

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

21ST CENTURY GARAGE LLC,

Plaintiff,

v.

PACCAR INC.,

Defendant.

CIVIL ACTION

NO. 2:20-cv-00369

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff 21st Century Garage LLC files this Complaint for Patent Infringement against Defendant PACCAR Inc. (“Defendant” or “PACCAR”), and states as follows:

THE PARTIES

1. Plaintiff is a limited liability company organized and existing under the laws of the State of Georgia, having its principal office at 1700 Northside Drive, Suite A7, #5109, Atlanta, GA 30318.

2. Defendant PACCAR is a company organized and existing under the laws of the State of Delaware, with a regular and established place of business at 1700 Woodbrook Street, Denton,

Texas 76205, which is the headquarters of Peterbilt Motors Company, a division of PACCAR.

JURISDICTION AND VENUE

3. This Court has exclusive subject matter jurisdiction over this case pursuant to 28 U.S.C. §§ 1331 and 1338(a) on the grounds that this action arises under the Patent Laws of the United States, 35 U.S.C. § 1 et seq., including, without limitation, 35 U.S.C. §§ 271, 281, 284, and 285.

4. This Court has personal jurisdiction over Defendant because it has minimum contacts with the State of Texas, and has purposefully availed itself of the privileges of conducting business in the State of Texas. For example, on information and belief, Defendant has sold or offered to sell infringing products in the State of Texas and this Judicial District, and/or has manufactured accused products and/or provided accused services in this Judicial District, and/or has provided accused products to intermediaries for distribution throughout the country, including Texas, with knowledge of this distribution.

5. Venue is proper in this Court pursuant to 28 U.S.C. § 1400(b) on the grounds that Defendant has committed acts of infringement in and has a regular and established place of business in this Judicial District, including the headquarters of Peterbilt Motors Company at 1700 Woodbrook Street, Denton, Texas 76205, which is a division of Defendant.

FACTUAL BACKGROUND

U.S. Patent No. 6,208,948

6. Plaintiff 21st Century Garage is the owner by assignment of all right, title, and interest in and to United States Patent No. 6,208,948, entitled “Computer-Assisted Diagnostic Device and Diagnostic Process for Electronically Controlled Systems” (“the ’948 patent”), including the right to sue for all past, present, and future infringement, which assignment was duly recorded in the USPTO.

7. A true and correct copy of the ’948 patent is attached hereto as Exhibit A. The ’948 patent is incorporated herein by reference.

8. The application that became the '948 patent was filed on June 19, 1998, and was assigned U.S. Patent Application No. 09/099,935.

9. The '948 patent issued on March 27, 2001, after a full and fair examination by the USPTO.

10. The '948 patent is valid and enforceable and directed to eligible subject matter.

11. The '948 patent discloses and claims inventions relating to a computer-assisted diagnostic device for electronically controlled systems and a diagnostic process which can be implemented by means of a computer.

12. The '948 patent recognized that, at the time of filing, “[t]he increasing complexity of the electronically controlled systems in a motor vehicle requires diagnostic devices which can read out the data of these systems specific for each vehicle type and can transmit them to the equipment available for repair purposes.” '948 patent at 1:18-22.

13. The '948 noted that existing portable diagnostic utilized memory cassettes containing “the design data of a certain motor

vehicle type and the diagnostic program” for an electronic system to be examined. *Id.* at 1:37-40. However, such memory cassettes “require regular maintenance and exchange in the case of frequently changing vehicle design data and changes in the electronic systems to be diagnosed,” requiring that “a large number of such memory cassettes with vehicle-specific data must be kept in repair shops and the stock must constantly be supplemented.” *Id.* at 1:43-48.

14. The ’948 patent teaches that “[i]t is an object of the present invention to provide a computer-assisted diagnostic device as well as a diagnostic process for electronically controlled systems in order to considerably reduce the establishment and maintenance expenditures for the diagnostic hardware and software without having to change the already existing electronically controlled systems.” *Id.* at 1:55.

15. The ’948 patent discloses technical solutions to the technical problems with the existing art. One of these solutions that accomplish one or more objects of the invention is recited in claim 9 of the ’948 patent:

9. Diagnostic process for electronically controlled systems arranged within an overall system which can be implemented via computers, the diagnostic process comprising the acts of:

loading a diagnostics program filed in a computer of a first type and loading of data of a first type, which essentially comprise diagnosis-relevant data of the electronically controlled systems in one or more computers of a second type available at one or several arbitrary locations, the diagnostics program being transmitted by way of a network based on Internet technology from the computer of the first type to the one or more computers of the second type, the computer of the first type and the one or more of the second type being capable of exchanging data and programs with one another;

expanding the loaded diagnostics program by directly loadable libraries filed in each computer of the second type; and

implementing the expanded diagnostics program, the expanding diagnostics program intervening, by way of devices for permitting an interaction between a computer of the second type and the electronically controlled systems of the overall system, into the electronically controlled systems; and

wherein the computer of the first type is a server set up at a central point, and the data of the first type additionally comprises data and diagnostic results generated by the intervention of the expanded diagnostic program in the electronically controlled systems.

16. The '948 patent discloses various benefits of the inventions disclosed and claimed therein, including the invention recited in claim 9. For example, the '948 patent teaches that the “transfer of data and diagnostics results generated by the intervention in the electronically controlled systems to the computer of the first type . . . eliminates the manual input of the data and results, and the current results obtained during a diagnosis are immediately available

on the computer of the first type for other users of the diagnostic service.” *Id.* at 3:10-18.

17. The ’948 patent also states that the invention disclosed and claimed therein, including the invention recited in claim 9, makes it easier to update diagnostics systems for electronically controlled systems. *Id.* at 2:47-65. The ’948 patent also teaches that the inventions disclosed and claimed therein, including in claim 9, simplifies the process of updating data and saves storage space on computers of the second type. *Id.* at 3:3-10.

18. The claim elements recited in claim 9 were not well-understood, routine, or conventional when the inventors of the ’948 patent filed their patent application.

U.S. Patent No. 5,978,737

19. Plaintiff 21st Century Garage is the owner by assignment of all right, title, and interest in and to United States Patent No. 5,978,737, entitled “Method and Apparatus for Hazard Detection and Distraction Avoidance for a Vehicle” (“the ’737 patent”), including the right to sue for all past, present, and future infringement, which assignment was duly recorded in the USPTO.

20. A true and correct copy of the '737 patent is attached hereto as Exhibit B. The '737 patent is incorporated herein by reference.

21. The application that became the '737 patent was filed on October 16, 1997, and was assigned U.S. Patent Application No. 08/953,863.

22. The '737 patent issued on November 2, 1999, after a full and fair examination by the USPTO.

23. The '737 patent is valid and enforceable and directed to eligible subject matter.

24. The '737 patent discloses and claims inventions relating to the detection of hazardous conditions during operation of a vehicle.

25. The '737 patent observed that, at the time of filing, “people are spending increasing amounts of time driving in automobiles,” while at the same time, “technology is becoming available to allow a driver to perform an ever increasing number of functions in addition to driving the automobile” (e.g., inserting compact discs, dialing a phone, and the like). '737 patent at 1:10-19. The result, the '737 patent explains, “is to make a driver increasingly

less alert to chang[ing] conditions inside and outside the automobile that constitute hazards.” *Id.* at 1:20-25.

26. The ’737 patent further explains that “[e]xisting automobile hazard detection systems” were “of limited intelligence.” *Id.* at 1:31-33. In particular, the ’737 patent discloses, “they detect a limited group of hazards and provide a limited group of responses, for example, manipulating a car’s braking system in response to detecting skidding, or activating a collision alarm in response to detecting an imminent collision.” *Id.* at 1:33-36. Thus, the ’737 identified a technological problem with the existing art.

27. The ’737 patent discloses technical solutions to that technical problem. One of these solutions is recited in claim 1 of the ’737 patent:

1. A system for detecting hazardous conditions during operation of a vehicle, comprising:

a plurality of sensors that monitor a plurality of conditions and transmit condition signals each representing a measure of a condition;

a plurality of rate determination circuits coupled to the sensors that continually receive the condition signals, wherein each rate determination circuit calculates rates of change for the condition, including a baseline rate of change, and outputs a potential hazard value representing a deviation of a rate of change from the baseline rate that exceeds a predetermined threshold value; and

an evaluation circuit that receives the potential hazard value, calculates a new potential hazard value using the potential hazard value and a rate of change for at least one associated condition and determines whether an actual hazard exists by comparing the new potential hazard value with a stored value that corresponds to the condition.

28. The invention recited in claim 1 addresses technical deficiencies in the state of the art, including the deficiencies identified in the '737 patent's Background of the Invention by, for example, providing a more intelligent hazard detection system that identifies actual hazards based on a monitored condition and an associated condition as recited in claim 1.

29. The claim elements recited in claim 1 were not well-understood, routine, or conventional when the inventors of the '737 patent filed their patent application.

U.S. Patent No. 6,584,403

30. Plaintiff 21st Century Garage is the owner by assignment of all right, title, and interest in and to United States Patent No. 6,584,403, entitled "Automated Vehicle Tracking and Service Provision System" ("the '403 patent"), including the right to sue for all past, present, and future infringement, which assignment was duly recorded in the USPTO.

31. A true and correct copy of the '403 patent is attached hereto as Exhibit C. The '403 patent is incorporated herein by reference.

32. The application that became the '403 patent was filed on January 17, 2001, and was assigned U.S. Patent Application No. 09/761,169. The '169 application is a division of the '184 application, which issued as the '365 patent, and also claims priority to U.S. Patent Application No. 08/786,184.

33. The '403 patent issued on June 24, 2003, after a full and fair examination by the USPTO.

34. The '403 patent is valid and enforceable and directed to eligible subject matter.

35. The '403 patent discloses and claims inventions relating to an automated vehicle tracking and service provision system.

36. For example, claim 25 of the '403 patent recites:

25. An information processing system comprising:

(a) a wireless communication interface associated with a central controller for communicating information between said central controller and a plurality of local controllers;

(b) an information processor associated with said central controller for receiving geo-location information received from ones of said plurality of

local controllers and for selecting and transmitting from an information source geo-specific information, based on said geo-location information, to ones of said local controllers.

37. The claim elements recited in claim 25 were not well-understood, routine, or conventional when the inventors of the '403 patent filed their patent application.

38. Claim 25 is not directed to an abstract idea but instead to a particular technological solution to a technological problem (e.g., inefficient technologies for receiving and providing information to a large number of vehicles).

39. At the time of the '403 patent's priority date, inefficiencies in available communication technologies prevented a central controller from efficiently communicating with a large fleet of vehicles to, for example, (1) provide goods and services to the vehicles (e.g., their customers or assets) in a timelier fashion; or (2) safeguard the vehicles comprising the fleet.

40. Claim 25 addresses such inefficiencies by reciting a system that allows more efficient communication technologies by providing geo-specific information based on geo-location information without requiring individuals (e.g., customers, service persons,

delivery persons, borrowers, or renters) to constantly provide updates regarding their location or progress.

41. Claim 25 includes an inventive concept as demonstrated by the non-conventional and non-generic arrangement of the elements recited in claim 25. In particular, claim 25 recites an ordered combination constituting an improvement over prior-art techniques.

42. The '403 patent recites additional technological solutions to technological problems. For example, the '403 patent improved upon navigation systems involving locally stored mapping information by providing a mapping system that receives information including traffic flow and driving information from a central controller.

43. This improvement is recited, for example, in claim 30 of the '403 patent: "A system as defined in claim 25, said information including traffic flow and driving information, based on said vehicle's current geo location."

44. The invention recited in claim 30 improves upon prior art systems by providing driving information, including traffic flow information, that originates from the central controller instead of

relying on locally stored information. In this manner, the navigation information provided to a driver can account for up-to-date information. It also avoids technical challenges involved in providing updates to local systems.

45. Claim 30 includes an inventive concept as demonstrated by the non-conventional and non-generic arrangement of the elements recited in claim 30. In particular, claim 30 recites an ordered combination constituting an improvement over prior-art techniques.

COUNT I – INFRINGEMENT OF THE '948 PATENT

46. Plaintiff realleges and incorporates by reference the allegations set forth above, as if set forth verbatim herein.

47. On information and belief, Defendant has made, used, sold, offered for sale, or imported products or services that incorporate one or more of the inventions claimed in the '948 patent.

48. For example, on information and belief, Defendant has infringed at least claim 9 of the '948 patent, either literally or under the doctrine of equivalents, in connection with, for example, its SmartLinq diagnostic platform, as detailed in the preliminary claim

chart attached hereto as Exhibit D and incorporated herein by reference.

49. Defendant's infringing activities have been without authority or license under the '948 patent.

50. Plaintiff has been damaged by Defendant's infringement of the '948 patent, and Plaintiff is entitled to recover damages for Defendant's infringement, which damages cannot be less than a reasonable royalty.

51. Prior to suit, Plaintiff notified Defendant of its infringement of the '948 patent and expressed interest in resolving the matter without the need for litigation. To Plaintiff's knowledge, Defendant has not responded prior to the filing of this Complaint.

COUNT II – INFRINGEMENT OF THE '737 PATENT

52. Plaintiff realleges and incorporates by reference the allegations set forth above, as if set forth verbatim herein.

53. On information and belief, Defendant has made, used, sold, offered for sale, or imported products that incorporate one or more of the inventions claimed in the '737 patent.

54. For example, on information and belief, Defendant has infringed at least claim 1 of the '737 patent, either literally or under the doctrine of equivalents, in connection with, for example, its Peterbilt trucks providing active cruise control with braking, as detailed in the preliminary claim chart attached hereto as Exhibit E and incorporated herein by reference.

55. Defendant's infringing activities have been without authority or license under the '737 patent.

56. Plaintiff has been damaged by Defendant's infringement of the '737 patent, and Plaintiff is entitled to recover damages for Defendant's infringement, which damages cannot be less than a reasonable royalty.

57. Prior to suit, Plaintiff notified Defendant of its infringement of the '737 patent and expressed interest in resolving the matter without the need for litigation. To Plaintiff's knowledge, Defendant has not responded prior to the filing of this Complaint.

COUNT III – INFRINGEMENT OF THE '403 PATENT

58. Plaintiff realleges and incorporates by reference the allegations set forth above, as if set forth verbatim herein.

59. On information and belief, Defendant has made, used, sold, offered for sale, or imported products that incorporate one or more of the inventions claimed in the '403 patent.

60. For example, on information and belief, Defendant has infringed at least claims 25, 26, and 28-30 of the '403 patent, either literally or under the doctrine of equivalents, in connection with, for example, its Peterbilt trucks with CoPilot Truck, as detailed in the preliminary claim chart attached hereto as Exhibit F and incorporated herein by reference.

61. Defendant's infringing activities have been without authority or license under the '403 patent.

62. Plaintiff has been damaged by Defendant's infringement of the '403 patent, and Plaintiff is entitled to recover damages for Defendant's infringement, which damages cannot be less than a reasonable royalty.

63. Prior to suit, Plaintiff notified Defendant of its infringement of the '403 patent and expressed interest in resolving the matter without the need for litigation. To Plaintiff's knowledge, Defendant has not responded prior to the filing of this Complaint.

JURY TRIAL

64. Plaintiff respectfully demands a trial by jury.

PRAYER FOR RELIEF

Plaintiff respectfully requests that the Court find in its favor and against Defendant, and that the Court grant Plaintiff the following relief:

- A. An adjudication that one or more claims of the '948 patent, the '737 patent, and the '403 patent have been infringed, either literally and/or under the doctrine of equivalents, by Defendant;
- B. An accounting and an award to Plaintiff of damages adequate to compensate Plaintiff for Defendant's acts of infringement, together with pre-judgment and post-judgment interest and costs pursuant to 35 U.S.C. § 284;
- C. That this Court declare this to be an exceptional case and award Plaintiff its reasonable attorneys' fees and expenses in accordance with 35 U.S.C. § 285; and
- D. Any further relief that this Court deems just and proper.

This 27th day of November, 2020.

/s/ Cortney S. Alexander

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