

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

NORMAN IP HOLDINGS, LLC,

Plaintiff,

v.

TOYOTA MOTOR NORTH AMERICA, INC.,

Defendant.

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Civil Action No. 6:13-cv-288

Jury Trial Demanded

ORIGINAL COMPLAINT

Norman IP Holdings, LLC (“Norman”), by and through its attorneys, for its Original Complaint against Defendant Toyota Motor North America, Inc. (“Toyota”), hereby alleges as follows:

I. NATURE OF THE ACTION

1. This is a patent infringement action to end Defendant’s unauthorized and infringing manufacture, use, sale, offering for sale, and/or importation of methods and products incorporating Plaintiff Norman’s patented inventions.

2. Norman is owner of all right, title, and interest in and to: United States Patent No. 5,502,689 (the “689 Patent”), issued March 26, 1996, for “Clock Generator Capable of Shut-Down Mode and Clock Generation Method”; United States Patent No. 5,592,555 (the “555 Patent”), issued January 7, 1997, for “Wireless Communications Privacy Method and System”; United States Patent No. 5,608,873 (the “873 Patent”), issued March 4, 1997, for “Device and Method for Interprocessor Communication Using Mailboxes Owned by Processor Devices”; and

United States Patent No. 5,771,394 (the “394 Patent”), issued June 23, 1998, for “Apparatus Having Signal Processors for Providing Respective Signals to Master Processor to Notify that Newly Written Data can be Obtained from One or More Memories” (collectively, the “Patents”). True and correct copies of the Patents are attached hereto as Exhibits 1–4.

3. Defendant manufactures, provides, sells, offers for sale, imports, and/or distributes infringing products and services; and/or induces others to make and use its products and services in an infringing manner; and/or contributes to the making and use of infringing products and services by others, including their customers, who directly infringe the Patents.

4. Plaintiff Norman seeks injunctive relief to prevent Defendant from continuing infringement of Plaintiff’s valuable patent rights. Plaintiff Norman further seeks monetary damages and prejudgment interest for Defendant’s past infringement of the Patents.

5. This is an exceptional case, and Norman is entitled to damages, enhanced damages, attorneys’ fees, costs, and expenses.

II. THE PARTIES

6. Plaintiff Norman is a corporation organized and existing under the laws of the State of Texas, with its principal place of business located at 100 E. Ferguson, Suite 816, Tyler, Texas 75702.

7. Upon information and belief, Defendant Toyota Motor North America, Inc. is a California corporation with its principal place of business located at 601 Lexington Ave., 49th Fl., New York, New York, 10022. Upon information and belief, Toyota Motor North America, Inc. is authorized to do business in Texas and has appointed CT Corporation System, 818 W Seventh St., Los Angeles, California 90017 as its agent for service of process.

III. JURISDICTION AND VENUE

8. This is an action for patent infringement which arises under the Patent Laws of the United States, in particular, 35 U.S.C. §§271, 281, 283, 284, and 285. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. §§1331 and 1338(a).

9. This Court has personal jurisdiction over Defendant, and venue is proper in this Court pursuant to 28 U.S.C. §§1391(b), (c), and 1400.

IV. PLAINTIFF'S PATENTS

10. The '689 Patent discloses a clock generator and interrupt bypass circuit for use in reducing the power consumption of the electrical system in which they are implemented. The clock generator may provide module clock signals for sequencing modules within the same electrical system, and is capable of generating those module clock signals when in an active mode, and of not generating those module clock signals when in a stand-by mode. The clock generator is further capable of providing a delay of a predetermined length from a request to enter shut-down mode to actual entry into shut-down mode, allowing time to prepare the electrical system for shut-down mode. The interrupt bypass circuit may provide a means of leaving shut-down mode in the event that the relevant interrupt requests have been masked.

11. The '555 Patent discloses a system and method for processing and securing communication signals over a wireless communications network. An enciphering algorithm may be programmatically selected and applied to the signals for secure transmission.

12. The '873 Patent discloses a device and method for providing inter-processor communication in a multi-processor architecture. A post office RAM has a plurality of mailboxes. Each mailbox is write accessible by one port, but is read-accessible by the other ports. Thus, a processor device on a port has write-access to one mailbox, but can read the other

mailboxes in the post office. A transmitting processor communicates with a receiving processor, by utilizing the post office. The transmitting processor writes information into its own mailbox, and signals a receiving processor. The receiving processor determines which of the processor devices signaled it, and reads the information in the transmitting processor's mailbox.

13. The '394 Patent discloses a servo loop control apparatus having a master microprocessor and at least one autonomous streamlined signal processor is disclosed. The architecture provides a general purpose controller for use in systems where intensive servo signal processing is required and is well suited to applications where multiple servo control loops operate simultaneously. The operation of the streamlined signal processors is autonomous from the master processor so that critical functions can be dedicated to the streamlined signal processors. This eliminates complex interrupt management and tedious real time scheduling constraints, simplifies system design and improves system performance. The architecture provides an integrated mechanism for implementing multiple, concurrent, complex signal processing and embedded control functions, such as complete servo-mechanism management for high performance disk storage systems.

14. Norman has obtained all substantial right and interest to the Patents, including all rights to recover for all past and future infringements thereof.

V. LICENSING RELATED TO THE PATENTS

15. On February 1, 2010, Saxon Innovations, LLC ("Saxon") assigned to Norman IP Holdings LLC all right, title, and interest in the Patents.

16. Norman's business includes acquisition and licensing of intellectual property. In that regard, Norman and its predecessors in interest have licensed the Patents to dozens of Fortune 500 companies, directly and indirectly. Norman has also entered into numerous

settlement agreements in connection with litigation in the Eastern District of Texas and in the International Trade Court.

VI. DEFENDANT'S ACTS

Toyota

17. Toyota manufactures, provides, sells, offers for sale, and/or distributes infringing systems. The infringing Toyota systems include, for example, Toyota's motor vehicle products (including those sold under the Toyota, Lexus, Scion, and Hino brands) implementing infotainment systems (*e.g.*, Safety Connect and Lexus Enform), automotive navigation systems (*e.g.*, Denso factory-installed navigation systems), automotive microcontrollers (*e.g.*, with ARM, Renesas, or MIPS embedded processors, for example those found within Denso engine control units), and similar products. With knowledge of the Patents, Toyota provides related services, specifications, and instructions for the installation and infringing operation of such systems to its customers, who directly infringe.

18. Through its actions, Toyota has infringed the '689 Patent, '555 Patent, '873 Patent, and '394 Patent and actively induced others to infringe and contributed to the infringement by others of the '689 Patent, '555 Patent, '873 Patent, and '394 Patent throughout the United States.

19. Norman has been and will continue to suffer damages as a result of Defendant Toyota's infringing acts unless and until enjoined.

VII. WILLFULNESS

20. Plaintiff Norman alleges upon information and belief that Defendant Toyota has knowingly or with reckless disregard willfully infringed the Patents. Defendant was provided

written notice of infringement of the Patents on March 14, 2012. Defendant acted with knowledge of the Patents and despite an objectively high likelihood that their actions constituted infringement of Norman's valid patent rights.

21. This objectively-defined risk was either known or so obvious that it should have been known to Defendant. Norman seeks enhanced damages pursuant to 35 U.S.C. § 284.

COUNT ONE

PATENT INFRINGEMENT—U.S. PATENT NO. 5,502,689

22. Plaintiff Norman realleges and incorporates herein paragraphs 1–21.

23. Defendant has infringed the '689 Patent.

24. Defendant has indirectly infringed the '689 Patent by inducing the infringement of the '689 Patent and contributing to the infringement of the '689 Patent.

25. Upon information and belief, Defendant has jointly infringed the '689 Patent, including by controlling and/or directing others to perform one or more of the claimed method steps.

26. Defendant's aforementioned acts have caused damage to Norman and will continue to do so unless and until enjoined.

COUNT TWO

PATENT INFRINGEMENT—U.S. PATENT NO. 5,592,555

27. Plaintiff Norman realleges and incorporates herein paragraphs 1–21.

28. Defendant has infringed the '555 Patent.

29. Defendant has indirectly infringed the '555 Patent by inducing the infringement of the '555 Patent and contributing to the infringement of the '555 Patent.

30. Upon information and belief, Defendant has jointly infringed the '555 Patent, including by controlling and/or directing others to perform one or more of the claimed method steps.

31. Defendant's aforementioned acts have caused damage to Norman and will continue to do so unless and until enjoined.

COUNT THREE

PATENT INFRINGEMENT—U.S. PATENT NO. 5,608,873

32. Plaintiff Norman realleges and incorporates herein paragraphs 1–21.

33. Defendant has infringed the '873 Patent.

34. Defendant has indirectly infringed the '873 Patent by inducing the infringement of the '873 Patent and contributing to the infringement of the '873 Patent.

35. Upon information and belief, Defendant has jointly infringed the '873 Patent, including by controlling and/or directing others to perform one or more of the claimed method steps.

36. Defendant's aforementioned acts have caused damage to Norman and will continue to do so unless and until enjoined.

COUNT FOUR

PATENT INFRINGEMENT—U.S. PATENT NO. 5,771,394

37. Plaintiff Norman realleges and incorporates herein paragraphs 1–21.

38. Defendant has infringed the '394 Patent.

39. Defendant has indirectly infringed the '394 Patent by inducing the infringement of the '394 Patent and contributing to the infringement of the '394 Patent.

40. Upon information and belief, Defendant has jointly infringed the '394 Patent,

including by controlling and/or directing others to perform one or more of the claimed method steps.

41. Defendant's aforementioned acts have caused damage to Norman and will continue to do so unless and until enjoined.

VII. JURY DEMAND

42. Plaintiff Norman hereby demands a jury on all issues so triable.

VIII. REQUEST FOR RELIEF

WHEREFORE, Plaintiff Norman respectfully requests that the Court:

- A. Enter judgment that Defendant infringes one or more claims of the Patents literally and/or under the doctrine of equivalents;
- B. Permanently enjoin Defendant, its agents, servants, and employees, and all those in privity with Defendant or in active concert and participation with Defendant, from engaging in acts of infringement of the Patents;
- C. Award Plaintiff Norman past and future damages together with prejudgment and post-judgment interest to compensate for the infringement by Defendant of the Patents in accordance with 35 U.S.C. §284, and increase such award by up to three times the amount found or assessed in accordance with 35 U.S.C. §284;
- D. Declare this case exceptional pursuant to 35 U.S.C. §285; and
- E. Award Plaintiff Norman its costs, disbursements, attorneys' fees, and such further and additional relief as is deemed appropriate by this Court.

Respectfully submitted,

Dated: March 26, 2013

By: /s/ Andrew G. DiNovo
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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(d) and (e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by formal service of process on this the 26th day of March, 2013. Parties not of record are being service with process in accordance with Fed. R. Civ. P. 4.

/s/ Andrew G. DiNovo
Andrew G. DiNovo