

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

<p>IN RE NEO WIRELESS, LLC PATENT LITIG.</p>	<p>Case No. 2:22-md-03034-TGB  Hon. Terrence G. Berg</p>
<p>NEO WIRELESS, LLC,  Plaintiff,  v.  AMERICAN HONDA MOTOR CO., INC. AND HONDA DEVELOPMENT &amp; MANUFACTURING OF AMERICA, LLC,  Defendants.</p>	<p>Case No. 2:22-cv-11403-TGB  Hon. Terrence G. Berg  JURY TRIAL DEMANDED</p>
<p>NEO WIRELESS, LLC,  Plaintiff,  v.  NISSAN NORTH AMERICA INC. AND NISSAN MOTOR ACCEPTANCE CORPORATION a/k/a NISSAN MOTOR ACCEPTANCE COMPANY LLC,  Defendants.</p>	<p>Case No. 2:22-cv-11405-TGB  Hon. Terrence G. Berg  JURY TRIAL DEMANDED</p>

**DEFENDANTS HONDA AND NISSAN'S REPLY BRIEF IN  
SUPPORT OF THEIR MOTION TO DISMISS PLAINTIFF'S  
CLAIMS OF WILLFUL AND INDUCED PATENT  
INFRINGEMENT**

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## I. INTRODUCTION

Neo’s willfulness and inducement claims are implausible and should be dismissed for two reasons. *First*, Neo’s alleged notice letter does not support a plausible inference of willfulness or the specific intent required for indirect infringement, because it only generally disclosed the existence of a large portfolio with no detail on any purported infringement.<sup>1</sup> *Second*, Neo’s allegations only describe Honda and Nissan’s conduct *before* being notified of the patents-in-suit; Neo does not identify any post-knowledge conduct by Honda and Nissan that could suggest willfulness or specific intent.

## II. ARGUMENT

### A. Neo’s Willful Infringement Claims Should Be Dismissed.

#### 1. Neo’s allegations of pre-suit notice are deficient.

Neo’s allegations do not support a reasonable inference that Honda or Nissan acted willfully with respect to the asserted patents. First, Neo’s alleged letters do not contain sufficient detail to plausibly support an inference of

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<sup>1</sup> Moreover, Neo’s purported letter to “Honda” (if sent at all)—which Neo’s counsel first provided to Honda’s counsel on August 10, 2022—was incorrectly addressed to 115 Gaither Dr, Mt. Laurel Township, New Jersey 08054. This is a parts facility for defendant American Honda Motor Co., Inc. (“HMC”), and not defendant HMC’s headquarters in Torrance, California. In its complaint filed in Ohio (and amended Complaint filed in this Court), Neo correctly averred that HMC is a California corporation located in Torrance, California. As to defendant Honda Development & Manufacturing of America, LLC (“HDMA”), Neo never relies on any allegations that it sent any letter to HDMA, but it correctly averred that HDMA is an Ohio corporation located in Ohio.

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