

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

MOBILE MICROMEDIA SOLUTIONS LLC,  
a Texas limited liability company,

Plaintiff,

v.  
SAAB CARS NORTH AMERICA, INC.,  
SEWELL VILLAGE CADILLAC COMPANY,  
INC., d/b/a SEWELL SAAB OF PLANO;  
VOLVO CARS OF NORTH AMERICA, LLC;  
and VODVT MOTORS L.P., d/b/a VOLVO OF  
DALLAS,

Defendants.

Civil Action File No.: 2:10cv469

JURY TRIAL DEMANDED

**COMPLAINT FOR PATENT INFRINGEMENT**

COMES NOW, Plaintiff Mobile Micromedia Solutions, LLC (“MMS”), by and through its undersigned counsel, and files its Complaint for Patent Infringement against the above-named Defendants and for its cause of action hereby states:

**THE PARTIES**

1. MMS is a limited liability company organized and existing under the laws of the State of Texas, and having its registered place of business at 4605 Texas Boulevard, Texarkana, Texas 75503.

2. Saab Cars North America, Inc. (“Saab”) is a Delaware corporation with its principal office located at 300 Renaissance Center, M/C 482-C24-C66, Detroit, Michigan 48265. Saab is the sole authorized distributor of Saab brand vehicles in the United States. Saab is engaged in the business of distributing new Saab brand vehicles – including vehicles identified below that have infringing entertainment systems – to authorized dealerships throughout the

United States, including dealerships within the State of Texas and this judicial district. Saab is authorized to do business in the State of Texas and regularly conducts business within the State of Texas and within this judicial district by way of sales of and offers to sell Saab automobiles with infringing systems to authorized dealers in this judicial district. Saab may be served by service upon its registered agent C T Corporation System, 350 N. St. Paul Street, Suite 2900, Dallas, Texas 75201-4234.

3. Sewell Village Cadillac Company, Inc. ("Sewell"), d/b/a Sewell Saab of Plano, is a Texas corporation with its principal place of business located at 7310 Lemmon Avenue, Dallas, Texas 75209-3014. Sewell may be served by service upon its registered agent Carl Sewell at 3860 W. Northwest Highway, Suite 102, Dallas, Texas 75209-3014. Sewell regularly conducts business within the State of Texas and within this judicial district by way of sales of and offers to sell Saab vehicles – including vehicles identified below that have infringing entertainment systems – from its dealership location at 1645 Dallas Parkway, Plano, Texas 75093-4516.

4. Volvo Cars of North America, LLC ("Volvo") is a Delaware limited liability corporation with its principal office located at 1 American Road, WHQ Room 612, Dearborn, Michigan 48126. Volvo is engaged in the business of distributing new Volvo brand vehicles – including vehicles identified below that have infringing entertainment systems – to authorized dealerships throughout the United States, including dealerships within the State of Texas and this judicial district. Volvo is authorized to do business in the State of Texas and regularly conducts business within the State of Texas and within this judicial district by way of sales of and offers to sell Volvo automobiles with infringing systems to authorized dealers in this judicial district. Volvo may be served by service upon its registered agent C T Corporation System, 350 N. St. Paul Street, Suite 2900, Dallas, Texas 75201-4234.

5. VODVT Motors, L.P. (“Van Tuyl”), d/b/a Volvo of Dallas, is a Texas limited partnership with a principal office located at 1550 E. Missouri, Suite 300, Phoenix, Arizona. Van Tuyl may be served by service upon its registered agent, C T Corporation at 16427 350 N. St. Paul Street, Suite 2900, Dallas, Texas 75201-4234. Van Tuyl regularly conducts business within the State of Texas and within this judicial district by way of sales of and offers to sell Volvo automobiles – including vehicles identified below that have infringing entertainment systems – from its dealership location at 6000 State Highway 121, Frisco, Texas 75034.

JURISDICTION AND VENUE

6. This is an action for patent infringement arising under the provisions of the Patent Laws of the United States of America, Title 35, United States Code.

7. Subject-matter jurisdiction over MMS’s claims is conferred upon this Court by 28 U.S.C. § 1331 (federal question jurisdiction) and 28 U.S.C. § 1338(a) (patent jurisdiction).

8. This Court has personal jurisdiction over Defendants because Defendants are subject to general jurisdiction in the State of Texas. Defendants also have established minimum contacts with the forum. All Defendants are authorized to do business in the State of Texas and regularly conduct such business. Defendants import, manufacture, sell and/or offer to sell vehicles that are and have been used, offered for sale, sold and/or purchased in Texas, including in this judicial district. Defendants—directly and/or through their distribution networks—place their infringing products within the stream of commerce, which stream is directed at this district. Personal jurisdiction over Defendants is also proper inasmuch as Defendants have voluntarily submitted themselves to the jurisdiction of the courts of this State by each registering with the Texas Secretary of State a registered agent within the State of Texas. In addition, Defendants Saab’s and Volvo’s distribution and sales of Saab and Volvo vehicles to one or more dealers

within the State of Texas constitute systematic and continuous dealings within the State sufficient to support personal jurisdiction over Saab and Volvo, and this case is directly connected to Saab's and Volvo's activities within the State of Texas. Therefore, the exercise of personal jurisdiction over Defendants would not offend traditional notions of fair play and substantial justice.

9. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b) and (c) and §1400(b).

COUNT I – INFRINGEMENT OF U.S. PATENT NO. 5,420,931

10. MMS reasserts and incorporates herein by reference the allegations of all preceding paragraphs of this Complaint as if fully set forth herein.

11. On May 30, 1995, U.S. Patent No. 5,420,931 ("the '931 patent"), a copy of which is attached hereto as Exhibit "A," was duly and legally issued by the U. S. Patent & Trademark Office ("USPTO"). MMS is the owner by assignment of all right, title and interest in and to the '931 patent, including all right to recover for any and all past infringement thereof.

12. Upon information and belief, Defendants have in the past and continue to infringe the '931 patent by making, using, selling and/or offering to sell, in this judicial district and elsewhere in the United States, products and services which are covered by at least one claim of the '931 patent.

13. At a minimum, the following Saab and Volvo vehicles made, used, sold and/or offered for sale by the Defendants infringe one or more claims of the '931 patent as a result of Defendants' inclusion of various components and interconnections used to create an integrated micro-processor-driven entertainment system in said vehicles, including but not limited to the following:

- a. Saab 9-5;
- b. Volvo XC60;
- c. Volvo XC70; and
- d. Volvo XC90.

14. As a consequence of the infringement of the '931 patent by Defendants, MMS is entitled to recovery of past damages in the form of, at a minimum, a reasonable royalty.

15. Upon information and belief, Defendants will continue to infringe the '931 patent unless enjoined by this Court.

16. As a consequence of the infringement by Defendants complained of herein, MMS has been irreparably damaged to an extent not yet determined and will continue to be irreparably damaged by such acts in the future unless Defendants are enjoined by this Court from committing further acts of infringement. In the event the Court determines that it will not enter injunctive relief, then it should require Defendants to continue to pay royalties for their infringement of the '931 patent on a going-forward basis.

17. Upon information and belief, Defendants' infringement of the '931 patent is willful, entitling MMS to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

COUNT III - INFRINGEMENT OF U.S. PATENT NO. 6,470,178

18. MMS reasserts and incorporates herein by reference the allegations of all preceding paragraphs of this Complaint as if fully set forth herein.

19. On October 22, 2002, U.S. Patent No. 6,470,178 ("the '178 patent"), a copy of which is attached hereto as Exhibit "B," was duly and legally issued by the USPTO. MMS is the owner by assignment of all right, title and interest in and to the '178 patent, including all right to

recover for any and all past infringement thereof.

20. Upon information and belief, Defendants have in the past and continue to infringe the '178 patent by making, using, selling and/or offering to sell, in this judicial district and elsewhere in the United States, products and services which are covered by at least one claim of the '178 patent.

21. At a minimum, the following Saab and Volvo vehicles made, used, sold and/or offered for sale by the Defendants are accused of infringing one or more claims of the '178 Patent as a result of Defendants' inclusion and use of various components and interconnections to create an integrated entertainment system featuring Radio Data System ("RDS") presets in said vehicles, including but not limited to the following:

- a. Saab 9-3;
- b. Saab 9-5;
- c. Volvo XC60;
- d. Volvo XC70;
- e. Volvo XC90;
- d. Volvo V50;
- e. Volvo C70;
- f. Volvo C30;
- g. Volvo S40;
- h. Volvo S60; and
- i. Volvo S80.

22. As a consequence of the infringement by Defendants complained of herein, MMS is entitled to recovery of past damages in the form of, at a minimum, a reasonable royalty.

23. Upon information and belief, Defendants will continue to infringe the '178 patent unless enjoined by this Court.

24. As a consequence of the infringement by Defendants complained of herein, MMS has been irreparably damaged to an extent not yet determined and will continue to be irreparably damaged by such acts in the future unless Defendants are enjoined by this Court from committing further acts of infringement. In the event the Court determines that it will not enter injunctive relief, then it should require Defendants to continue to pay royalties for their infringement on a going-forward basis.

25. Upon information and belief, Defendants' infringement of the '178 patent is willful, entitling MMS to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

PRAYER FOR RELIEF

WHEREFORE, MMS prays for entry of judgment and an order that:

- (1) Defendants have infringed the '931 and '178 patents;
- (2) Defendants account for and pay to MMS all damages and costs of MMS caused by Defendants' patent infringement;
- (3) MMS be granted permanent injunctive relief pursuant to 35 U.S.C. § 283 enjoining Defendants, their officers, agents, servants, employees, affiliates and those persons in active concert of participation with them from further acts of patent infringement;
- (4) In the event the Court determines that it will not enter injunctive relief, Defendants continue to pay royalties to MMS for its infringement of the '931 and '178 patents on a going-forward basis;

- (5) MMS be granted pre-judgment and post-judgment interest on the damages caused to it by reason of Defendants' patent infringement, and the damages be trebled in the event the jury determines the infringement was willful;
- (6) Costs and attorney's fees be awarded to MMS, as this is an exceptional case; and
- (7) MMS be granted such further and additional relief as the Court may deem just and proper under the circumstances.

DEMAND FOR JURY TRIAL

MMS demands trial by jury on all claims and issues so triable.

This 8<sup>th</sup> day of November, 2010.

Respectfully submitted,



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Nicholas H. Patton (TX Bar No. 15631000)  
Geoffrey P. Culbertson (TX Bar No. 24045732)  
PATTON, TIDWELL & SCHROEDER, LLP  
4605 Texas Boulevard  
Texarkana, Texas 75503  
Telephone: 903.792.7080  
Facsimile: 903.792.8233  
Email: nickpatton@texarkanalaw.com  
gpc@texarkanalaw.com

Of counsel:

Patricia L. Peden  
LAW OFFICE OF PATRICIA L. PEDEN  
1316 67<sup>th</sup> Street  
Suite 6  
Emeryville, California 94608  
Telephone: 510.268.8033  
Facsimile: 510.547.2446  
Email: ppeden@pedenlawfirm.com



Eric G. Maurer  
egm@hkw-law.com  
HILL, KERTSCHER & WHARTON, LLP  
3350 Riverwood Parkway, Suite 800  
Atlanta, Georgia 30339  
Telephone: 770.953.0995  
Facsimile: 770.953.1358

*Attorneys for Plaintiff Mobile Micromedia Solutions  
LLC*