

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

DISPLAY TECHNOLOGIES, LLC,

Plaintiff,

vs.

BMW OF NORTH AMERICA, LLC,

Defendant.

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Case No: 6:21-cv-01214

PATENT CASE

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff Display Technologies, LLC (“Plaintiff” and/or “Display”) files this Complaint against BMW of North America, LLC (“Defendant” or “BMW”) for infringement of United States Patent No. 9,300,723 (the “ ‘723 Patent”).

PARTIES AND JURISDICTION

1. This is an action for patent infringement under Title 35 of the United States Code. Plaintiff is seeking injunctive relief as well as damages.

2. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 (Federal Question) and 1338(a) (Patents) because this is a civil action for patent infringement arising under the United States patent statutes.

3. Plaintiff is a Texas limited liability company with a place of business at 1 East Broward Boulevard, Suite 700, Ft. Lauderdale, FL 33301.

4. On information and belief, Defendant is a Delaware limited liability company with a principal place of business at 300 Chestnut Ridge Road, Woodcliff Lake, NJ 07677-7731. On information and belief, Defendant may be served through its registered agent, Corporation

Trust Company, located at Corporation Trust Center, 1209 Orange St., Wilmington, Delaware 19801.

5. This Court has personal jurisdiction over Defendant because Defendant has committed, and continues to commit, acts of infringement in this District, has conducted business in this District, and/or has engaged in continuous and systematic activities in this District.

6. Upon information and belief, Defendant's instrumentalities that are alleged herein to infringe were and continue to be used, imported, offered for sale, and/or sold in this District.

VENUE

7. On information and belief, venue is proper in this District under 28 U.S.C. § 1400(b) because acts of infringement are occurring in this District and Defendant has a regular and established place of business in this District at, for example, 6006 S General Bruce Dr, Temple, TX 76502.

COUNT I **(INFRINGEMENT OF UNITED STATES PATENT NO. 9,300,723)**

8. Plaintiff incorporates paragraphs 1 through 7 herein by reference.

9. This cause of action arises under the patent laws of the United States and, in particular, under 35 U.S.C. §§ 271, *et seq.*

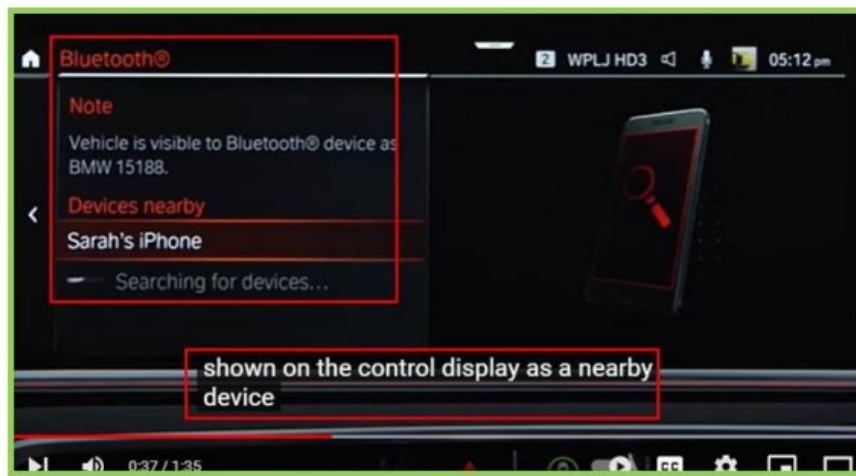
10. Plaintiff is the owner by assignment of the '723 Patent with sole rights to enforce the '723 Patent and sue infringers.

11. A copy of the '723 Patent, titled "Enabling social interactive wireless communications," is attached hereto as Exhibit A.

12. The '723 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

13. Defendant has infringed and continues to infringe one or more claims, including at least Claim 12 of the '723 Patent by making, using, and/or selling media systems covered by one or more claims of the '723 Patent. For example, Defendant makes, uses, and/or sells the BMW car infotainment system, and any similar products ("Product"). Defendant has infringed and continues to infringe the '723 Patent in violation of 35 U.S.C. § 271.

14. Regarding Claim 12, the Product is configured to receive a media file (e.g., music file or songs video) from a wireless mobile device (e.g., mobile phone) over a communication network (e.g. Bluetooth network). The wireless mobile device (e.g., mobile phone) sends data (e.g., music file) to the media system. Certain aspects of this element are illustrated in the screenshots below and/or those provided in connection with other allegations herein.



Source: <https://www.youtube.com/watch?v=dx8e9X4ktlg>

BMW ANDROID AUTO COMPATIBILITY.

With BMW Android Auto compatibility, your vehicle supports a wireless connection between your smartphone and your BMW. This allows you to conveniently use familiar functions and various apps in your BMW.

Source: https://www.bmwusa.com/content/dam/bmwusa/connected-drive/pdf/GSG_AndroidAuto.pdf

BMW enhances your driving experience by allowing you to listen to the music you enjoy from your iOS smartphone. You can use this in BMW Operating System 7. To implement music in your BMW connect your phone via Bluetooth audio or USB cable. Once connected you are ready to enjoy music on the road. To learn more, visit our BMW dealership in Minnetonka, MN. Our team of BMW product specialists are here to help you get the most out of your new BMW.

Source: <https://www.bmwofminnetonka.com/bmw-how-to-play-music-from-an-ios-device/>

Devices, such as mobile phones or laptops, can be connected to the vehicle in different ways and used.

- ▷ Connect mobile phone with the vehicle via Bluetooth and use it.
- ▷ Listen to music of an audio player via Bluetooth.
- ▷ Play back smartphone videos on the Control Display.
- ▷ Use smartphone apps in the vehicle.

Source: <https://cdn.dealereprocess.org/cdn/service/manuals/bmw/2016-7series.pdf>

15. The Product includes a wireless receiver (e.g., Bluetooth receiver). Certain aspects of this element are illustrated in the screenshots below and/or in those provided in connection with other allegations herein.



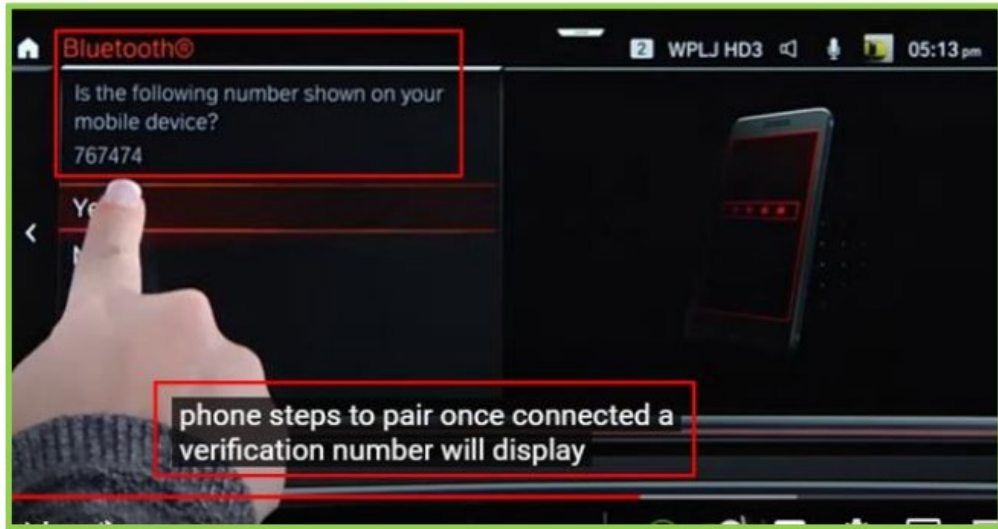
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16. The Product includes a security measure. For example, the Product must be paired and connected by inputting a password and/or Bluetooth code (i.e., a security measure) to a wireless mobile device (e.g., mobile phone) before receiving a media file. Certain aspects of this element are illustrated in the screenshots below and/or those provided in connection with other allegations herein.



Source: <https://www.youtube.com/watch?v=hJCmo2II9hg>

17. The Product is disposed in an accessible relation to at least one interactive computer network (e.g., Bluetooth network) that has a wireless range structured to permit authorized access (e.g., via pairing code) to said at least one interactive computer network. Certain aspects of this element are illustrated in the screenshots below and/or those provided in connection with other allegations herein.



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18. When the wireless mobile device is within the wireless range, the wireless mobile device is detectable by the media system (e.g., the media system automatically detects a smartphone when the mobile device is within Bluetooth range). Certain aspects of this element are illustrated in the screenshots below and/or those provided in connection with other allegations herein.



Source: <https://www.youtube.com/watch?v=dx8e9X4ktlg>

19. At least one digital media file (e.g., music file) is initially disposed on the wireless mobile device (e.g., the mobile phone includes one or more music files). Certain aspects of this element are illustrated in the screenshots below and/or those provided in connection with other allegations herein.

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Source: <https://cdn.dealereprocess.org/cdn/service manuals/bmw/2016-7series.pdf>

20. The media system is structured to detect the wireless mobile device disposed within the wireless range (e.g., media system automatically detects the mobile phone when it is within Bluetooth range). Certain aspects of this element are illustrated in the screenshots below and/or those provided in connection with other allegations herein.



Source: <https://www.youtube.com/watch?v=dx8e9X4ktlg>

21. A communication link (e.g., Bluetooth) is structured to dispose the media system and the wireless mobile device (e.g. mobile phone) in a communicative relation with one another via the at least one interactive computer network. Certain aspects of this element are illustrated in the screenshots below and/or those provided in connection with other allegations herein.



Source: <https://www.youtube.com/watch?v=dx8e9X4ktlg>

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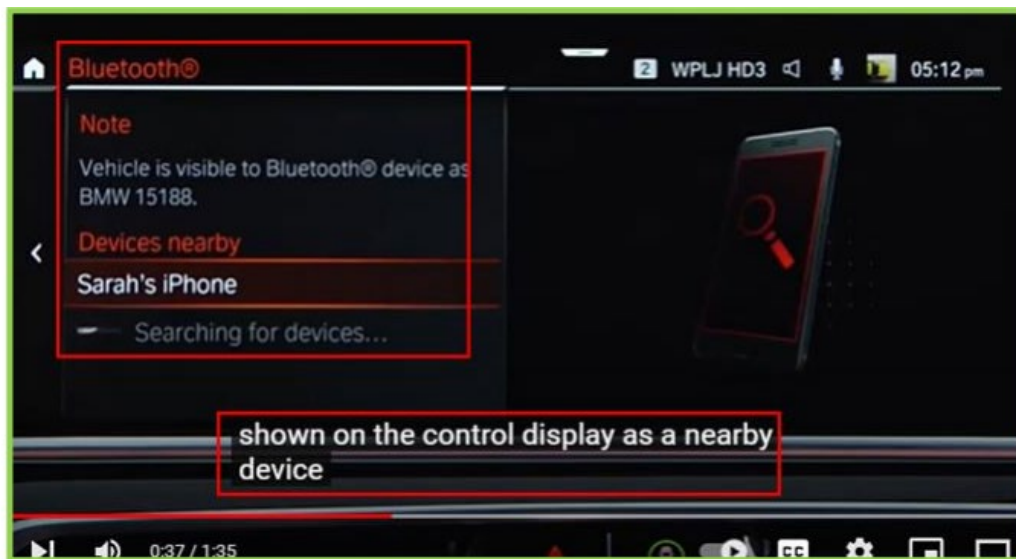
Source: https://www.bmwusa.com/content/dam/bmwusa/connected-drive/pdf/GSG_AndroidAuto.pdf

22. The communication link is initiated by the media system. The devices will automatically connect when the units are in range. Certain aspects of this element are illustrated in the screenshots below and/or those provided in connection with other allegations herein.



Source: <https://www.youtube.com/watch?v=dx8e9X4ktlg>

23. The wireless mobile device and the media system are structured to transmit the at least one digital media file there between via the communication link (e.g., media system allows for the transmission of files between itself and the wireless mobile device; e.g., the mobile device transmits the music file to the media system). Certain aspects of this element are illustrated in the screenshots below and/or those provided in connection with other allegations herein.



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24. The communication link is structured to bypass the security measure of the media system for a limited permissible use of the communication link by the wireless mobile device for only transferring the at least one digital media file to, and displaying the at least one digital media file on, the media system (e.g., the media system bypasses the security measure of the Bluetooth network). Certain aspects of this element are illustrated in the screenshots below and/or those provided in connection with other allegations herein.



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25. Defendant's actions complained of herein will continue unless Defendant is enjoined by this court.

26. Defendant's actions complained of herein are causing irreparable harm and monetary damage to Plaintiff and will continue to do so unless and until Defendant is enjoined and restrained by this Court.

27. Plaintiff is in compliance with 35 U.S.C. § 287.

DEMAND FOR JURY TRIAL

28. Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff asks the Court to:

(a) Enter judgment for Plaintiff on this Complaint on all causes of action asserted herein;

(b) Enter an Order enjoining Defendant, its agents, officers, servants, employees, attorneys, and all persons in active concert or participation with Defendant who receive notice of the order from further infringement of United States Patent No. 9,300,723 (or, in the alternative, awarding Plaintiff running royalties from the time of judgment going forward);

(c) Award Plaintiff damages resulting from Defendant's infringement in accordance with 35 U.S.C. § 284;

(d) Award Plaintiff pre-judgment and post-judgment interest and costs; and

(e) Award Plaintiff such further relief to which the Court finds Plaintiff entitled under law or equity.

Dated: November 22, 2021.

Respectfully submitted,

/s/ Jay Johnson

JAY JOHNSON

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D. BRADLEY KIZZIA

State Bar No. 11547550

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