

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

BEACON NAVIGATION GMBH,

Plaintiff,

v.

**TOYOTA MOTOR CORPORATION;
TOYOTA MOTOR NORTH AMERICA,
INC.; TOYOTA MOTOR SALES, U.S.A.,
INC.; TOYOTA MOTOR ENGINEERING &
MANUFACTURING NORTH AMERICA,
INC.; TOYOTA MOTOR
MANUFACTURING, ALABAMA, INC.;
TOYOTA MOTOR MANUFACTURING,
INDIANA, INC.; TOYOTA MOTOR
MANUFACTURING, KENTUCKY, INC.;
TOYOTA MOTOR MANUFACTURING,
MISSISSIPPI, INC.; TOYOTA MOTOR
MANUFACTURING, TEXAS, INC.; AND
TOYOTA MOTOR MANUFACTURING,
WEST VIRGINIA, INC.,**

Defendants.

Civil Action No.

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff Beacon Navigation GmbH (“Beacon” or “Plaintiff”), for its Complaint against Defendants Toyota Motor Corp. (“Toyota”), Toyota Motor North America, Inc. (“Toyota Motor North America”), Toyota Motor Sales, U.S.A., Inc. (“Toyota Motor Sales U.S.A.”), Toyota Motor Engineering & Manufacturing North America, Inc. (“Toyota Motor Engineering & Manufacturing North America”), Toyota Motor Manufacturing, Alabama, Inc. (“Toyota Motor Manufacturing Alabama”), Toyota Motor Manufacturing, Indiana, Inc. (“Toyota Motor Manufacturing Indiana”), Toyota Motor Manufacturing , Kentucky, Inc. (“Toyota Motor

Manufacturing Kentucky”), Toyota Motor Manufacturing, Mississippi, Inc. (“Toyota Motor Manufacturing Mississippi”), Toyota Motor Manufacturing, Texas, Inc. (“Toyota Motor Manufacturing Texas”), and Toyota Motor Manufacturing, West Virginia, Inc. (“Toyota Motor Manufacturing West Virginia”) states and alleges as follows:

THE PARTIES

1. Plaintiff Beacon is a Swiss company with limited liability with a principal place of business in Switzerland.

2. Upon information and belief, Defendant Toyota is a Japanese corporation with its principal place of business at 1 Toyota-cho, Toyota City, Aichi Prefecture 471-8571, Japan.

3. Upon information and belief, Defendant Toyota Motor North America is a California corporation with its principal place of business at 19001 S. Western Avenue, Torrance, CA 90501.

4. Upon information and belief, Defendant Toyota Motor Sales U.S.A. is a California corporation with its principal place of business at 19001 S. Western Avenue, Torrance, CA 90501.

5. Upon information and belief, Defendant Toyota Motor Engineering & Manufacturing North America is a Kentucky corporation with its principal place of business at 25 Atlantic Avenue, Erlanger, KY 41018.

6. Upon information and belief, Defendant Toyota Motor Manufacturing Alabama is an Alabama corporation with its principal place of business at 1 Cottonvalley Drive, Huntsville, AL 35810.

7. Upon information and belief, Defendant Toyota Motor Manufacturing Indiana is an Indiana corporation with its principal place of business at 4000 Tulip Tree Drive, Princeton, IN 47670.

8. Upon information and belief, Defendant Toyota Motor Manufacturing Kentucky is a Kentucky corporation with its principal place of business at 1001 Cherry Blossom Way, Georgetown, KY 40324.

9. Upon information and belief, Defendant Toyota Motor Manufacturing Mississippi is a Mississippi corporation with its principal place of business at 1200 Magnolia Way, Blue Springs, MS 38828.

10. Upon information and belief, Defendant Toyota Manufacturing Texas is a Texas corporation with its principal place of business at One Lone Star Pass, San Antonio, TX 78264.

11. Upon information and belief, Defendant Toyota Motor Manufacturing West Virginia is a West Virginia corporation with its principal place of business at One Sugar Maple Lane, Buffalo, WV 25033.

JURISDICTION AND VENUE

12. This action arises under the patent laws of the United States, 35 U.S.C. § 1 *et seq.*, including 35 U.S.C. § 271. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

13. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b), 1391(c), 1391(d) and/or 1400(b) because (1) a substantial part of the events giving rise to Beacon's claims occurred in the District of Delaware, (2) because each of the Defendants is either resident in or otherwise subject to personal jurisdiction in the District of Delaware, or is an alien, or (3) each of the Defendants has committed acts of infringement in and has a regular and established place of

business in the District of Delaware.

BACKGROUND

14. Beacon owns all right, title and interest in U.S. Patent No. 6,360,167 (the “’167 patent”); U.S. Patent No. 5,819,201 (the “’201 patent”); U.S. Patent No. 6,163,269 (the “’269 patent”); and U.S. Patent No. 5,878,368 (the “’368 patent”) (collectively, the “patents-in-suit”).

15. The ’167 patent, entitled “Vehicle Navigation System With Location-Based Multi-Media Annotation,” was duly and legally issued by the United States Patent and Trademark Office on March 19, 2002, after full and fair examination. A copy of the ’167 patent is attached hereto as Exhibit A.

16. The ’201 patent, entitled “Navigation System with Vehicle Service Information,” was duly and legally issued by the United States Patent and Trademark Office on October 6, 1998, after full and fair examination. A copy of the ’201 patent is attached hereto as Exhibit B.

17. The ’269 patent, entitled “Navigation System With Anti-Alias Map Display,” was duly and legally issued by the United States Patent and Trademark Office on December 19, 2000, after full and fair examination. A copy of the ’269 patent is attached hereto as Exhibit C.

18. The ’368 patent, entitled “Navigation System with User Definable Cost Values,” was duly and legally issued by the United States Patent and Trademark Office on March 2, 1999, after full and fair examination. A copy of the ’368 patent is attached hereto as Exhibit D.

19. Toyota, Toyota Motor North America, Toyota Motor Sales U.S.A., Toyota Motor Engineering & Manufacturing North America, Toyota Motor Manufacturing Alabama, Toyota Motor Manufacturing Indiana, Toyota Motor Manufacturing Kentucky, Toyota Motor Manufacturing Mississippi, Toyota Motor Manufacturing Texas, and Toyota Motor Manufacturing West Virginia manufacture, sell and distribute vehicles with navigation systems,

including but not limited to the Toyota 4Runner and Lexus RX 350.

COUNT I

INFRINGEMENT OF THE '167 PATENT

20. Beacon incorporates each of the preceding paragraphs 1-19 as if fully set forth herein.

21. Toyota, Toyota Motor North America, Toyota Motor Sales U.S.A., Toyota Motor Engineering & Manufacturing North America, Toyota Motor Manufacturing Alabama, Toyota Motor Manufacturing Indiana, Toyota Motor Manufacturing Kentucky, Toyota Motor Manufacturing Mississippi, Toyota Motor Manufacturing Texas, and Toyota Motor Manufacturing West Virginia have been and are infringing literally and/or under the doctrine of equivalents, directly, contributorily, or by inducement, at least claims 1 and 32 of the '167 patent.

22. Toyota, Toyota Motor North America, Toyota Motor Sales U.S.A., Toyota Motor Engineering & Manufacturing North America, Toyota Motor Manufacturing Alabama, Toyota Motor Manufacturing Indiana, Toyota Motor Manufacturing Kentucky, Toyota Motor Manufacturing Mississippi, Toyota Motor Manufacturing Texas, and Toyota Motor Manufacturing West Virginia directly infringe, in violation of 35 U.S.C. § 271(a), by making, using, selling, offering for sale, and/or importing in or into the United States, without authority, products that practice the '167 patent, including but not limited to the Toyota 4Runner and Lexus RX 350.

23. Upon information and belief, Toyota, Toyota Motor North America, Toyota Motor Sales U.S.A., Toyota Motor Engineering & Manufacturing North America, Toyota Motor Manufacturing Alabama, Toyota Motor Manufacturing Indiana, Toyota Motor Manufacturing

Kentucky, Toyota Motor Manufacturing Mississippi, Toyota Motor Manufacturing Texas, and Toyota Motor Manufacturing West Virginia had knowledge of the '167 patent based on a letter sent to each of them on September 28, 2011.

24. Upon information and belief, Toyota, Toyota Motor North America, Toyota Motor Sales U.S.A., Toyota Motor Engineering & Manufacturing North America, Toyota Motor Manufacturing Alabama, Toyota Motor Manufacturing Indiana, Toyota Motor Manufacturing Kentucky, Toyota Motor Manufacturing Mississippi, Toyota Motor Manufacturing Texas, and Toyota Motor Manufacturing West Virginia have contributed to direct infringement of the '167 patent by others (e.g., consumers), in violation of 35 U.S.C. § 271(b), because the GPS navigation systems in their products, including but not limited to the Toyota 4Runner and Lexus RX 350, are specially adapted for an infringing use of the '167 patent, embody a material part of the inventions claimed in the '167 patent, and are not staple articles of commerce suitable for substantial non-infringing use.

25. Upon information and belief, Toyota, Toyota Motor North America, Toyota Motor Sales U.S.A., Toyota Motor Engineering & Manufacturing North America, Toyota Motor Manufacturing Alabama, Toyota Motor Manufacturing Indiana, Toyota Motor Manufacturing Kentucky, Toyota Motor Manufacturing Mississippi, Toyota Motor Manufacturing Texas, and Toyota Motor Manufacturing West Virginia actively induce others (e.g., consumers) to directly infringe the '167 patent, in violation of 35 U.S.C. § 271(c), by providing products with GPS navigation systems, including but not limited to the Toyota 4Runner and Lexus RX 350, along with instructions, user manuals, or technical assistance actively directing, encouraging, or assisting infringement of the '167 patent, and/or by providing a system where one of the core and common features leads to third party infringement of the '167 patent.

26. Upon information and belief, Toyota, Toyota Motor North America, Toyota Motor Sales U.S.A., Toyota Motor Engineering & Manufacturing North America, Toyota Motor Manufacturing Alabama, Toyota Motor Manufacturing Indiana, Toyota Motor Manufacturing Kentucky, Toyota Motor Manufacturing Mississippi, Toyota Motor Manufacturing Texas, and Toyota Motor Manufacturing West Virginia had knowledge of the '167 patent based on a letter sent to each of them on September 28, 2011 but have engaged in infringing conduct nonetheless. Toyota, Toyota Motor North America, Toyota Motor Sales U.S.A., Toyota Motor Engineering & Manufacturing North America, Toyota Motor Manufacturing Alabama, Toyota Motor Manufacturing Indiana, Toyota Motor Manufacturing Kentucky, Toyota Motor Manufacturing Mississippi, Toyota Motor Manufacturing Texas, and Toyota Motor Manufacturing West Virginia's infringement is willful.

27. Beacon has no adequate remedy at law against these acts of patent infringement. Unless Toyota, Toyota Motor North America, Toyota Motor Sales U.S.A., Toyota Motor Engineering & Manufacturing North America, Toyota Motor Manufacturing Alabama, Toyota Motor Manufacturing Indiana, Toyota Motor Manufacturing Kentucky, Toyota Motor Manufacturing Mississippi, Toyota Motor Manufacturing Texas, and Toyota Motor Manufacturing West Virginia are permanently enjoined from further infringement of the '167 patent, Beacon will suffer irreparable harm.

28. As a direct and proximate result of the acts of patent infringement by Toyota, Toyota Motor North America, Toyota Motor Sales U.S.A., Toyota Motor Engineering & Manufacturing North America, Toyota Motor Manufacturing Alabama, Toyota Motor Manufacturing Indiana, Toyota Motor Manufacturing Kentucky, Toyota Motor Manufacturing Mississippi, Toyota Motor Manufacturing Texas, and Toyota Motor Manufacturing West

Virginia, Beacon has been damaged in an amount not presently known.

29. Beacon has incurred and will incur attorneys' fees, costs, and expenses in the prosecution of this action. The circumstances of this dispute create an exceptional case within the meaning of 35 U.S.C. § 285, and Beacon is entitled to recover its reasonable and necessary fees and expenses.

COUNT II

INFRINGEMENT OF THE '201 PATENT

30. Beacon incorporates each of the preceding paragraphs 1-19 as if fully set forth herein.

31. Toyota, Toyota Motor North America, Toyota Motor Sales U.S.A., Toyota Motor Engineering & Manufacturing North America, Toyota Motor Manufacturing Alabama, Toyota Motor Manufacturing Indiana, Toyota Motor Manufacturing Kentucky, Toyota Motor Manufacturing Mississippi, Toyota Motor Manufacturing Texas, and Toyota Motor Manufacturing West Virginia have been and are infringing literally and/or under the doctrine of equivalents, directly, contributorily, or by inducement, at least claims 1, 12, and 18 of the '201 patent.

32. Toyota, Toyota Motor North America, Toyota Motor Sales U.S.A., Toyota Motor Engineering & Manufacturing North America, Toyota Motor Manufacturing Alabama, Toyota Motor Manufacturing Indiana, Toyota Motor Manufacturing Kentucky, Toyota Motor Manufacturing Mississippi, Toyota Motor Manufacturing Texas, and Toyota Motor Manufacturing West Virginia directly infringe, in violation of 35 U.S.C. § 271(a), by making, using, selling, offering for sale, and/or importing in or into the United States, without authority, products that practice the '201 patent, including but not limited to the Toyota 4Runner and Lexus

RX 350.

33. Upon information and belief, Toyota, Toyota Motor North America, Toyota Motor Sales U.S.A., Toyota Motor Engineering & Manufacturing North America, Toyota Motor Manufacturing Alabama, Toyota Motor Manufacturing Indiana, Toyota Motor Manufacturing Kentucky, Toyota Motor Manufacturing Mississippi, Toyota Motor Manufacturing Texas, and Toyota Motor Manufacturing West Virginia had knowledge of the '201 patent based on a letter sent to each of them on September 28, 2011.

34. Upon information and belief, Toyota, Toyota Motor North America, Toyota Motor Sales U.S.A., Toyota Motor Engineering & Manufacturing North America, Toyota Motor Manufacturing Alabama, Toyota Motor Manufacturing Indiana, Toyota Motor Manufacturing Kentucky, Toyota Motor Manufacturing Mississippi, Toyota Motor Manufacturing Texas, and Toyota Motor Manufacturing West Virginia have contributed to direct infringement of the '201 patent by others (e.g., consumers), in violation of 35 U.S.C. § 271(b), because the GPS navigation systems in their products, including but not limited to the Toyota 4Runner and Lexus RX 350, are specially adapted for an infringing use of the '201 patent, embody a material part of the inventions claimed in the '201 patent, and are not staple articles of commerce suitable for substantial non-infringing use.

35. Upon information and belief, Toyota, Toyota Motor North America, Toyota Motor Sales U.S.A., Toyota Motor Engineering & Manufacturing North America, Toyota Motor Manufacturing Alabama, Toyota Motor Manufacturing Indiana, Toyota Motor Manufacturing Kentucky, Toyota Motor Manufacturing Mississippi, Toyota Motor Manufacturing Texas, and Toyota Motor Manufacturing West Virginia actively induce others (e.g., consumers) to directly infringe the '201 patent, in violation of 35 U.S.C. § 271(c), by providing products with GPS

navigation systems, including but not limited to the Toyota 4Runner and Lexus RX 350, along with instructions, user manuals, or technical assistance actively directing, encouraging, or assisting infringement of the '201 patent, and/or by providing a system where one of the core and common features leads to third party infringement of the '201 patent.

36. Upon information and belief, Toyota, Toyota Motor North America, Toyota Motor Sales U.S.A., Toyota Motor Engineering & Manufacturing North America, Toyota Motor Manufacturing Alabama, Toyota Motor Manufacturing Indiana, Toyota Motor Manufacturing Kentucky, Toyota Motor Manufacturing Mississippi, Toyota Motor Manufacturing Texas, and Toyota Motor Manufacturing West Virginia had knowledge of the '201 patent based on a letter sent to each of them on September 28, 2011 but have engaged in infringing conduct nonetheless. Toyota, Toyota Motor North America, Toyota Motor Sales U.S.A., Toyota Motor Engineering & Manufacturing North America, Toyota Motor Manufacturing Alabama, Toyota Motor Manufacturing Indiana, Toyota Motor Manufacturing Kentucky, Toyota Motor Manufacturing Mississippi, Toyota Motor Manufacturing Texas, and Toyota Motor Manufacturing West Virginia's infringement is willful.

37. Beacon has no adequate remedy at law against these acts of patent infringement. Unless Toyota, Toyota Motor North America, Toyota Motor Sales U.S.A., Toyota Motor Engineering & Manufacturing North America, Toyota Motor Manufacturing Alabama, Toyota Motor Manufacturing Indiana, Toyota Motor Manufacturing Kentucky, Toyota Motor Manufacturing Mississippi, Toyota Motor Manufacturing Texas, and Toyota Motor Manufacturing West Virginia are permanently enjoined from further infringement of the '201 patent, Beacon will suffer irreparable harm.

38. As a direct and proximate result of the acts of patent infringement by Toyota,

Toyota Motor North America, Toyota Motor Sales U.S.A., Toyota Motor Engineering & Manufacturing North America, Toyota Motor Manufacturing Alabama, Toyota Motor Manufacturing Indiana, Toyota Motor Manufacturing Kentucky, Toyota Motor Manufacturing Mississippi, Toyota Motor Manufacturing Texas, and Toyota Motor Manufacturing West Virginia, Beacon has been damaged in an amount not presently known.

39. Beacon has incurred and will incur attorneys' fees, costs, and expenses in the prosecution of this action. The circumstances of this dispute create an exceptional case within the meaning of 35 U.S.C. § 285, and Beacon is entitled to recover its reasonable and necessary fees and expenses.

COUNT III

INFRINGEMENT OF THE '269 PATENT

40. Beacon incorporates each of the preceding paragraphs 1-19 as if fully set forth herein.

41. Toyota, Toyota Motor North America, Toyota Motor Sales U.S.A., Toyota Motor Engineering & Manufacturing North America, Toyota Motor Manufacturing Alabama, Toyota Motor Manufacturing Indiana, Toyota Motor Manufacturing Kentucky, Toyota Motor Manufacturing Mississippi, Toyota Motor Manufacturing Texas, and Toyota Motor Manufacturing West Virginia have been and are infringing literally and/or under the doctrine of equivalents, directly, contributorily, or by inducement, at least claims 1, 7, and 11 of the '269 patent.

42. Toyota, Toyota Motor North America, Toyota Motor Sales U.S.A., Toyota Motor Engineering & Manufacturing North America, Toyota Motor Manufacturing Alabama, Toyota Motor Manufacturing Indiana, Toyota Motor Manufacturing Kentucky, Toyota Motor

Manufacturing Mississippi, Toyota Motor Manufacturing Texas, and Toyota Motor Manufacturing West Virginia directly infringe, in violation of 35 U.S.C. § 271(a), by making, using, selling, offering for sale, and/or importing in or into the United States, without authority, products that practice the '269 patent, including but not limited to the Toyota 4Runner and Lexus RX 350.

43. Upon information and belief, Toyota, Toyota Motor North America, Toyota Motor Sales U.S.A., Toyota Motor Engineering & Manufacturing North America, Toyota Motor Manufacturing Alabama, Toyota Motor Manufacturing Indiana, Toyota Motor Manufacturing Kentucky, Toyota Motor Manufacturing Mississippi, Toyota Motor Manufacturing Texas, and Toyota Motor Manufacturing West Virginia had knowledge of the '269 patent based on a letter sent to each of them on September 28, 2011.

44. Upon information and belief, Toyota, Toyota Motor North America, Toyota Motor Sales U.S.A., Toyota Motor Engineering & Manufacturing North America, Toyota Motor Manufacturing Alabama, Toyota Motor Manufacturing Indiana, Toyota Motor Manufacturing Kentucky, Toyota Motor Manufacturing Mississippi, Toyota Motor Manufacturing Texas, and Toyota Motor Manufacturing West Virginia have contributed to direct infringement of the '269 patent by others (e.g., consumers), in violation of 35 U.S.C. § 271(b), because the GPS navigation systems in their products, including but not limited to the Toyota 4Runner and Lexus RX 350, are specially adapted for an infringing use of the '269 patent, embody a material part of the inventions claimed in the '269 patent, and are not staple articles of commerce suitable for substantial non-infringing use.

45. Upon information and belief, Toyota, Toyota Motor North America, Toyota Motor Sales U.S.A., Toyota Motor Engineering & Manufacturing North America, Toyota Motor

Manufacturing Alabama, Toyota Motor Manufacturing Indiana, Toyota Motor Manufacturing Kentucky, Toyota Motor Manufacturing Mississippi, Toyota Motor Manufacturing Texas, and Toyota Motor Manufacturing West Virginia actively induce others (e.g., consumers) to directly infringe the '269 patent, in violation of 35 U.S.C. § 271(c), by providing products with GPS navigation systems, including but not limited to the Toyota 4Runner and Lexus RX 350, along with instructions, user manuals, or technical assistance actively directing, encouraging, or assisting infringement of the '269 patent, and/or by providing a system where one of the core and common features leads to third party infringement of the '269 patent.

46. Upon information and belief, Toyota, Toyota Motor North America, Toyota Motor Sales U.S.A., Toyota Motor Engineering & Manufacturing North America, Toyota Motor Manufacturing Alabama, Toyota Motor Manufacturing Indiana, Toyota Motor Manufacturing Kentucky, Toyota Motor Manufacturing Mississippi, Toyota Motor Manufacturing Texas, and Toyota Motor Manufacturing West Virginia had knowledge of the '269 patent based on a letter sent to each of them on September 28, 2011 but have engaged in infringing conduct nonetheless. Toyota, Toyota Motor North America, Toyota Motor Sales U.S.A., Toyota Motor Engineering & Manufacturing North America, Toyota Motor Manufacturing Alabama, Toyota Motor Manufacturing Indiana, Toyota Motor Manufacturing Kentucky, Toyota Motor Manufacturing Mississippi, Toyota Motor Manufacturing Texas, and Toyota Motor Manufacturing West Virginia's infringement is willful.

47. Beacon has no adequate remedy at law against these acts of patent infringement. Unless Toyota, Toyota Motor North America, Toyota Motor Sales U.S.A., Toyota Motor Engineering & Manufacturing North America, Toyota Motor Manufacturing Alabama, Toyota Motor Manufacturing Indiana, Toyota Motor Manufacturing Kentucky, Toyota Motor

Manufacturing Mississippi, Toyota Motor Manufacturing Texas, and Toyota Motor Manufacturing West Virginia are permanently enjoined from further infringement of the '269 patent, Beacon will suffer irreparable harm.

48. As a direct and proximate result of the acts of patent infringement by Toyota, Toyota Motor North America, Toyota Motor Sales U.S.A., Toyota Motor Engineering & Manufacturing North America, Toyota Motor Manufacturing Alabama, Toyota Motor Manufacturing Indiana, Toyota Motor Manufacturing Kentucky, Toyota Motor Manufacturing Mississippi, Toyota Motor Manufacturing Texas, and Toyota Motor Manufacturing West Virginia, Beacon has been damaged in an amount not presently known.

49. Beacon has incurred and will incur attorneys' fees, costs, and expenses in the prosecution of this action. The circumstances of this dispute create an exceptional case within the meaning of 35 U.S.C. § 285, and Beacon is entitled to recover its reasonable and necessary fees and expenses.

COUNT IV

INFRINGEMENT OF THE '368 PATENT

50. Beacon incorporates each of the preceding paragraphs 1-19 as if fully set forth herein.

51. Toyota, Toyota Motor North America, Toyota Motor Sales U.S.A., Toyota Motor Engineering & Manufacturing North America, Toyota Motor Manufacturing Alabama, Toyota Motor Manufacturing Indiana, Toyota Motor Manufacturing Kentucky, Toyota Motor Manufacturing Mississippi, Toyota Motor Manufacturing Texas, and Toyota Motor Manufacturing West Virginia have been and are infringing literally and/or under the doctrine of equivalents, directly, contributorily, or by inducement, at least claims 1 and 15 of the '368

patent.

52. Toyota, Toyota Motor North America, Toyota Motor Sales U.S.A., Toyota Motor Engineering & Manufacturing North America, Toyota Motor Manufacturing Alabama, Toyota Motor Manufacturing Indiana, Toyota Motor Manufacturing Kentucky, Toyota Motor Manufacturing Mississippi, Toyota Motor Manufacturing Texas, and Toyota Motor Manufacturing West Virginia directly infringe, in violation of 35 U.S.C. § 271(a), by making, using, selling, offering for sale, and/or importing in or into the United States, without authority, products that practice the '368 patent, including but not limited to the Toyota 4Runner and Lexus RX 350.

53. Upon information and belief, Toyota, Toyota Motor North America, Toyota Motor Sales U.S.A., Toyota Motor Engineering & Manufacturing North America, Toyota Motor Manufacturing Alabama, Toyota Motor Manufacturing Indiana, Toyota Motor Manufacturing Kentucky, Toyota Motor Manufacturing Mississippi, Toyota Motor Manufacturing Texas, and Toyota Motor Manufacturing West Virginia had knowledge of the '368 patent based on a letter sent to each of them on September 28, 2011.

54. Upon information and belief, Toyota, Toyota Motor North America, Toyota Motor Sales U.S.A., Toyota Motor Engineering & Manufacturing North America, Toyota Motor Manufacturing Alabama, Toyota Motor Manufacturing Indiana, Toyota Motor Manufacturing Kentucky, Toyota Motor Manufacturing Mississippi, Toyota Motor Manufacturing Texas, and Toyota Motor Manufacturing West Virginia have contributed to direct infringement of the '368 patent by others (e.g., consumers), in violation of 35 U.S.C. § 271(b), because the GPS navigation systems in their products, including but not limited to the Toyota 4Runner and Lexus RX 350, are specially adapted for an infringing use of the '368 patent, embody a material part of

the inventions claimed in the '368 patent, and are not staple articles of commerce suitable for substantial non-infringing use.

55. Upon information and belief, Toyota, Toyota Motor North America, Toyota Motor Sales U.S.A., Toyota Motor Engineering & Manufacturing North America, Toyota Motor Manufacturing Alabama, Toyota Motor Manufacturing Indiana, Toyota Motor Manufacturing Kentucky, Toyota Motor Manufacturing Mississippi, Toyota Motor Manufacturing Texas, and Toyota Motor Manufacturing West Virginia actively induce others (e.g., consumers) to directly infringe the '368 patent, in violation of 35 U.S.C. § 271(c), by providing products with GPS navigation systems, including but not limited to the Toyota 4Runner and Lexus RX 350, along with instructions, user manuals, or technical assistance actively directing, encouraging, or assisting infringement of the '368 patent, and/or by providing a system where one of the core and common features leads to third party infringement of the '368 patent.

56. Upon information and belief, Toyota, Toyota Motor North America, Toyota Motor Sales U.S.A., Toyota Motor Engineering & Manufacturing North America, Toyota Motor Manufacturing Alabama, Toyota Motor Manufacturing Indiana, Toyota Motor Manufacturing Kentucky, Toyota Motor Manufacturing Mississippi, Toyota Motor Manufacturing Texas, and Toyota Motor Manufacturing West Virginia had knowledge of the '368 patent based on a letter sent to each of them on September 28, 2011 but have engaged in infringing conduct nonetheless. Toyota, Toyota Motor North America, Toyota Motor Sales U.S.A., Toyota Motor Engineering & Manufacturing North America, Toyota Motor Manufacturing Alabama, Toyota Motor Manufacturing Indiana, Toyota Motor Manufacturing Kentucky, Toyota Motor Manufacturing Mississippi, Toyota Motor Manufacturing Texas, and Toyota Motor Manufacturing West Virginia's infringement is willful.

57. Beacon has no adequate remedy at law against these acts of patent infringement. Unless Toyota, Toyota Motor North America, Toyota Motor Sales U.S.A., Toyota Motor Engineering & Manufacturing North America, Toyota Motor Manufacturing Alabama, Toyota Motor Manufacturing Indiana, Toyota Motor Manufacturing Kentucky, Toyota Motor Manufacturing Mississippi, Toyota Motor Manufacturing Texas, and Toyota Motor Manufacturing West Virginia are permanently enjoined from further infringement of the '368 patent, Beacon will suffer irreparable harm.

58. As a direct and proximate result of the acts of patent infringement by Toyota, Toyota Motor North America, Toyota Motor Sales U.S.A., Toyota Motor Engineering & Manufacturing North America, Toyota Motor Manufacturing Alabama, Toyota Motor Manufacturing Indiana, Toyota Motor Manufacturing Kentucky, Toyota Motor Manufacturing Mississippi, Toyota Motor Manufacturing Texas, and Toyota Motor Manufacturing West Virginia, Beacon has been damaged in an amount not presently known.

59. Beacon has incurred and will incur attorneys' fees, costs, and expenses in the prosecution of this action. The circumstances of this dispute create an exceptional case within the meaning of 35 U.S.C. § 285, and Beacon is entitled to recover its reasonable and necessary fees and expenses.

PRAYER FOR RELIEF

Beacon requests that judgment be entered in its favor and against Toyota, Toyota Motor North America, Toyota Motor Sales U.S.A., Toyota Motor Engineering & Manufacturing North America, Toyota Motor Manufacturing Alabama, Toyota Motor Manufacturing Indiana, Toyota Motor Manufacturing Kentucky, Toyota Motor Manufacturing Mississippi, Toyota Motor Manufacturing Texas, and Toyota Motor Manufacturing West Virginia, and that the Court award

the following relief to Beacon:

- (a) damages in an amount adequate to compensate Beacon for infringement of the patents-in-suit, and in no event less than a reasonable royalty;
- (b) increased damages in an amount three times the damages found by the jury or assessed by the Court for the willful infringement of the patents-in-suit pursuant to 35 U.S.C. § 284;
- (c) expenses, costs, and reasonable attorneys' fees pursuant to 35 U.S.C. § 285;
- (d) a preliminary and, thereafter, a permanent injunction against Toyota, Toyota Motor North America, Toyota Sales U.S.A., Toyota Motor Engineering & Manufacturing North America, Toyota Motor Manufacturing Alabama, Toyota Motor Manufacturing Indiana, Toyota Motor Manufacturing Kentucky, Toyota Motor Manufacturing Mississippi, Toyota Motor Manufacturing Texas, and Toyota Motor Manufacturing West Virginia, their officers, agents, servants, employees, attorneys, and all other persons in active concert or participation with any of them who receive actual notice thereof;
- (e) prejudgment and post-judgment interest on all damages; and
- (f) such other relief as the Court deems just and proper.

JURY DEMAND

In accordance with Federal Rules of Civil Procedure 38 and 39, Beacon asserts its rights under the Seventh Amendment to the United States Constitution and demands a trial by jury on all issues triable by a jury.

Dated: October 11, 2011

Respectfully submitted,

YOUNG CONAWAY STARGATT
& TAYLOR, LLP

/s/ Elena C. Norman

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