



disclosure herein based on additional information obtained through formal discovery or other means concerning Mercedes' products.

**I. INFRINGED CLAIMS- P.R. 3-1(a)**

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

Claims **1, 2, 5, 6, 10, 18-22, 26, 27, 32, 40, 61** of United States Patent No. **6,738,697** B2 (“the ’697 Patent”).

Claims **1-8, 11-14, 16-19** of United States Patent No. **7,630,802** B2 (“the ’802 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.

**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 Mercedes motor vehicles of various versions and model years (“Mercedes Vehicles”), having the functionality described in the provided claim charts that have been made, used, sold, offered for sale, or imported by Mercedes and/or that have otherwise been used as intended by Mercedes (“Accused Instrumentalities”).

Attached as Exhibit A (the '697 Patent Infringement Chart) and Exhibit B (the '802 Patent Infringement Chart), and incorporated herein in their entirety, are charts identifying where each element of the Asserted Claims is met by various features or functionalities possessed by a representative Mercedes Vehicle or implicated by the use of Mercedes Vehicles (Accused Instrumentalities). In certain instances, the claim charts identify the features and functionality by a Feature or Option name that AVS has determined Mercedes uses for the described features and functionalities. Other Features or Options with different names may be used within or by Mercedes to describe the same or similar features and functionalities. Similarly, in certain instances, the claim charts identify certain models of Mercedes 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 Mercedes with sufficient information to identify the Features and Options implicated by AVS's contentions as well as the Models and Model Versions and their associated Model Years implicated by AVS's 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 Mercedes' Accused Instrumentalities.

As described further in the provided claim charts, Exhibits A and B, AVS accuses various Mercedes Vehicles (Model Year 2010 and thereafter and various trim levels) equipped with

diagnostic telematics and automatic collision notification technology including but not limited to the technology referred to by Mercedes mbrace, mbrace2, and/or PRE-SAFE® technology, which includes but is not limited to the E-Class Coupe, E-Class Sedan, E-Class Cabriolet, E-Class Wagon, E-Class Convertible, C-Class Sedan, C-Class Wagon, CL-Class Coupe, CLS-Class Coupe, CLK-Class Coupe, CLK-Class Convertible, GLK-Class SUV, GL-Class SUV, G-Class SUV, M-Class SUV, R-Class Crossover, S-Class Sedan, SL-Class Roadster, SLK-Class Roadster, and SLS AMG of infringing at least claims **1, 2, 5, 6, 10, 18-22, 26, 27, 32, 40, 61** of the '697 Patent and claims **1-8, 11-14, 16-19** of the '802 Patent.

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

At this time, AVS knows of no specific limitations of the asserted claims where infringement depends on the doctrine of equivalents. AVS expressly reserves the right to modify, augment, and/or supplement its assertion of infringement under the doctrine of equivalents of any elements of any of the asserted claims after discovery from Mercedes and/or third parties and/or after this Court has set forth its construction of the asserted claims.

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

U.S. Patent Application No. 10/188,673 filed on July 3, 2002 resulted in the '697 Patent. The 10/188,673 application claims priority to U.S. Patent Application No. 08/476,077 filed on June 7, 1995, now U.S. Patent No. 5,809,437. The 10/188,673 application also claims priority to U.S. Patent Application No. 09/753,186 filed on January 2, 2001, now U.S. Patent No. 6,484,080. The 10/188,673 application also claims priority to U.S. Patent Application No. 10/174,709 filed on June 19, 2002, now U.S. Patent No. 6,735,506. Claims 1, 2, 5, 6, 10, 18, 21, 22, 26, 27, 32, and 61 of the '697 Patent have an effective filing date of June 7, 1995. Claims 19, 20, and 40 of the '697 Patent have an effective filing date of June 19, 2002.

U.S. Patent Application No. 11/422,240 filed on June 5, 2006 resulted in the '802 Patent. The 11/422,240 application claims priority to U.S. Patent Application No. 08/476,077 filed on June 7, 1995, now U.S. Patent No. 5,809,437. Claims 1-8, 11-14, 16-19 of the '802 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**

Pursuant to Patent Rule 3-2, AVS hereby provides its Document Production Accompanying Disclosure along with an identification of the categories to which each of the documents corresponds.

##### **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 five AVS patents asserted in Action Nos. 6:13cv307-MHS, 6:13cv308-MHS, 6:13cv309-MHS, and 6:13cv310-MHS, as well

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.