

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

TORCHLIGHT TECHNOLOGIES LLC,

Plaintiff,

v.

DAIMLER AG, MERCEDES-BENZ USA,
LLC, VOLKSWAGEN AG, VOLKSWAGEN
GROUP OF AMERICA, INC., AUDI AG,
AUDI OF AMERICA, LLC, PORSCHE AG,
AND PORSCHE CARS NORTH AMERICA,
INC.,

Defendants.

Civil Action No. 22-751 (VAC)

JURY TRIAL DEMANDED

FIRST AMENDED COMPLAINT FOR PATENT

INFRINGEMENT

Plaintiff, Torchlight Technologies LLC (“Torchlight” of “plaintiff”), for its Complaint against Daimler AG, Mercedes-Benz USA, LLC, Volkswagen AG, Volkswagen Group of America, Inc., Audi AG, Audi of America, LLC, Porsche AG, and Porsche Cars North America, (collectively “Defendants”), states the following:

I. THE PARTIES

PLAINTIFF, TORCHLIGHT TECHNOLOGIES LLC

1. Plaintiff Torchlight Technologies LLC (“Torchlight” or “plaintiff”) is a Delaware limited liability company with its registered office located at Corporation Service Company, 251 Little Falls Drive, Wilmington, Delaware 19808, and with its principal place of business located at 767 Fifth Ave. Fl. 9, New York, NY 10153.

DAIMLER AND MERCEDES-BENZ DEFENDANTS

2. Upon information and belief, Daimler AG (“Daimler AG”) is a German corporation having its principal place of business in Stuttgart, Germany.

3. Upon information and belief, Daimler AG is responsible for and/or is in the business of designing, manufacturing, importing, advertising, marketing, distributing, offering to sell and/or selling motor vehicles and components under Daimler brands, such as Mercedes-Benz, in all 50 states, including in this District, including motor vehicles having certain vehicle illuminating devices and components of such devices that are accused of infringement herein, and such motor vehicles and components are imported, used, offered for sale, sold and/or made in the United States, including in this District, by and/or on behalf of Daimler AG.

4. Upon information and belief, Mercedes-Benz USA, LLC (“Mercedes-Benz USA”) is a wholly owned subsidiary of Daimler AG.

5. Upon information and belief, Mercedes-Benz USA is a Delaware limited liability company, with its registered office located at The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801, and with its principal place of business located at 1 Mercedes-Benz Drive, Sandy Springs, Georgia.

6. Upon information and belief, Mercedes-Benz USA is responsible for and/or is in the business of designing, manufacturing, importing, advertising, marketing, distributing, offering to sell and/or selling motor vehicles and components, including Mercedes-Benz branded motor vehicles and components, in all 50 states, including this District, including motor vehicles having certain vehicle illuminating devices and components of such devices that are accused of infringement herein, and such motor vehicles and components are imported, used, offered for sale,

sold and/or made in the United States, including in this District, by and/or on behalf of Mercedes-Benz USA.

VOLKSWAGEN, AUDI, AND PORSCHE DEFENDANTS

7. Upon information and belief, Volkswagen AG (“VW AG”) is a German corporation having its principal place of business in Wolfsburg, Germany.

8. Upon information and belief, VW AG is responsible for and/or is in the business of designing, manufacturing, importing, advertising, marketing, distributing, offering to sell and/or selling motor vehicles and components under VW AG brands, such as Volkswagen, Audi, and Porsche, in all 50 states, including in this District, including motor vehicles having certain vehicle illuminating devices and components of such devices that are accused of infringement herein, and such motor vehicles and components are imported, used, offered for sale, sold and/or made in the United States, including in this District, by and/or on behalf of VW AG.

9. Upon information and belief, Audi AG (“Audi AG”) is a German corporation having its principal place of business in Ingolstadt, Germany.

10. Upon information and belief, Audi AG is responsible for and/or is in the business of designing, manufacturing, importing, advertising, marketing, distributing, offering to sell and/or selling motor vehicles and components, such as Audi branded motor vehicles and components, in all 50 states, including in this District, including motor vehicles having certain vehicle illuminating devices and components of such devices that are accused of infringement herein, and such motor vehicles and components are imported, used, offered for sale, sold and/or made in the United States, including in this District, by and/or on behalf of Audi AG.

11. Upon information and belief, Dr. Ing. h.c. F. Porsche AG (“Porsche AG”) is a German corporation having its principal place of business located in Stuttgart, Germany.

12. Upon information and belief, Porsche AG is responsible for and/or is in the business of designing, manufacturing, importing, advertising, marketing, distributing, offering to sell and/or selling motor vehicles and components, such as Porsche branded motor vehicles and components, in all 50 states, including in this District, including motor vehicles having certain vehicle illuminating devices and components of such devices that are accused of infringement herein, and such motor vehicles and components are imported, used, offered for sale, sold and/or made in the United States, including in this District, by and/or on behalf of Porsche AG.

13. Upon information and belief, Volkswagen Group of America Inc. (“VW America”), is a corporation organized and existing under the laws of the State of New Jersey, with its principal place of business located at 2200 Ferdinand Porsche Drive, Herndon, Virginia, and is registered as a Delaware foreign corporation that may be served through its registered agent at The Corporation Service Company, 251 Little Falls Drive, Wilmington, Delaware 19808.

14. Upon information and belief, VW AG is the parent corporation of VW America, Audi AG, and Porsche AG.

15. Upon information and belief, Porsche AG is a wholly owned subsidiary of VW AG.

16. Upon information and belief, VW America is a wholly owned subsidiary of VW AG.

17. Upon information and belief, VW America is a U.S. sales arm of VW AG (collectively referred to as “VW AG/America”).

18. Upon information and belief, VW AG/America is responsible for and/or is in the business of designing, manufacturing, importing, advertising, marketing, distributing, offering to sell and/or selling motor vehicles and components under Volkswagen brands, such as VW, Audi, and Porsche (collectively referred to as “VW motor vehicles”), in all 50 states, including this

District, including VW motor vehicles having certain vehicle illuminating devices and components of such devices that are accused of infringement herein, and such VW motor vehicles and components are imported, used, offered for sale, sold and/or made in the United States, including in this District, by and/or on behalf of VW AG/America.

19. Upon information and belief, Audi of America, LLC (“Audi America”) is a Delaware corporation, with its registered office located at Corporation Service Company, 251 Little Falls Drive, Wilmington, Delaware 19808, and with its principal place of business located at 2200 Woodland Pointe Avenue, Herndon Virginia.

20. Upon information and belief, VW America does business as Audi of America, LLC. (“Audi America”).

21. Upon information and belief, Audi America is at least 99% owned by Audi AG

22. Upon information and belief, Audi America is a U.S. sales and marketing arm of VW AG.

23. Upon information and belief, Audi America is responsible for and/or is in the business of designing, manufacturing, importing, advertising, marketing, distributing, offering to sell and/or selling motor vehicles and components, such as Audi branded motor vehicles and components, in all 50 states, including this District, including motor vehicles having certain vehicle illuminating devices and components of such devices that are accused of infringement herein, and that such motor vehicles and components are imported, used, offered for sale, sold and/or made in the United States, including in this District, by and/or on behalf of Audi America.

24. Upon information and belief, Porsche Cars North America, Inc. (“Porsche America”) is a wholly-owned U.S. subsidiary of Porsche AG.

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