

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

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

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff AutoBrilliance (“AutoBrilliance” or “Plaintiff”) for its Complaint against Defendant Honda Motor Co. Ltd. (“Honda” 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, Honda is a Japanese corporation with its principal place of business located at 2-1-1, Minami-Aoyama Minato-Ku, Tokyo 107-8556, Japan. Upon information and belief, Honda 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.

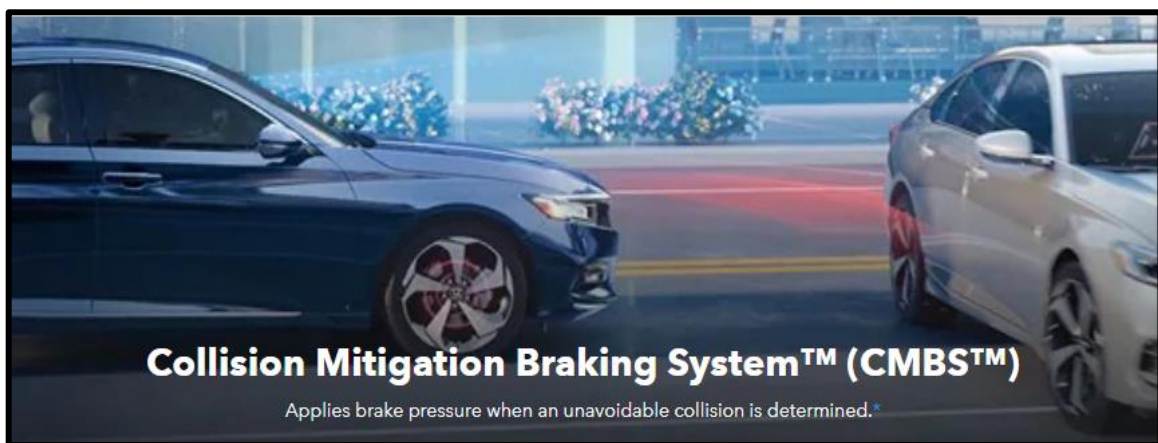
PATENT-IN-SUIT

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>.

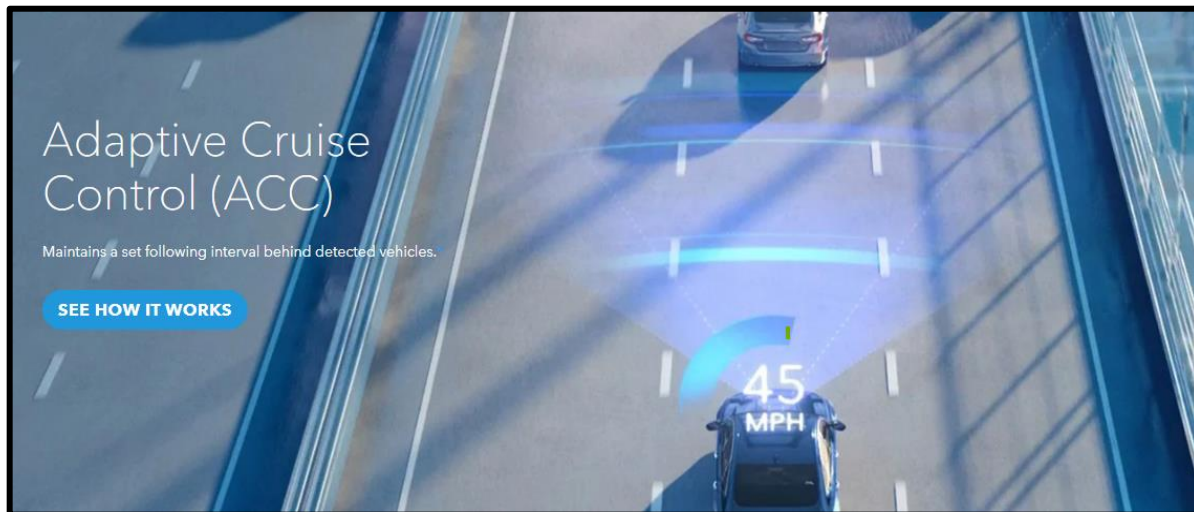
8. Autobrilliance is the sole and exclusive owner of all right, title, and interest in the Patent '650 (the "Patent-in-Suit") and holds the exclusive right to take all actions necessary to enforce its rights to the Patent-in-Suit, including the filing of this patent infringement lawsuit. Autobrilliance 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 Honda 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 Honda HR-V, Honda CR-V, Honda Passport, Honda Pilot, Honda Civic, Honda Accord, Honda Insight, Honda Odyssey, and Honda Ridgeline, among other automotive vehicles (“Accused Honda Vehicles”). The Accused Honda vehicles implement the technology through the Honda Sensing system of safety and driver-assistance technologies, which includes, but is not limited to, Collision Mitigation Braking System, Pedestrian Automatic Emergency Braking System, Forward Collision Warning, Road Departure Mitigation, Lane Departure Warning, Lane Keep Assist System, Adaptive Cruise Control, Cross Traffic Monitor, Low-Speed Follow, Traffic Sign Recognition, Traffic Jam Assist, and Driver Attention Monitor, among other systems.



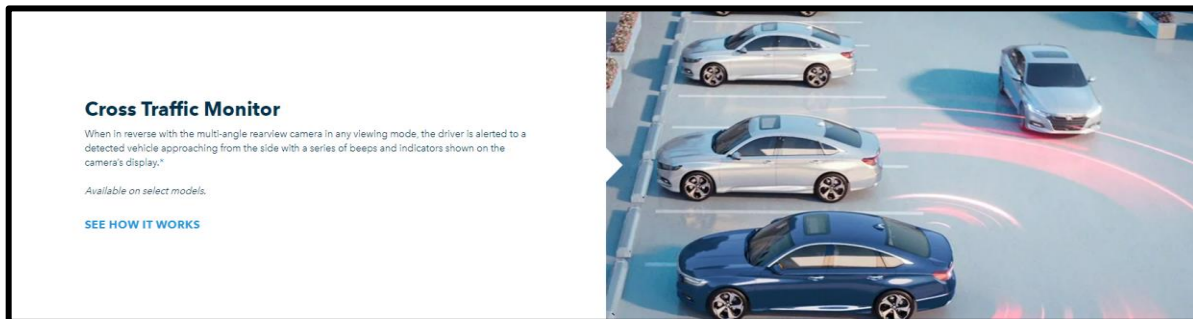
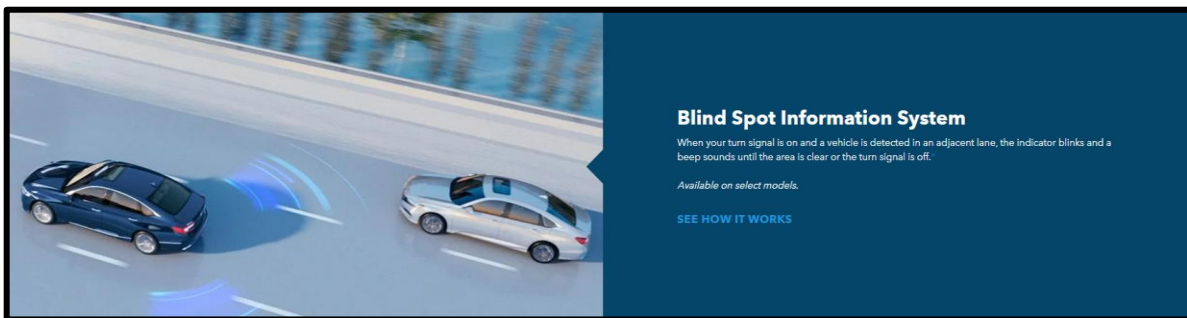
¹ <https://automobiles.honda.com/sensing>.



² *Id.*

³ *Id.*

⁴ *Id.*



The Honda Sensing system utilizes multiple sensors, to establish a vehicle body reference frame, a sensor reference frame, and processor to determine misalignment.

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

This initial Honda Sensing system employed advanced "sensor fusion" technology, using the combined sensing capabilities of a millimeter-wave radar mounted behind the grille and a monocular camera mounted at the top of the windshield to help maintain the vehicle's position in traffic and to prevent or mitigate the severity of a collision.

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Detecting vehicles and pedestrians falls to the millimeter wave radar unit and monocular camera. This fusion of radar and camera sensors allows the system to effectively detect the nature, distance and speed of obstacles to determine whether there's a potential for a collision.

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10. The Accused Honda Vehicles further implement the technology through Honda's LaneWatch system, which employs cameras integrated into a vehicle's side-view mirrors, along with other sensors.



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11. Honda has infringed and is continuing to infringe the Patent-in-Suit by making, using, selling, offering to sell, and/or importing the Accused Honda Vehicles, and by actively inducing others to make, use, sell, offer to sell, and/or importing automotive vehicles including but not limited to the Honda HR-V, Honda CR-V, Honda Passport, Honda Pilot, Honda Civic,

⁸ <https://hondanews.com/en-US/honda-automobiles/releases/release-b50efa689496a1943cdccc46490eccc8-honda-sensing>.

⁹ *Id.*

¹⁰ <https://www.dsf.my/2020/04/a-detailed-look-at-the-honda-lanewatch-safety-feature/>.

Honda Accord, Honda Insight, Honda Odyssey, and Honda Ridgeline, which are equipped with safety and driver-assistance technologies including, but not limited to, the Honda Sensing system and Honda Lane Watch system, thereby infringing and continuing to infringe the Patent-In-Suit.

COUNT I
(Infringement of the '650 Patent)

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

13. 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.

14. 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 Honda Vehicles, including the Honda HR-V, Honda CR-V, Honda Passport, Honda Pilot, Honda Civic, Honda Accord, Honda Insight, Honda Odyssey, and Honda Ridgeline, 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, the Honda sensing and Honda LaneWatch systems.

15. 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 Honda Civic. The Honda Civic includes a sensor alignment system for establishing and maintaining accurate alignment of automotive sensors.

16. The Honda Civic, equipped with the Honda-Lane Keeping Assist System, comprises a mounted sensor for gathering target data around the vehicle using optical information. The Honda Civic, equipped with the Honda-Lane Keeping Assist 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 Honda Civic, equipped with the Honda-Lane Keeping Assist System, further comprises a separate micro inertial sensor mounted on the vehicle that measures rotation rate and acceleration along two or more axes of the vehicle for the establishment of a vehicle body reference. Upon information and belief, the Honda Civic, equipped with the Honda-Lane Keeping Assist 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.

Lane-Keeping Assist System

Starting with the 2016 Honda Civic, this vehicle has the lane-keeping assist system as part of the Honda Sensing system. If you fail to acknowledge the lane-keeper assist warning, the car will center itself. The system relies on dash-mounted cameras to sense when you are on a straight or slightly curving road and traveling between 45 mph and 90 mph. Then, it momentarily takes control of the vehicle, moving it to the middle of your lane.

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This initial Honda Sensing system employed advanced "sensor fusion" technology, using the combined sensing capabilities of a millimeter-wave radar mounted behind the grille and a monocular camera mounted at the top of the windshield to help maintain the vehicle's position in traffic and to prevent or mitigate the severity of a collision.

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17. Defendant has and continues to indirectly infringe one or more claims of the '650 Patent by knowingly and intentionally inducing others, including Honda customers and end-users, 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 products that include infringing technology.

18. 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.

19. 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

¹¹ <https://blog.carvana.com/2021/05/a-look-at-the-semi-autonomous-features-on-the-honda-civic/>.

¹² <https://hondanews.com/en-US/honda-automobiles/releases/release-b50efa689496a1943dccc46490eeec8-honda-sensing>.

there was a high probability that others, including end-users, infringe the '650 Patent, but while remaining willfully blind to the infringement.

20. 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.

21. 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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