

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

| | | |
|----------------------------------|---|-------------------------------|
| CRUISE CONTROL TECHNOLOGIES LLC, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | C.A. No. _____ |
| |) | |
| SUBARU OF AMERICA, INC., |) | TRIAL BY JURY DEMANDED |
| |) | |
| Defendant. |) | |

COMPLAINT FOR PATENT INFRINGEMENT

This is an action for patent infringement in which Plaintiff Cruise Control Technologies LLC (“CCT”) makes the following allegations against Defendant Subaru of America, Inc. (“Defendant”):

BACKGROUND

1. Professor C. Kumar N. Patel is an electrical engineer and the inventor of United States Patent No. 6,324,463 (the “’463 Patent” or “Patel Patent”). In a distinguished career dedicated to engineering and technology, Professor Patel earned his doctoral degree in electrical engineering at Stanford in 1961 and has applied his inventive mind to various scientific problems, resulting in 36 U.S. Patents relating to lasers, optical sensors, and electronic control systems. He served as Vice Chancellor for Research at the University of California, Los Angeles (UCLA), is a member of the National Academy of Engineering and the National Academy of Science, and is a Fellow of the American Academy of Arts and Sciences, the American Association for the Advancement of Sciences, the American Physical Society, and the Institute of Electrical and Electronics Engineers. In 1996, Professor Patel was awarded the National Medal of Science by President Bill Clinton. He is currently a Professor of Physics and Adjunct Professor of Electrical Engineering at UCLA.

2. In 1997, Professor Patel identified a potential problem in the available technology for implementing cruise control in vehicles, which he solved with the invention of the '463 Patent. Cruise control systems at the time included functionality for setting the speed of a vehicle for automatic speed control, but also allowed the vehicle to accelerate above the preset speed or to slow below the preset speed and later resume automatic speed control at the preset speed. In both cases, however, there is a potential safety issue when the cruise control resumes control at a preset speed that the vehicle operator may have forgotten. Professor Patel designed and developed a vehicle cruise control system that, among inventive features, provides useful, visual feedback indicative of a preset speed to vehicle operators. The technology of the Patel Patent provides, among other things, a significant safety and usability improvement, and the automotive industry has now widely adopted and implemented Professor Patel's invention.

PARTIES

3. CCT is a Delaware limited liability company.

4. On information and belief, Defendant is a Delaware corporation with its principal office at 2235 Marlton Pike West, Cherry Hill, New Jersey 08002. Defendant has appointed The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801 as its agent for service of process.

JURISDICTION AND VENUE

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

6. This Court has personal jurisdiction over Defendant because, among other reasons, Defendant has done business in this District, has committed and continues to commit

acts of patent infringement in this District, and has harmed and continues to harm CCT in this District, by, among other things, using, selling, offering for sale, importing infringing products and/or services in this District.

7. Venue is proper in this District under 28 U.S.C. §§ 1391(b)-(d) and 1400(b) because, among other reasons, Defendant is subject to personal jurisdiction in this District, has committed and continues to commit acts of patent infringement in this District. On information and belief, for example, Defendant has used, sold, offered for sale, and imported infringing products and/or services in this District.

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 6,324,463

8. CCT is the owner by assignment of the Patel Patent, entitled “Cruise Control Indicator.” The application for the Patel Patent was filed on May 12, 1999. The patent issued on November 27, 2001. A true and correct copy of the Patel Patent is attached as Exhibit A.

9. Defendant has been and now is directly infringing the Patel Patent, in this judicial District and elsewhere in the United States, by, among other things, making, using, importing, offering for sale, and/or selling vehicular cruise control products and/or services that include a cruise control system for a vehicle having a human operator, which includes a speed controller that automatically maintains the vehicle’s speed at a preset speed; a switch associated with the speed controller which allows the vehicle operator to enable the system; a set speed input in communication with the speed controller for manually setting the speed of the vehicle at the preset speed, thereby engaging the system; a memory which stores information indicative of the preset speed; and a feedback system which communicates the stored preset speed information to the operator of the vehicle. The infringing products and services include, for example, Defendant’s 2013 Legacy vehicle, and various versions thereof.

10. By engaging in the conduct described herein, Defendant has injured CCT and is thus liable for infringement of the Patel Patent pursuant to 35 U.S.C. § 271.

11. Defendant has committed these acts of infringement without license or authorization.

12. To the extent that facts learned in discovery show that Defendant's infringement of the Patel Patent is or has been willful, CCT reserves the right to request such a finding at the time of trial.

13. As a result of Defendant's infringement of the Patel Patent, CCT has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the Court, and CCT will continue to suffer damages in the future unless Defendant's infringing activities are enjoined by this Court.

14. CCT has also suffered and will continue to suffer severe and irreparable harm unless this Court issues a permanent injunction prohibiting Defendant, its agents, servants, employees, representatives, and all others acting in active concert therewith from infringing the Patel Patent.

PRAYER FOR RELIEF

CCT respectfully requests that this Court enter:

- A. A judgment in favor of CCT that Defendant has infringed, directly and/or indirectly, the Patel Patent;
- B. A permanent injunction enjoining Defendant and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all

others acting in active concert therewith from infringement of the Patel Patent, or such other equitable relief the Court determines is warranted;

- C. A judgment and order requiring Defendant to pay CCT its damages, costs, expenses, and prejudgment and post-judgment interest for Defendant's infringement of the Patel Patent as provided under 35 U.S.C. § 284;
- D. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to CCT its reasonable attorneys' fees against Defendant;
- E. A judgment and order requiring Defendant to provide an accounting and to pay supplemental damages to CCT, including without limitation, pre-judgment and post-judgment interest; and
- F. Any and all other relief to which CCT may be entitled.

DEMAND FOR JURY TRIAL

CCT, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

Dated: December 21, 2012

BAYARD, P.A.

/s/ Stephen B. Brauerman

Richard D. Kirk (#0922)
Stephen B. Brauerman (#4952)
Vanessa R. Tiradentes (#5398)
222 Delaware Avenue, Suite 900
P.O. Box 25130
Wilmington, DE 19899
(302) 655-5000
rkirk@bayardlaw.com
sbrauerman@bayardlaw.com
vtiradentes@bayardlaw.com

*Attorneys for Plaintiff Cruise Control
Technologies LLC*

Of Counsel:

Alexander C.D. Giza
Marc A. Fenster
RUSS, AUGUST & KABAT
12424 Wilshire Boulevard 12th Floor
Los Angeles, California 90025
Telephone: (310) 826-7474
Facsimile: (310) 826-6991
agiza@raklaw.com
mfenster@raklaw.com