

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

AMERICAN VEHICULAR SCIENCES LLC

Plaintiff,

v.

TOYOTA MOTOR CORPORATION, et al.

Defendants.

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CASE NOS.:
6:12-cv-00410-MHS-JDL (Consolidated)

6:12-CV-00404-MHS-JDL (Lead)

JURY TRIAL

**AMERICAN VEHICULAR SCIENCES LLC'S DISCLOSURE OF ASSERTED CLAIMS
AND INFRINGEMENT CONTENTIONS AND IDENTIFICATION OF DOCUMENT
PRODUCTION ACCOMPANYING DISCLOSURE**

American Vehicular Sciences LLC ("AVS" respectfully serve their Disclosure of Asserted Claims and Infringement Contentions against Toyota Motor Corporation, Toyota Motor Sales, U.S.A., Inc., Toyota Motor Engineering & Manufacturing North America, Inc., Toyota Motor Manufacturing, Kentucky, Inc., Toyota Motor Manufacturing, Indiana, Inc., and Gulf States Toyota, Inc. (collectively, "Toyota") and its Identification of Document Production Accompanying Disclosure.

AVS presents these Infringement Contentions based on AVS' analysis of the facts currently known to it based on AVS' review of certain publicly available information. AVS reserves the right to amend or further supplement these disclosures with additional information learned in the course of discovery or further investigation.

I. INFRINGED CLAIMS – P.R. 3-1(a)

AVS asserts that the Toyota defendants infringe directly, contributorily, and/or by inducement one or more of the following claims:

- Claims **1-4, 7-10, 30-34, 37-41, 43, 46, 48, 49, 56, 59, 60-62, and 64** of U.S. Patent No. 6,772,057 (“**the ’057 Patent**”);
- Claims **23, 24, and 26** of U.S. Patent No. 7,202,776 (“**the ’776 Patent**”);
- Claims **1, 2, 5, 6, 13, 15, 16, and 19** of U.S. Patent No. 7,359,782 (“**the ’782 Patent**”);
- Claims **1, 3, 4, 12, 13, and 15** of U.S. Patent No. 7,783,403 (“**the ’403 Patent**”); and
- Claims **1, 2, 5, 9, 15, and 16** of U.S. Patent No. 8,041,483 (“**the ’483 Patent**”).

AVS has identified these claims based on information currently known to it. Other claims of the asserted patents include limitations based on certain discrete components of the claimed apparatus or certain discrete steps of the claimed method that AVS has been unable to definitively determine based on information currently known to AVS. AVS, however, believes that discovery and further investigation may likely identify such additional claims that are infringed by the Accused Instrumentalities or use thereof, and AVS accordingly reserves the right to supplement its identification of claims and other disclosures in the course of discovery or further investigation. For example, AVS cannot determine based on the current information it has about the Accused Instrumentalities whether the Defendants infringe the following additional claims:

- Claims **5, 6, 35, 36, 44, 45, and 47** of the **’057 Patent**;
- Claim **25** of the **’776 Patent**;
- Claims **7, 12, 14, and 18** of the **’782 Patent**;
- Claims **6-9, 14, and 16** of the **’403 Patent**; and

- Claim 6 of the '483 Patent.

II. INDENTIFICATION OF ACCUSED INSTRUMENTALITIES AND CLAIM CHARTS – P.R 3-1(b)-(c)

Based on present information and belief, AVS contends that the Asserted Claims are infringed by Toyota motor vehicles of various versions and model years, including motor vehicles marketed under the Toyota, Lexus, or Scion brands (“Toyota Vehicles”), having the functionality described in the provided claim charts that have been made, used, sold, offered for sale, or imported by Toyota and/or that have otherwise been used as intended by Toyota (“Accused Instrumentalities”).

Attached as Exhibits A-E, and incorporated herein in their entirety, are charts identifying where each element of the Asserted Claims is met for various features or functionalities possessed by a representative Toyota Vehicle or implicated by the use of Toyota Vehicles (Accused Instrumentalities). In certain instances, the claim charts identify the features and functionality by a Feature or Option name that AVS has determined Toyota uses for the described features and functionalities. Other Features or Options with different names may be used within or by Toyota to describe the same or similar features and functionalities. Similarly, in certain instances, the claim charts identify certain models of Toyota Vehicles that AVS has determined possess the described features and functionalities. AVS has not, however, determined every model and model version that possesses the described features and functionalities, nor has AVS determined for each model and model version the model years in which the model and model versions possessed the described features and functionalities. The descriptions of the features and functionalities in the provided claim charts provide Toyota with sufficient information to identify the Features and Options implicated by AVS’ contentions as

well as the Models and Model Versions and their associated Model Years implicated by AVS' contentions.

AVS contends that any other Accused Instrumentality functions and/or operates in substantially the same manner as shown in the representative chart, thereby infringing the Asserted Claims. Unless otherwise indicated, the information provided that corresponds to each claim element is considered to indicate that each claim element is found within each of the above-described models and/or versions of Toyota' Accused Instrumentalities.

As described further in the provided claim chart, Exhibit A, AVS accuses various Toyota Vehicles and the use of these Vehicles, including but not limited to various model years of Lexus' IS, IS F, IS C, ES, GS, LS, RX, GX, LX, CTh, RXh, GSh, and LSh products and Toyota's Venza, Land Cruiser, Camry, Avalon, Sienna, and Prius products, that include monitoring and/or control systems for monitoring and responding to objects exterior to the vehicle, including but not limited to Pre-Collision (or Crash), Advanced Pre-Collision (or Crash) including its Active Pedestrian Detection System and/or Advanced Obstacle Detection capabilities, Blind Spot, Night View, Lane Departure (Keep) and Auto-Dimming Headlight systems/functionality, of infringing at least claims **1-4, 7-10, 30-34, 37-41, 43, 46, 48, 49, 56, 59, 60-62, and 64 of the '057 Patent.**

As described further in the provided claim chart, Exhibit B, AVS accuses various Toyota Vehicles and the use of these Vehicles, including but not limited to various model years of Toyota's Avalon, Sequoia, and Sienna product, that include systems for obtaining information about objects in the environment outside of and around the vehicle, including but not limited to Dynamic Laser Cruise Control, of infringing at least claims **23, 24, and 26 of the '776 patent.**

As described further in the provided claim chart, Exhibit C, AVS accuses various Toyota Vehicles and the use of these Vehicles, including but not limited to various model years of Lexus' IS, IS F, IS C, ES, GS, LS, RX, GX, LX, CTh, RXh, GSh, and LSh products and Toyota's, Land Cruiser, Camry, Sienna, and Prius products, that include monitoring and/or control systems for monitoring and responding to objects exterior to the vehicle, including but not limited to Pre-Collision (or Crash), Advanced Pre-Collision (or Crash), including its Active Pedestrian Detection System and/or Advanced Obstacle Detection capabilities, and Blind Spot systems/functionality, of infringing at least claims **1, 2, 5, 6, 13, 15, 16, and 19** of the **'782 patent**.

As described further in the provided claim chart, Exhibit D, AVS accuses various Toyota Vehicles and the use of these Vehicles, including but not limited to various model years of Lexus' LS and LSh products, that include monitoring and/or control systems for monitoring and responding to objects exterior to the vehicle, including but not limited to its Advanced Pre-Collision (or Crash) including its Active Pedestrian Detection System and/or Advanced Obstacle Detection capabilities, of infringing at least claims **1, 3, 4, 12, 13, and 15** of the **'403 patent**.

As described further in the provided claim chart, Exhibit B, AVS accuses various Toyota Vehicles and the use of these Vehicles, including but not limited to various model years of Lexus' IS, IS F, IS C, ES, GS, LS, RX, GX, LX, CTh, RXh, GSh, and LSh products and Toyota's, Land Cruiser, Sienna, and Prius products, that include monitoring and/or control systems for monitoring and responding to objects exterior to the vehicle, including but not limited to Pre-Collision (or Crash) and Advanced Pre-Collision (or Crash), including its Active Pedestrian Detection System and/or Advanced Obstacle Detection capabilities, of infringing at least claims **1, 2, 5, 9, 15, and 16** of the **'483 patent**.

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