

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 **10, 11, 16, 17, 19, 20, and 23** of U.S. Patent No. 5,845,000 (“**the ’000 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 **13 and 18** of the **’000 Patent**

II. IDENTIFICATION 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 Exhibit A, and incorporated herein in their entirety, are charts identifying where each element of the Asserted Claims is met 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 methods related to 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, Avalon, Camry, Sienna, and Prius products, that include 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, and Auto-Dimming Headlight systems/functionality, of infringing at least claims **10, 11, 16, 17, 19, 20, and 23 of the '000 Patent.**

III. IDENTIFICATION OF TYPE OF INFRINGEMENT ASSERTED – P.R 3-1(d)

AVS contends that the each element of each asserted claim is literally present for the Accused Instrumentalities. In the alternative, with respect to any claim limitation that may be found not to be literally met for the Accused Instrumentalities, however, AVS contends that these elements are present under the doctrine of equivalents.

IV. PRIORITY DATES OF ASSERTED CLAIMS –P.R. 3-1(e)

U.S. Patent Application No. 08/474,786 filed on June 7, 1995 resulted in the '000 Patent. The 08/474,786 application claims priority to U.S. Patent Application No. 08/247,760 filed on May 23, 1994. Claims 10, 11, 19, and 23 of the '000 Patent have an effective filing date of May 23, 1994. Claims 16, 17, and 20 of the '000 Patent have an effective filing date of June 7, 1995.

V. PLAINTIFF'S PRODUCTS – P.R. 3-1(f)

AVS is not presently relying on any assertion that its own apparatus, product, device, process, method, act, or other instrumentality practices the claimed inventions.

VI. DOCUMENT PRODUCTION ACCOMPANYING DISCLOSURE

A. Documents Responsive to P.R. 3-2(a)

AVS is presently unaware of any relevant, non-privileged documents responsive to P.R. 3-2(a). AVS will supplement this response should any relevant, non-privileged documents be identified in the future.

B. Documents Responsive to P.R. 3-2(b)

AVS is presently unaware of any relevant, non-privileged documents responsive to P.R. 3-2(b). AVS will supplement this response should any relevant, non-privileged documents be identified in the future.

C. Documents Responsive to P.R. 3-2(c)

Pursuant to P.R. 3-2(c), copies of the file histories of the AVS patents for the Consolidate Cases have been produced previously in conjunction with case 6:12-cv-00407 under Bates Numbers AVSFH00000001 – AVSFH00058395.

VII. CONCLUSION

The information contained in these disclosures is based on AVS' analysis of the facts currently known to it based on AVS' review of publicly information reasonably available to it. Pertinent information about Defendants' Accused Instrumentalities is not available without engaging in further discovery. Thus, AVS reserves the right to supplement, modify, and/or amend these disclosures as new information becomes available and discovery progresses. AVS anticipates that additional facts and relevant documents will be uncovered that will warrant supplementing and/or amending these disclosures.

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