

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

AUTOBRILLIANCE, LLC,)	
)	Case No.
Plaintiff,)	<u>JURY TRIAL DEMANDED</u>
)	
v.)	
)	
NISSAN MOTOR CO. LTD.,)	
)	
Defendant.)	
)	
)	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff AutoBrilliance (“AutoBrilliance” or “Plaintiff”) for its Complaint against Defendant Nissan Motor Co. Ltd. (“Nissan” or “Defendant”) alleges as follows:

THE PARTIES

1. AutoBrilliance is a limited liability company organized and existing under the laws of the State of Texas, with its principal place of business located at 209 East Austin Street, Marshall, Texas 75670.

2. Upon information and belief, Nissan is a Japanese corporation with its principal place of business located at 1-1, Takashima 1-chome, Nishi-ku, Yokohama, Kanagawa, 220-8686, Japan. Upon information and belief, Nissan does business in Texas and in the Eastern District of Texas, directly or through intermediaries.

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 regularly 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. Venue is proper in this Judicial District pursuant to 28 U.S.C. § 1391 because, among other things, Defendant is not a resident in the United States, and thus may be sued in any judicial district pursuant to 28 U.S.C. § 1391(c)(3).

6. Defendant is subject to this Court's jurisdiction pursuant to due process and/or the Texas Long Arm Statute due at least to its substantial business in this State and Judicial District, including (a) at least part of its past infringing activities, (b) regularly doing or soliciting business in Texas, and/or (c) engaging in persistent conduct and/or deriving substantial revenue from goods and services provided to customers in Texas.

PATENT-IN-SUIT

7. On March 8, 2008, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 7,337,650 (the "'650 Patent") entitled "System and Method for Aligning Sensors on a Vehicle". A true and correct copy of the '650 Patent is available at: <https://pdfpiw.uspto.gov/.piw?PageNum=0&docid=7337650>.

8. Autobrilliance is the sole and exclusive owner of all right, title, and interest in the Patent '650 (the "Patent-in-Suit") and holds the exclusive right to take all actions necessary to enforce its rights to the Patent-in-Suit, including the filing of this patent infringement lawsuit. Autobrilliance also has the right to recover all damages for past, present, and future infringement of the Patent-in-Suit and to seek injunctive relief as appropriate under the law.

FACTUAL ALLEGATIONS

9. The '650 Patent generally discloses systems and methods for automotive vehicle sensor calibration and adjustment. The technology described in the '650 Patent was developed by inventors Dan Alan Preston and David N. Olmstead at Medius Inc. For example, the patented technology is implemented in Nissan automotive vehicles equipped with multiple sensors which establish a vehicle body reference frame, a sensor reference frame, and processor to determine misalignment including, but not limited to, the Nissan Pathfinder, Nissan Rogue, Nissan Rogue Sport, Nissan Leaf, Nissan Altima, Nissan Versa, Nissan Sentra, Nissan Maxima, Nissan Kicks, Nissan Murano, Nissan Armada, Nissan Titan, Nissan Frontier, and Nissan Ariya, among other automotive vehicles (“Accused Nissan Vehicles”). The Accused Nissan Vehicles implement the technology through the Nissan ProPILOT system and Nissan’s Safety Shield 360 system, as well as other safety and assistive driving features including but not limited to, Automatic Brake Hold, Remote Park, Intelligent Driver Alertness, Traffic Sign Recognition, Blind Spot Warning, Rear Cross traffic Alert, Intelligent Around View Monitor, Lane Departure Warning, Automatic Emergency Braking with Pedestrian Detection, High Beam Assist, Intelligent Rearview Mirror, Intelligent Trace Control, Intelligent Ride Control, Intelligent Engine Brake, Emergency Assist for Pedal Misapplication, Direct Adaptive Steering, Hill Start Assist, Autonomous Emergency Steering System, Intelligent Cruise Control, Intelligent Distance Control, Active Stability Assist, Speed Adjust by Route, Steering Assist, and Speed Limit Lane Assist.


WHAT IS PROPILOT ASSIST?

ProPILOT Assist is a hands-on driver assist system that combines Nissan's Intelligent Cruise Control and Steering Assist technologies and includes a stop and hold function that can bring the vehicle to a full stop, hold in place and can bring you back up to speed when traffic starts moving again. [1]

ProPILOT Assist with Navi-link syncs with the navigation system providing additional information to better predict the freeway ahead. New features include Speed Adjust by Route that can help reduce your speed for tight curves and off-ramps, as well as Speed Limit Assist that gives drivers the option to quickly adjust the set speed to the posted speed limit. Both features allow for a more intuitive, enjoyable drive. [1]

AVAILABLE NISSAN VEHICLES WITH PROPILOT ASSIST >

BUILD & PRICE VEHICLES WITH PROPILOT ASSIST >



Nissan Ariya shown [1]

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HOW IT WORKS

Using a radar sensor in the front of the vehicle, it can maintain a gap with the car in front of you at a preset distance. The forward-facing camera located near the top of the windshield helps keep the vehicles centered during single-lane driving, even on slight curves.



Front Camera
Recognizes lane markers

Front Radar Sensor
Measures gap to vehicle ahead

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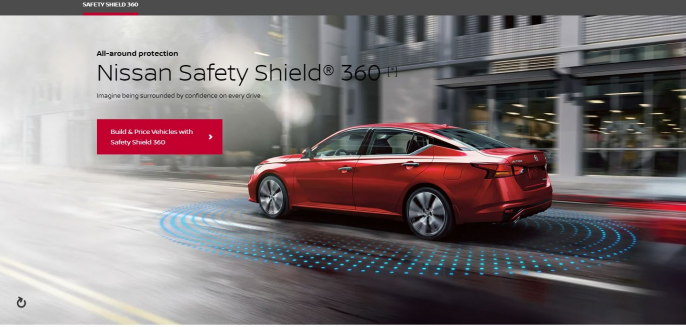
SAFETY SHIELD 360


All-around protection

Nissan Safety Shield® 360 [1]


Imagine being surrounded by confidence on every drive.

BUILD & PRICE VEHICLES WITH SAFETY SHIELD 360 >







Automatic Emergency Braking with Pedestrian Detection [1]




High Beam Assist




Lane Departure Warning [1]



Blind Spot Warning [1]



Rear Cross Traffic Alert [1]



Rear Automatic Braking [1]

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¹ <https://www.nissanusa.com/experience-nissan/news-and-events/nissan-propilot-assist.html#availability>.

² *Id.*

³ <https://www.nissanusa.com/safety-shield.html>.



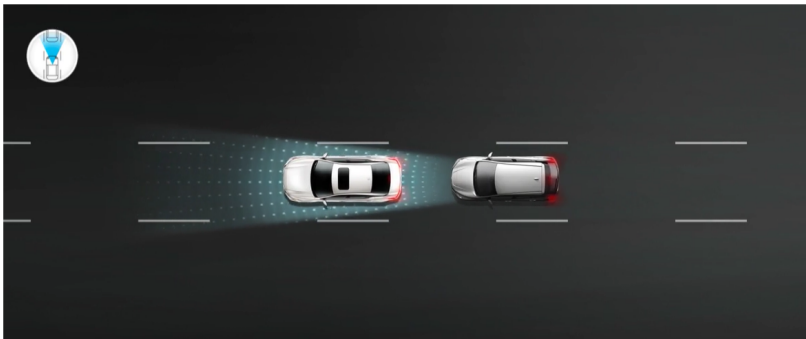
The diagram shows a top-down view of a car in the center lane of a two-lane road. A yellow triangular warning icon with a car silhouette is positioned above the car. Concentric dotted circles radiate from the car, representing the sensor's range. A second car is shown in the adjacent lane to the right, within the sensor's range. In the top left corner, there is a circular icon of a car with signal waves emanating from it.

Blind Spot Warning

Blind Spot Warning system can help to see what you can't. Should it detect a car in your blindspot area, it'll let you know with a chime so you can change lanes with more confidence. [1]

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Cameras, radar technology and sonar work together to create Safety Shield® 360 a comprehensive system that looks in front, behind and beside the vehicle as it drives. This suite of 6 advanced Nissan Intelligent Mobility features monitor around the vehicle and can step in to help keep you safe. [1]



The diagram shows a top-down view of a car in the center lane of a road. A second car is in the lane ahead. A dotted sensor beam extends from the front of the car towards the car ahead. In the top left corner, there is a circular icon of a car with a sensor beam.

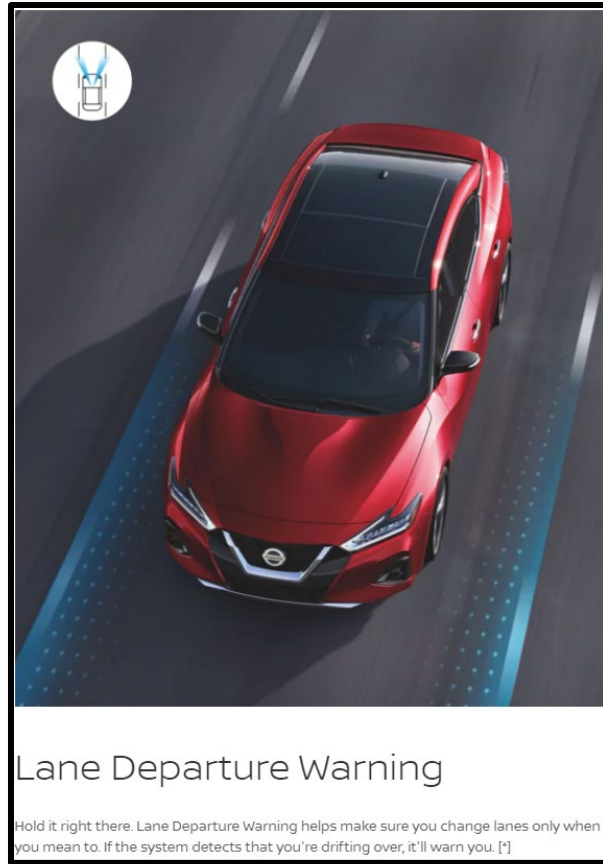
Automatic Emergency Braking w/ Pedestrian Detection

Automatic Emergency Braking with Pedestrian Detection can provide audio and visual alerts and even apply the brakes to help avoid or mitigate a collisions. [1]

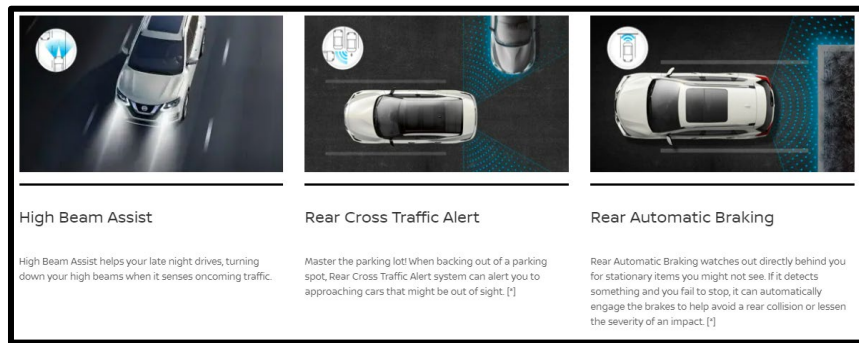
5

⁴ *Id.*

⁵ *Id.*



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The Nissan ProPILOT system and Nissan Safety Shield 360 system as well as other safety and assistive driving features utilizes multiple sensors, to establish a vehicle body reference frame, a sensor reference frame, and processor to determine misalignment.

⁶ *Id.*

⁷ *Id.*

Nissan's new sensor fusion based ADAS aims to improve collision avoidance performance

26-Apr-2022 13:58 GMT | News | Corporate developments | Rohan Hazarika

Automated system is essential for future autonomous driving and contributes to the reduction of traffic accidents

Japanese automaker Nissan has announced a new driver-assistance technology, which is currently in-development, that utilizes real-time information about the vehicle's surrounding environment to automatically perform collision-avoidance maneuvers, according to a company press release on 25 April 2022.

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10. Nissan has infringed and is continuing to infringe the Patent-in-Suit by making, using, selling, offering to sell, and/or importing the Accused Nissan Vehicles, and by actively inducing others to make, use, sell, offer to sell, and/or importing automotive vehicles including but not limited to the Nissan Pathfinder, Nissan Rogue, Nissan Rogue Sport, Nissan Leaf, Nissan Altima, Nissan Versa, Nissan Sentra, Nissan Maxima, Nissan Kicks, Nissan Murano, Nissan Armada, Nissan Titan, Nissan Frontier, and Nissan Ariya, which are equipped with safety and driver-assistance technologies including, but not limited to, the Nissan ProPILOT system and the Nissan Safety Shield 360 system as well as other safety and assistive driving features, thereby infringing and continuing to infringe the Patent-In-Suit.

⁸ <https://autotechinsight.ihsmarkit.com/news/5265427/nissans-new-sensor-fusion-based-ad-as-aims-to-improve-collision-avoidance-performance->

COUNT I
(Infringement of the '650 Patent)

11. Paragraphs 1 through 10 are incorporated by reference as if fully set forth herein.

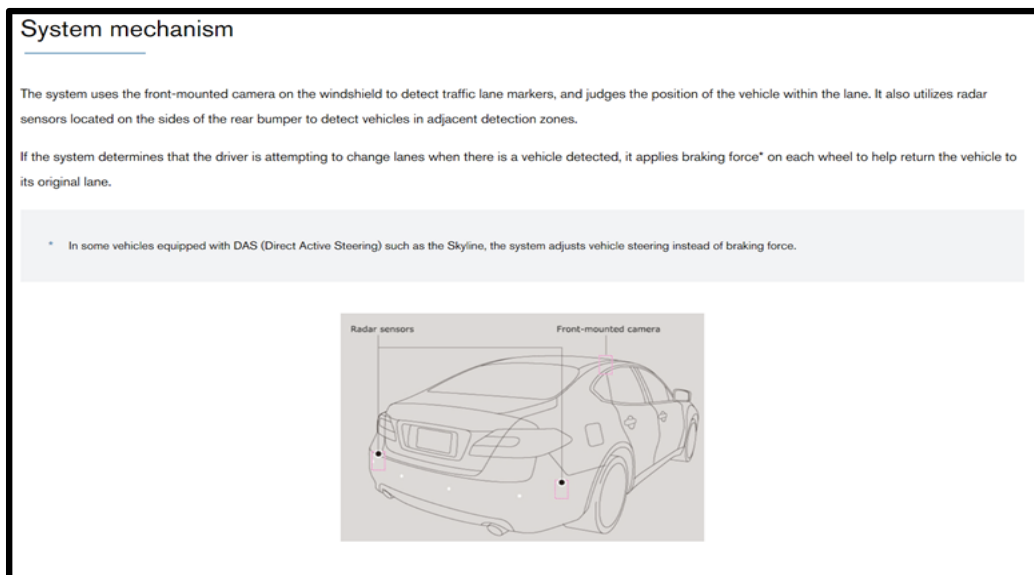
12. Autobrilliance has not licensed or otherwise authorized Defendant to make, use, offer for sale, sell, or import any products, including any products that embody any of the claimed inventions of the '650 Patent.

13. Defendant has and continues to directly infringe the '650 Patent, either literally or under the doctrine of equivalents, without authority and in violation of 35 U.S.C. § 271, by making, using, offering to sell, selling, and/or importing into the United States products that satisfy each and every limitation of one or more claims of the '650 Patent. Such products include, but are not limited to, the Accused Nissan Vehicles, including the Nissan Pathfinder, Nissan Rogue, Nissan Rogue Sport, Nissan Leaf, Nissan Altima, Nissan Versa, Nissan Sentra, Nissan Maxima, Nissan Kicks, Nissan Murano, Nissan Armada, Nissan Titan, Nissan Frontier, and Nissan Ariya, among other automotive vehicles, which utilize systems which use multiple sensors which establish a vehicle body reference frame, a sensor reference frame, and processor to determine misalignment including, but not limited to, Nissan ProPILOT system and the Nissan Safety Shield 360 system as well as other safety and assistive driving features.

14. Defendant has and continues to directly infringe at least claim 1 of the '650 Patent by making, using, offering to sell, selling, and/or importing into the United States products such as the Nissan Altima. The Nissan Altima includes a sensor alignment system for establishing and maintaining accurate alignment of automotive sensors.

15. The Nissan Altima, equipped with the Intelligent Blind Spot Intervention System, comprises a mounted sensor for gathering target data around the vehicle using optical information. The Nissan Altima, equipped with the Intelligent Blind Spot Intervention System, further

comprises a micro inertial sensor included with the sensor that measures rotation rate and acceleration along two or more axes of the sensor for the establishment of a sensor reference frame. The Nissan Altima, equipped with the Intelligent Blind Spot Intervention System, further comprises a separate micro inertial sensor mounted on the vehicle that measures rotation rate and acceleration long two or more axes of the vehicle for the establishment of a vehicle body reference. Upon information and belief, the Nissan Altima, equipped with the Intelligent Blind Spot Intervention System, further comprises a processor for determining an amount of misalignment of the sensor reference frame with the vehicle body reference frame and aligning the sensor target data with the vehicle body reference frame according to the amount of misalignment.



16. Defendant has and continues to indirectly infringe one or more claims of the '650 Patent by knowingly and intentionally inducing others, including Nissan customers and end-users, to directly infringe, either literally or under the doctrine of equivalents, by making, using, offering

⁹ <https://www.nissan-global.com/EN/INNOVATION/TECHNOLOGY/ARCHIVE/IBSI/>.

to sell, selling, and/or importing into the United States products that include infringing technology.

17. Defendant, with knowledge that these products, or the use thereof, infringe the '650 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 '650 Patent by providing these products to end-users for use in an infringing manner.

18. Defendant has and continues to induce 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 '650 Patent, but while remaining willfully blind to the infringement.

19. AutoBrilliance has suffered damages as a result of Defendant's direct and indirect infringement of the '650 Patent in an amount to be proved at trial.

20. AutoBrilliance has suffered, and will continue to suffer, irreparable harm as a result of Defendant's infringement of the '650 Patent, for which there is no adequate remedy at law, unless Defendant's infringement is enjoined by this Court.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury for all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, AutoBrilliance 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 the Patent-in-Suit;

b. 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 them, from further acts of infringement of the Patent-in-Suit;

c. An order awarding damages sufficient to compensate AutoBrilliance for Defendant's infringement of the Patent-in-Suit, but in no event less than a reasonable royalty, together with interest and costs;

d. Entry of judgment declaring that this case is exceptional and awarding AutoBrilliance its costs and reasonable attorney fees under 35 U.S.C. § 285; and

e. Such other and further relief as the Court deems just and proper.

Dated: August 31, 2022

Respectfully submitted,

/s/ John Andrew Rubino

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