

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

BLITZSAFE TEXAS, LLC,

Plaintiff,

v.

THOR INDUSTRIES, INC.,

Defendant.

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Case No.

JURY TRIAL DEMANDED

PLAINTIFF’S ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, Blitzsafe Texas, LLC (“Blitzsafe” or “Plaintiff”), files this original Complaint against Defendant Thor Industries, Inc. (“Defendant” or “Thor Industries”), for patent infringement under 35 U.S.C. § 271 and alleges as follows:

THE PARTIES

1. Plaintiff Blitzsafe is a limited liability company organized and existing under the laws of the State of Texas and maintains its principal place of business at 100 West Houston Street, Marshall, Texas 75670. Blitzsafe sells automotive interface products that allow the end-user to connect a third-party external audio device or multimedia device to a car stereo in order to play the content on the device through the car stereo system and speakers. Blitzsafe sells its products throughout the United States, including in this Judicial District.

2. Upon information and belief, Defendant Thor Industries is a Delaware corporation, with a place of business at 151 Market Square Boulevard, Tyler, Texas 75703.

JURISDICTION

3. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 1, *et seq.* This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. This Court has personal jurisdiction over Defendant. Defendant conducts business and has committed acts of patent infringement and/or has induced acts of patent infringement by others in this Judicial District and/or has contributed to patent infringement by others in this Judicial District, the State of Texas, and elsewhere in the United States.

5. Upon information and belief, Defendant transacts substantial business in the State of Texas and this Judicial District. Defendant has committed acts of infringement in this District by, among other things, offering to sell and selling products that infringe the asserted patents, including the accused devices as alleged herein, as well as providing service and support to its customers in this District. Upon information and belief, Defendant, directly or indirectly, participates in the stream of commerce that results in products, including the accused products, being made, used, offered for sale, and/or sold in the State of Texas and/or imported into the United States to the State of Texas.

6. Venue is proper in this Judicial District pursuant to 28 U.S.C. §§ 1391(b), 1391(c) and 1400(b) because, among other things, Defendant has transacted business in the Eastern District of Texas and has committed acts of direct and indirect infringement in the Eastern District of Texas. Defendant has regular and established places of business within this Judicial District, including, but not limited to, a facility located at 151 Market Square Boulevard, Tyler, Texas 75703.

PATENTS-IN-SUIT

7. On February 10, 2009, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 7,489,786 (the “’786 Patent”) entitled “Audio Device Integration System.” A true and correct copy of the ’786 Patent is attached hereto as Exhibit A.

8. On April 10, 2012, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 8,155,342 (the “’342 Patent”) entitled “Multimedia Device Integration System.” A true and correct copy of the ’342 Patent is attached hereto as Exhibit B.

9. Blitzsafe is the sole and exclusive owner of all right, title, and interest to and in the ’786 Patent and the ’342 Patent (together, the “Patents-in-Suit”), and holds the exclusive right to take all actions necessary to enforce its rights to the Patents-in-Suit, including the filing of this patent infringement lawsuit. Blitzsafe also has the right to recover all damages for past, present, and future infringement of the Patents-in-Suit and to seek injunctive relief as appropriate under the law.

FACTUAL ALLEGATIONS

10. The Patents-in-Suit generally cover systems for integrating third-party audio devices and multimedia devices with a car stereo.

11. Plaintiff has complied with the requirements of 35 U.S.C. § 287(a).

12. Defendant has been making, using, offering to sell, selling, and importing into the United States audio and multimedia integration systems which have been installed in Thor-branded vehicles made in or imported into the United States since at least approximately 2016, as well as accessories to be installed at or after the time of delivery of the vehicle (hereinafter collectively referred to as “Infotainment Systems”).

13. The Infotainment Systems are sold in at least the following vehicles during the period from 2016 to the present: Axis, Vegas, A.C.E., Hurricane, Windsport, Miramar, Challenger, Outlaw Class A, Palazzo, Aria, Venetian, Tuscany, Sequence, Tellaro, Scope, Rize, Compass AWD, Gemini AWD, Four Winds, Chateau, Quantum, Omni, Magnitude, Inception, Pasadena, and Outlaw Class C.

14. The Infotainment Systems support the integration of third-party external audio and multimedia devices, such as MP3 players, with the car stereo. The Infotainment Systems permit an end-user to connect a third-party external audio or multimedia device to the car stereo by wire, such as through a USB port or auxiliary port, or wirelessly, such as through Bluetooth. Once connected, the end-user may control the third-party external audio or multimedia device using the car stereo's controls, and the audio from the external device may be played through the car stereo and speakers while text, pictures, visual images, and video may be displayed on the display screen of the car stereo.

15. Defendant's user manuals, instructional videos, websites, and other information demonstrate to Thor Industries' users, customers, and prospective customers how an external audio device and external multimedia device may be connected to the car stereo by wire to, for example, a USB port, or wirelessly by Bluetooth, and how the external device may be controlled by the vehicle stereo's controls. For example, Thor Industries' Appliance and Entertainment Guide for Class A and C Motorhomes shows the following:

House Radios

Although the dash radio is capable of being used as a house entertainment system, many TMC motorhome models are equipped with an additional house radio. Select models offer a premium house radio that features additional functions.

Usually located in the bedroom area or on a panel of the main quarters, the house radio is powered by the house 12 volt DC system. To operate, the house main battery switch must be in the ON position.

Both models allow for wired and Bluetooth wireless auxiliary audio sourcing, so that MP3 or other audio devices can be used to play audio programming throughout the house. Both radios have selectable speaker outputs, so that audio can be listened to within the motorhome and outside the motorhome through the exterior entertainment speakers (if installed). Both radios have built-in clocks with alarms. The JWM6A has a built-in CD/DVD player that can be used to play DVD's on the motorhome's television displays.

For operating instructions, please refer to the manufacturer's owner's manual included with your TMC Owner's Packet. Operating instructions are also available from the manufacturer's website and the Customer Care section of Thor Motor Coach's website:

www.thormotorcoach.com



Jensen® JWM1A and JWM6A radios

COUNT I **(Infringement of the '786 Patent)**

16. Paragraphs 1 through 15 are incorporated herein by reference as if fully set forth in their entireties.

17. Blitzsafe has not licensed or otherwise authorized Defendant to make, use, offer for sale, sell, or import any products that embody the inventions of the '786 Patent.

18. Defendant has and continues to directly infringe one or more claims of the '786 Patent, including claim 57, either literally or under the doctrine of equivalents, by making, using, offering to sell, selling, and/or importing into the United States infringing Infotainment Systems without authority and in violation of 35 U.S.C. § 271.

19. Defendant has and continues to indirectly infringe one or more claims of the '786 Patent by knowingly and intentionally inducing others to directly infringe, either literally or under

the doctrine of equivalents, by making, using, offering to sell, selling, and/or importing into the United States the infringing Infotainment Systems. For example, Defendant, with knowledge that the Infotainment Systems infringe the '786 Patent at least as of the date of this Complaint, knowingly and intentionally induced, and continues to knowingly and intentionally induce direct infringement of the '786 Patent by providing Infotainment Systems user manuals, product manuals, instructional videos, website information, and documentation that instruct end-users how to use the Infotainment Systems, including specifically, how to connect external third-party audio and multimedia devices to the car stereo. Defendant has induced infringement by others, including end-users, with the intent to cause infringing acts by others or, in the alternative, with the belief that there was a high probability that others, including end-users, infringe the '786 Patent, but while remaining willfully blind to the infringement.

20. Defendant has and continues to indirectly infringe one or more claims of the '786 Patent by contributing to the direct infringement, either literally or under the doctrine of equivalents, by others, including end-users, by making, using, offering to sell, selling, and/or importing into the United States the infringing Infotainment Systems, with the knowledge that, at least as of the date of this Complaint, the Infotainment Systems contain components that constitute a material part of the inventions claimed in the '786 Patent. Such components include, for example, interfaces that permit an end-user to use a car stereo's controls to control an external third-party audio device and multimedia device. Defendant knows that these components are especially made or especially adapted for use in an infringement of the '786 Patent and that these components are not a staple article or commodity of commerce suitable for substantial non-infringing use. Alternatively, Defendant believed there was a high probability that others would infringe the '786 Patent but remained willfully blind to the infringing nature of others' actions.

21. Blitzsafe has suffered damages as a result of Defendant's direct and indirect infringement of the '786 Patent in an amount to be proved at trial.

22. Blitzsafe has suffered, and will continue to suffer, irreparable harm as a result of Defendant's infringement of the '786 Patent for which there is no adequate remedy at law, unless Defendant's infringement is enjoined by this Court.

23. Defendant has committed and continues to commit acts of infringement that Defendant actually knew or should have known constituted an unjustifiably high risk of infringement of at least one valid and enforceable claim of the '786 Patent. Upon information and belief, Defendant had actual knowledge of the '786 Patent from related prior litigations accusing products with similar functionalities made by third-party Infotainment System suppliers who were direct competitors of the Infotainment System suppliers of Defendant. Defendant's infringement of the '786 Patent has been and continues to be willful, entitling Blitzsafe to an award of treble damages, reasonable attorney fees, and costs in bringing this action.

COUNT II
(Infringement of the '342 Patent)

24. Paragraphs 1 through 15 are incorporated herein by reference as if fully set forth in their entireties.

25. Blitzsafe has not licensed or otherwise authorized Defendant to make, use, offer for sale, sell, or import any products that embody the inventions of the '342 Patent.

26. Defendant has and continues to directly infringe one or more claims of the '342 Patent, including claim 49, either literally or under the doctrine of equivalents, by making, using, offering to sell, selling, and/or importing into the United States infringing Infotainment Systems without authority and in violation of 35 U.S.C. § 271.

27. Defendant has and continues to indirectly infringe one or more claims of the '342 Patent by knowingly and intentionally inducing others to directly infringe, either literally or under the doctrine of equivalents, by making, using, offering to sell, selling, and/or importing into the United States the infringing Infotainment Systems. For example, Defendant, with knowledge that the Infotainment Systems infringe the '342 Patent, at least as of the date of this Complaint, knowingly and intentionally induced, and continues to knowingly and intentionally induce direct infringement of the '342 Patent by providing Infotainment System operating manuals, product manuals, instructional videos, website information, and documentation that instruct end-users how to use the Infotainment Systems, including specifically how to connect external third-party audio and multimedia devices to the vehicle stereo and how to control the external device using the vehicle stereo's controls. Defendant has induced infringement by others, including end-users, with the intent to cause infringing acts by others or, in the alternative, with the belief that there was a high probability that others, including end-users, infringe the '342 Patent, but while remaining willfully blind to the infringement.

28. Defendant has and continues to indirectly infringe one or more claims of the '342 Patent by contributing to the direct infringement, either literally or under the doctrine of equivalents, by others, including end-users, by making, using, offering to sell, selling, and/or importing into the United States infringing Infotainment Systems, with the knowledge that, at least as of the date of this Complaint, the Infotainment Systems contain components that constitute a material part of the inventions claimed in the '342 Patent. Such components include, for example, interfaces that permit an end-user to use a car stereo's controls to control an external third-party audio device. Defendant knows that these components are especially made or especially adapted for use in an infringement of the '342 Patent and that these components are not a staple article or

commodity of commerce suitable for substantial non-infringing use. Alternatively, Defendant believed there was a high probability that others would infringe the '342 Patent but remained willfully blind to the infringing nature of others' actions.

29. Blitzsafe has suffered damages as a result of Defendant's direct and indirect infringement of the '342 Patent in an amount to be proved at trial.

30. Blitzsafe has suffered, and will continue to suffer, irreparable harm as a result of Defendant's infringement of the '342 Patent for which there is no adequate remedy at law, unless Defendant's infringement is enjoined by this Court.

31. Defendant has committed and continues to commit acts of infringement that Defendant actually knew or should have known constituted an unjustifiably high risk of infringement of at least one valid and enforceable claim of the '342 Patent. Upon information and belief, Defendant had actual knowledge of the '342 Patent from related prior litigations accusing products with similar functionalities made by third-party Infotainment System suppliers who were direct competitors of the Infotainment System suppliers of Defendant. Defendant's infringement of the '342 Patent has been and continues to be willful, entitling Blitzsafe to an award of treble damages, reasonable attorney fees, and costs in bringing this action.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury for all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Blitzsafe prays for relief against Defendant as follows:

a. Entry of judgment declaring that Defendant has directly and/or indirectly infringed one or more claims of each of the Patents-in-Suit;

- b. Entry of judgment declaring that Defendant's infringement of the Patents-in-Suit has been willful and deliberate;
- c. An order pursuant to 35 U.S.C. § 283 permanently enjoining Defendant, its officers, agents, servants, employees, attorneys, and those persons in active concert or participation with it, from further acts of infringement of the Patents-in-Suit;
- d. An order awarding damages sufficient to compensate Blitzsafe for Defendant's infringement of the Patents-in-Suit, but in no event less than a reasonable royalty, together with interest and costs;
- e. An order awarding Blitzsafe treble damages under 35 U.S.C. § 284 as a result of Defendant's willful and deliberate infringement of the Patents-in-Suit;
- f. Entry of judgment declaring that this case is exceptional and awarding Blitzsafe its costs and reasonable attorney fees under 35 U.S.C. § 285; and
- g. Such other and further relief as the Court deems just and proper.

Dated: June 10, 2022

Respectfully submitted,

/s/ Alfred R. Fabricant

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