

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

UNM RAINFOREST INNOVATIONS,

Plaintiff,

v.

TOYOTA MOTOR NORTH AMERICA,
INC., TOYOTA MOTOR SALES, U.S.A.,
INC., and TOYOTA MOTOR
ENGINEERING & MANUFACTURING
NORTH AMERICA, INC.

Defendants

Civil Action No. 1:23-cv-00424

JURY TRIAL DEMANDED

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

UNM Rainforest Innovations (“UNMRI”) files this Original Complaint for Patent Infringement and Jury Demand against Toyota Motor North America, Inc., Toyota Motor Sales, U.S.A., Inc., and Toyota Motor Engineering & Manufacturing North America, Inc. (collectively, “Toyota”). UNMRI alleges infringement of United States Patent Number 8,265,096 (“’096 Patent”) as follows.

PRELIMINARY STATEMENT

1. The University of New Mexico (“UNM”) is a public educational institution based in Albuquerque, New Mexico, and serves as the State of New Mexico’s flagship research institution. UNM serves over 25,000 students and comprises over 1,700 faculty members across its main campus in Albuquerque and branch campuses in Gallup, Los Alamos, Rio Rancho, Taos, and Los Lunas, New Mexico. Over the past 20 years, UNM researchers have disclosed over 1,700 new inventions resulting in over 500 issued United States patents. This action is for patent infringement and just compensation for unlicensed

deployment of in-vehicle Wi-Fi configured to operate on and with the IEEE 802.11ac or IEEE 802.11ax wireless networking standard(s) in violation of the '096 Patent.

THE PARTIES

2. Plaintiff UNMRI is a New Mexico nonprofit research park corporation formed, owned, and controlled entirely by the Board of Regents of the University of New Mexico (“UNM”).

3. UNMRI’s mission includes nurturing inventions researched and developed at UNM, promoting technological collaboration between UNM and other universities and research institutes, and thereby catalyzing economic development in the State of New Mexico.

4. UNMRI furthers its mission by licensing and, if necessary, enforcing its inventions and reinvesting proceeds into continued research and development at and technological collaboration with UNM, for the benefit of and for the State of New Mexico and the United States.

5. UNMRI is located at the UNM Lobo Rainforest Building, 101 Broadway Boulevard, Suite 1100, Albuquerque, New Mexico 87102.

6. Plaintiff UNMRI, UNM, and the Board of Regents of UNM are arms of the State of New Mexico and enjoy sovereign immunity under common law, statutes, and constitutions of the United States and the State of New Mexico including, but not limited to, the Eleventh Amendment of the United States Constitution and Article 12 of the New Mexico Constitution. *See Regents of University of New Mexico v. Knight*, 321 F.3d 1111

(Fed. Cir. 2003); *STC.UNM v. Quest Diagnostics Inc.*, CIV 17-1123 MV/KBM, 2019 WL 1091390, at *1 (D.N.M. Mar. 8, 2019).

7. By filing this lawsuit or prosecuting this action, Plaintiff UNMRI does not waive, either expressly or implicitly, its sovereign immunity, the sovereign immunity of UNM or its Board of Regents, or the sovereign immunity enjoyed by any arm of the State of New Mexico under the laws of the United States or the State of New Mexico, to any *inter partes* review, *ex parte* reexamination, or other post-grant proceeding at the United States Patent and Trademark Office or its Patent Trial and Appeal Board, to any other administrative actions or proceedings whatsoever, to any noncompulsory counterclaims, or to any other federal or state proceedings whatsoever, whether initiated by Defendants or an entity other than Defendants.

8. Toyota Motor Corporation is an automobile manufacturer incorporated under the Commercial Code of Japan and existing under its Companies Act. Toyota Motor Corporation operated through 569 consolidated subsidiaries and 168 associates and joint ventures as of March 31, 2023, and its principal executive offices are located at 1 Toyota-cho, Toyota City, Aichi Prefecture 471-8571, Japan.

9. Defendant Toyota Motor North America, Inc. is a corporation with its principal place of business at 6565 Headquarters Drive, Plano, Texas 75024. Toyota Motor North America, Inc. brings together Toyota Motor Corporation's marketing, sales, engineering, and manufacturing arms in North America on one shared campus. Toyota Motor North America, Inc. can be served with process through its registered agent, C T Corporation System, at 1999 Bryan Street, Suite 900 Dallas, Texas 75201.

10. Defendant Toyota Motor Sales, U.S.A., Inc. is a corporation with a place of business located at 6565 Headquarters Drive, Plano, Texas 75024. Toyota Motor Sales, U.S.A., Inc., can be served with process through its registered agent, C T Corporation System, at 1999 Bryan Street, Suite 900 Dallas, Texas 75201.

11. Defendant Toyota Motor Engineering & Manufacturing North America, Inc. is a corporation with a place of business located at 6565 Headquarters Drive, Plano, Texas 75024. Toyota Motor Engineering & Manufacturing North America, Inc. can be served with process through its registered agent, C T Corporation System, at 1999 Bryan Street, Suite 900 Dallas, Texas 75201.

12. Toyota is in the business of making, using, marketing, distributing, selling, and encouraging the sale and use of, both in the United States and abroad, automobiles with built-in Wi-Fi hotspot/access points and other systems and features which are configured to operate on or with the IEEE 802.11ac or IEEE 802.11ax wireless networking standard(s), including at least the following automobiles: 2022 Toyota Tundra, 2022 Toyota Tundra Hybrid, 2023 Toyota bZ4X, 2023 Toyota Corolla, 2023 Toyota Corolla Hybrid, 2023 Toyota Corolla Cross, 2023 Toyota Corolla Cross Hybrid, 2023 Toyota Corolla Hatchback, 2023 Toyota Highlander, 2023 Toyota Highlander Hybrid, 2023 Toyota Mirai, 2023 Toyota Prius, 2023 Toyota Prius Prime, 2023 Toyota RAV4, 2023 Toyota RAV4 Hybrid, 2023 Toyota RAV4 Prime, 2023 Toyota Sequoia Hybrid, 2023 Toyota Crown, 2023 Toyota Tundra, 2023 Toyota Tundra Hybrid, 2023 Toyota Venza Hybrid, 2024 Toyota Corolla, 2024 Toyota Corolla Hybrid, 2024 Toyota Corolla

Hatchback, 2024 Toyota Grand Highlander, 2024 Toyota Grand Highlander Hybrid, 2024 Toyota Tundra, and 2024 Toyota Tundra Hybrid.

13. On information and belief, on consolidated basis, Toyota Motor Corporation recorded unit sales of about eight million eight hundred twenty-two thousand (8,822,000) automobiles during the 12-month period ending on March 31, 2023, of which at least 30% occurred in the United States. On information and belief, Toyota made or recorded unit sales in excess of two million (2,000,000) automobiles in the United States during the 12-month period ending on March 31, 2023.

JURISDICTION

14. This action arises under the Patent Laws of the United States, 35 U.S.C. § 1, *et seq.*, including 35 U.S.C. §§ 271, 281, 283, 284, and 285. This is a patent infringement lawsuit over which this Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

15. This United States District Court for the Eastern District of Texas has general and specific personal jurisdiction over Defendants because Defendants are present in and transact and conduct business in and with residents of this District and the State of Texas.

16. UNMRI's causes of action arise, at least in part, from Defendants' contacts with and activities in this District and the State of Texas.

17. Toyota has committed acts of infringing the '096 Patent within this District and the State of Texas by making, using, selling, offering for sale, and/or importing in or into this District and elsewhere in the State of Texas products made by practicing the claimed method of the '096 Patent. Toyota, directly and through intermediaries, makes,

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