving at a desired location. For example, there may be traffic accidents or road construction along the route specified in the digital map.” '351 Patent, Ex. A, 1:13–27.

23. As the '351 Patent further describes, a message may contain information regarding the road condition and/or a location identifier identifying where the road condition is located. A vehicle may broadcast the message to any vehicle within the same vicinity. Processors in vehicles receiving the message may compare the location identifier in the message with a current position and direction of the vehicle receiving the message. If the direction and location of the vehicle appears to be on a collision course with the location of a road condition, then a warning signal may be announced to the vehicle operator. '351 Patent, Ex. A. 3:6–34.

24. The claimed elements and claimed combinations of the '351 Patent were not well-understood, routine, and conventional to a skilled artisan in the relevant field as of the priority date of the '351 Patent.

25. Defendants infringe the '351 Patent at least by making, using, selling, offering to sell, and/or importing vehicles equipped with advanced electronic navigation systems. For example, Defendants make, use, sell, offer to sell, and/or import vehicles equipped with the Entune and Scout Link App and SiriusXM Traffic ("the '351 Accused Product"), as illustrated by way of example in the claim chart attached hereto as Exhibit B. Such vehicles include, but are not limited to, certain 2019 Toyota Corolla Hatchback, 2019 Toyota Avalon, 2019 Toyota Camry, and 2019 Toyota Sienna models.

26. Defendants directly infringe one or more claims of the '351 Patent without authority by making, using, selling, offering for sale, and/or importing products and systems, including by way of example, the '351 Accused Products. See Claim Chart for the '351 Patent, attached hereto as Exhibit B.

27. Defendants have been and are directly infringing, either literally or under the doctrine of equivalents, at least Claim 4 of the '351 Patent by making, using, selling, offering for sale, and/or importing the '351 Accused Products. *See* Claim Chart for the '351 Patent, attached hereto as Exhibit B. As demonstrated by the attached claim chart, each and every element of Claim 29 of the '351 Patent is found in the '351 Accused Product.

28. Defendants have had actual knowledge of the '351 Patent at least as early as May 6, 2019.

29. Defendants' acts of infringement have occurred within this District and elsewhere throughout the United States.

RELIEF REQUESTED

WHEREFORE, Plaintiff respectfully requests that the Court:

A. Declare that Defendants have infringed the Patent;

- B. Declare that Defendants have willfully infringed the Patent at least since May 6, 2019.
- C. Award damages in an amount to be proven at trial, but in no event less than a reasonable royalty for Defendants' infringement including pre-judgment and post-judgment interest at the maximum rate permitted by law;
- D. Award enhanced damages under 35 U.S.C. § 284 for willful infringement.
- E. Order an award of reasonable attorneys' fees against Defendants to AutoBrilliance as provided by 35 U.S.C. § 285;
- F. Award expenses, costs, and disbursements in this action against Defendants, including prejudgment interest; and
- G. Provide all other relief necessary or appropriate.

JURY DEMAND

Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiff hereby demands a trial by jury on all issues so triable.

Dated: September 30, 2019

Respectfully submitted,

By: /s/
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**ATTORNEYS FOR PLAINTIFF
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