

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

**AMERICAN VEHICULAR SCIENCES  
LLC**

**Plaintiff,**

**v.**

**MERCEDES-BENZ U.S.  
INTERNATIONAL, INC. AND  
MERCEDES-BENZ USA, LLC**

**Defendants.**

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**Civil Action No. 6:13-cv-309-MHS**

**JURY TRIAL REQUESTED**

**AMERICAN VEHICULAR SCIENCES LLC'S PR 3-1 DISCLOSURE OF ASSERTED  
CLAIMS AND INFRINGEMENT CONTENTIONS AND PR 3-2 IDENTIFICATION OF  
DOCUMENT PRODUCTION ACCOMPANYING DISCLOSURE**

Pursuant to Local Patent Rules 3-1 and 3-2, Plaintiff American Vehicular Sciences LLC (“AVS”) hereby provides its Disclosure of Asserted Claims and Infringement Contentions against Defendants Mercedes-Benz U.S. International, Inc. and Mercedes-Benz USA, LLC (collectively “Mercedes”) and its Identification of Document Production Accompanying Disclosure.

AVS presents these Infringement Contentions based on AVS’s analysis of the facts currently known to it based on AVS’s review of certain publicly available information. AVS’s statements concerning Mercedes’ accused products are based on publicly available materials which identify and describe Mercedes’ products that include Lane Keeping Assist, Active Lane Keeping Assist, Night View Assist Plus, Blind Spot Assist, and/or Active Blind Spot Assist technology. At this time, AVS has had no discovery to date from Mercedes. Accordingly, AVS

reserves the right to supplement or alter its 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 flowing claims:

Claims **1, 2, 4, 7, 30, 31, 40, 41, 43, 46, 56, 59, 60, 61, 62, 77, 78, 81, 82, and 83** of U.S. Patent No. 6,772,057 (“**the '057 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. 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 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, and incorporated herein in their entirety, is a chart 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 models and/or versions of Mercedes' Accused Instrumentalities (see Exhibit A).

As described further in the provided claim chart, Exhibit A, AVS accuses various Mercedes Vehicles (various model years and trim levels) equipped with Lane Keeping Assist,

Active Lane Keeping Assist, Night View Assist Plus, Blind Spot Assist, and/or Active Blind Spot Assist technology including A-Class, B-Class, C-Class, CL-Class, CLA-Class, CLS-Class, E-Class, GL-Class, GLK-Class, M-Class, S-Class, and SL-Class vehicles of infringing at least claims **1, 2, 4, 7, 30, 31, 40, 41, 43, 46, 56, 59, 60, 61, 62, 77, 78, 81, 82, and 83** of the '057 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. 10/302,105 filed on November 22, 2002 resulted in the '057 Patent. The 10/302,105 application claims priority to U.S. Patent Application No. 08/474,786 filed on June 7, 1995, now U.S. Patent No. 5,845,000. Claims 1, 2, 4, 7, 8, 30, 31, 40, 41, 43, 46, 56, 59-62, 77, 78, 81, 82, and 83 of the '057 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 as the file histories for patents to which they are related and/or claim priority, are being concurrently produced in all actions under Bates Numbers AVSFH00000001 - AVSFH00058395.

**VII. CONCLUSION**

The information contained in these disclosures is based on AVS's analysis of the facts currently known to it based on AVS's review of publicly information reasonably available to it. Pertinent information about Mercedes' 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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