

3. On information and belief, Defendant Hyundai Motor America is a California corporation with a place of business at 10550 Talbert Ave. Fountain View, CA 92708. On information and belief, Hyundai Motor America is a subsidiary of Hyundai Motor Company and responsible for U.S. operations, such as sales, marketing, and distribution for Hyundai Motor Company.

4. On information and belief, Defendant Hyundai Motor Manufacturing Alabama, LLC (“HMMA”) is a Delaware foreign limited liability company with its principal place of business at 700 Hyundai Blvd., Montgomery, Alabama 36105.

JURISDICTION AND VENUE

5. This is an action for patent infringement under the Patent Laws of the United States, Title 35 of the United State Code.

6. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

7. This Court has person jurisdiction over Hyundai. On information and belief, Hyundai, either directly or through intermediaries, regularly sells products and services into this judicial district and manufactures products intended to be sold and in fact sold into and within this judicial district. Additionally, on information and belief, this Court has personal jurisdiction over Hyundai because Hyundai has committed, aided, abetted, contributed to, induced, and/or participated in the commission of acts within this judicial district giving rise to this action.

8. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b) and 1400 (b).

SUMMARY

9. Dr. David Breed is one of the leading inventors in the field of automotive technology in the world today.

10. Dr. Breed is an inventor on more than 300 United States patents relating to automotive technologies, including airbags, navigation systems, vehicle diagnostics, crash sensors, vehicle communications, systems monitoring, theft protection, and collision avoidance.

11. Dr. Breed has a Ph.D in Mechanical Engineering from Columbia University as well as Bachelors' and Masters' degrees from the Massachusetts Institute of Technology.

12. Dr. Breed has received the National Highway Traffic Safety Administration's Award for Safety Engineering and the prestigious H.H. Bliss award for his contributions to the development of the airbag.

13. Dr. Breed is a member of the Tau Beta Pi and Pi Tau Sigma engineering honors societies and has published numerous peer-reviewed articles.

COUNT I: INFRINGEMENT OF U.S. PATENT NO. 8,060,282

14. AVS incorporates the foregoing paragraphs as if fully set forth here.

15. On November 15, 2011, the USPTO duly and legally issued United States Patent No. 8,060,282 B2 ("the '282 Patent"), entitled "Vehicle Component Control Methods and Systems Based On Vehicle Stability." AVS owns the '282 Patent and holds the right to sue and recover damages for infringement thereof.

16. On information and belief, Hyundai has been and now is directly infringing, and/or inducing infringement by others, and/or contributing to the infringement by others of the '282 Patent in the state of Texas, in this judicial district, and elsewhere within the United States

by, among other things, making, using, offering for sale, selling, or importing vehicles, including but not limited to various model years of Hyundai's Santa Fe, Elantra, Genesis Coupe, Genesis sedan, Azera, Sonata, Sonata Hybrid and Veloster products, that include automatic crash notification systems and other similar monitoring, reporting, and/or control systems, including but not limited to the Blue Link system, that infringe or the use of which infringe one or more claims of the '282 Patent, all to the injury of AVS. Hyundai is thus liable for infringement of the '282 Patent pursuant to 35 U.S.C. § 271.

17. As a result of Hyundai's infringement of the '282 Patent, Hyundai has damaged AVS. Hyundai is liable to AVS in an amount to be determined at trial that adequately compensates AVS for the infringement, which by law can be no less than a reasonable royalty.

18. AVS intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement and/or post-suit infringement of the '282 Patent.

19. As a result of Hyundai's infringement of the '282 Patent, AVS has suffered and will continue to suffer loss and injury unless Hyundai is enjoined by this Court.

20. At least as early as its receipt of this Complaint, Hyundai has had knowledge of the '282 Patent and written notice of the infringement.

COUNT II: INFRINGEMENT OF U.S. PATENT NO. 8,157,047

21. AVS incorporates the foregoing paragraphs as if fully set forth here.

22. On April 17, 2012, the USPTO duly and legally issued United States Patent No. 8,157,047 B2 ("the '047 Patent"), entitled "Occupant Protection Systems Control Techniques." AVS owns the '047 Patent and holds the right to sue and recover damages for infringement thereof.

23. On information and belief, Hyundai has been and now is directly infringing, and/or inducing infringement by others, and/or contributing to the infringement by others of the '047 Patent in the state of Texas, in this judicial district, and elsewhere within the United States by, among other things, making, using, offering for sale, selling, or importing vehicles, including but not limited to various model years of Hyundai's Santa Fe product, that include automatic crash notification systems and other similar monitoring, reporting, and/or control systems, including but not limited to the SRS Safety System, that infringe or the use of which infringe one or more claims of the '047 Patent, all to the injury of AVS. Hyundai is thus liable for infringement of the '047 Patent pursuant to 35 U.S.C. § 271.

24. As a result of Hyundai's infringement of the '047 Patent, Hyundai has damaged AVS. Hyundai is liable to AVS in an amount to be determined at trial that adequately compensates AVS for the infringement, which by law can be no less than a reasonable royalty.

25. AVS intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement and/or post-suit infringement of the '047 Patent.

26. As a result of Hyundai's infringement of the '047 Patent, AVS has suffered and will continue to suffer loss and injury unless Hyundai is enjoined by this Court.

27. At least as early as its receipt of this Complaint, Hyundai has had knowledge of the '047 Patent and written notice of the infringement.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff AVS pray for the following relief:

28. A judgment in favor of AVS that Hyundai has infringed AVS' '282 and '047 patents;

29. A permanent injunction, enjoining Hyundai along with its officers, directors, agents, servants, employees, affiliates, divisions, branches, subsidiaries, and parents from infringing AVS' '282 and '047 patents;

30. A judgment and order requiring Hyundai to pay AVS damage for Hyundai's infringement of AVS' '282 and '047 patents, together with interest (both pre- and post-judgment), costs and disbursements as fixed by this Court under 35 U.S.C. § 284;

31. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to AVS its reasonable attorney's fees; and

32. Such other and further relief in law or in equity to which AVS may be justly entitled.

DEMAND FOR JURY TRIAL

33. Plaintiff demands a trial by jury of any and all issues triable of right before a jury.

Respectfully submitted,

/s/ Demetrios Anaipakos

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