

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

INTELLECTUAL VENTURES II LLC,)	
)	
<i>Plaintiff,</i>)	
)	C.A. No. 6:24-cv-00188
v.)	
)	
TESLA, INC.,)	JURY TRIAL DEMANDED
)	
<i>Defendant.</i>)	
)	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Intellectual Ventures II LLC (“Intellectual Ventures” or “Plaintiff”), in their Complaint of patent infringement against Defendant Tesla, Inc. (“Tesla” or “Defendant”), hereby alleges as follows:

NOTICE OF RELATED CASE

Intellectual Ventures respectfully informs the Court that the present case involves the infringement of multiple patents already in suit in the case styled as *Intellectual Ventures I LLC, et al. v. Volvo Car Corporation, et al.*, Case No. 6:23-cv-00429-ADA (the “429 Case”) and the infringement of multiple patents related to the patents-in-suit in the 429 Case.

Specifically, the following patents asserted in this litigation overlap with the patents asserted in the 429 Case: United States Patent No. 10,292,138 (“the ’138 Patent”) and United States Patent No. 9,232,158 (“the ’158 Patent”), (collectively “429 Related Patents”).

In this case, Intellectual Ventures asserts two of the same patents that were previously filed in the Waco Division are currently being litigated in the 429 Case, although on a different set of infringing systems and methods, which will implicate overlapping questions of law and fact. The parties in the 429 Case are in the process of briefing claim construction in anticipation of the Court

in the Waco Division construing claims of each of the 429 Related Patents at a *Markman* hearing, currently set for May 24, 2024.

NATURE OF THE ACTION

1. This is a civil action for the infringement of United States Patent No. 7,336,805 (“the ’805 Patent”), United States Patent No. 9,706,500 (“the ’500 Patent”), United States Patent No. 10,292,138 (“the ’138 Patent”), United States Patent No. 10,952,153 (“the ’153 Patent”), United States Patent No. 8,898,395 (“the ’395 Patent”), United States Patent No. 10,136,416 (“the ’416 Patent”), United States Patent No. 7,916,180 (“the ’180 Patent”), United States Patent No. 9,232,158 (“the ’158 Patent”), United States Patent No. 7,181,743 (“the ’743 Patent”), U.S. Patent No. 6,894,639 (“the ’639 Patent”), United States Patent No. 11,206,670 (“the ’670 Patent”), and United States Patent No. 11,664,889 (“the ’889 Patent”) (collectively, the “Patents-in-Suit”) under the Patent Laws of the United States, 35 U.S.C. § 1 et seq.

THE PARTIES

Intellectual Ventures

2. Plaintiff Intellectual Ventures II LLC (“Intellectual Ventures II”) is a Delaware limited liability company having its principal place of business located at 3150 139th Avenue SE, Bellevue, Washington 98005.

3. Intellectual Ventures II is the owner of all rights, title, and interest in and to the ’805, ’500, ’138, ’153, ’395, ’416, ’180, ’158, ’639, ’670 and ’889 Patents.

4. Intellectual Ventures II is the exclusive licensee of the ’743 Patent, and holds all substantial rights therein, including the right to grant licenses, to exclude others, and to enforce and recover past damages for infringement of the ’743 Patent.

Tesla

5. Upon information and belief, Defendant Tesla, Inc. is a Delaware corporation with its principal place of business at 1 Tesla Road, Austin, Texas 78725. Tesla may be served with process through its registered agent, CT Corporation, at 1999 Bryan Street, Suite 900, Dallas, Texas 75201-3136. Tesla is registered to do business in the State of Texas and has been since at least 2011. On information and belief, Tesla does business in the State of Texas and the Western District of Texas.

6. Upon information and belief, Tesla designs, develops, makes, manufactures, uses, distributes, imports, provides, markets, offers for sale, and/or sells in the State of Texas and the Western District of Texas automotive vehicles and components thereof (“Accused Products”) that infringe the Patents-in-Suit, contribute to the infringement by others, and/or induces others to commit acts of patent infringement in the State of Texas and the Western District of Texas in connection with the Accused Products.

7. On information and belief, Tesla has derived substantial revenue from infringing acts in the Western District of Texas, including from the sale and use of the Accused Products as described in more detail below.

JURISDICTION AND VENUE

8. This is an action for patent infringement arising under the patent laws of the United States. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

9. This Court has personal jurisdiction over Tesla because Tesla conducts business in and has committed acts of patent infringement, contributed to infringement by others, and/or induced others to commit acts of patent infringement in this District, the State of Texas, and elsewhere in the United States and has established minimum contacts with this forum state such

that the exercise of jurisdiction over Tesla would not offend the traditional notions of fair play and substantial justice. Upon information and belief, Tesla transacts substantial business with entities and individuals in the State of Texas and the Western District of Texas, by, among other things, importing, distributing, offering to sell, and selling products that infringe the Patents-in-Suit, including the infringing automotive vehicles and components thereof that Tesla purposefully directs into the State of Texas and this District as alleged herein, as well as by providing service and support to its customers in this District. Tesla places the accused automotive vehicles and components thereof into the stream of commerce with the knowledge and expectation that they will be sold in the State of Texas, including this District.

10. Tesla is subject to this Court's general and specific jurisdiction pursuant to due process and/or the Texas Long Arm Statute due at least to Tesla's substantial business in the State of Texas and this District, including maintaining its principal place of business at 1 Tesla Road, Austin, Texas 78725, through its past infringing activities, because Tesla regularly does and solicits business herein, and/or because Tesla has engaged in persistent conduct and/or has derived substantial revenues from goods and services provided to customers in the State of Texas and this District

11. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b)-(c) and 1400(b). For example, venue is proper in this District under 28 U.S.C. § 1400(b) because Tesla maintains its principal place of business at 1 Tesla Road, Austin, Texas 78725 in this District, and has committed acts of patent infringement in this District and/or have contributed to or induced acts of patent infringement by others in this District. In addition to its corporate headquarters at 1 Tesla Road, Austin, Texas 78725, Tesla also maintains several permanent physical places within this District from which it conducts business relating to the Accused Products. For example, Tesla has

stores and service centers in this District at least at the following locations: 500 E St Elmo Road, Austin, Texas 78745; 12845 Research Boulevard, Austin, Texas 78759; 11600 Century Oaks Terrace, Suite 123, Austin, Texas 78758; 7825 Helen of Troy Drive, El Paso, Texas 79912; 5865 E Hwy 290 Fredericksburg, Texas 78624; 23011 IH-10 West, San Antonio, Texas 78257; and 8320-8434 Airport Boulevard, San Antonio, Texas 78216.

12. Tesla is “at home” in this District, see *Daimler AG v. Bauman*, 571 U.S. 117, 127-30 (2014), because Tesla has admitted that its principal place of business is in this District. See *Sare v. Tesla, Inc., et al.*, No. 2:22-cv-00547-JAM-CKD, 2022 WL 2817422, at *2 (E.D. Cal. July 19, 2022). (“Defendant contends that it officially moved its global headquarters from Palo Alto, California to Austin, Texas on December 1, 2021, over two months before this action was filed... Defendant has met its burden of demonstrating through competent evidence that at the time this suit was filed, Tesla’s principal place of business was in Austin, Texas, as that is where its high level officers directed, controlled, and coordinated the corporation’s activities”) (internal citations omitted). Tesla also manufactures the Accused Products within the Western District of Texas. For example, Tesla manufactures its Model Y cars and Cybertrucks at its Gigafactory Texas plant located at 1 Tesla Road, Austin, Texas 78725 in the Western District of Texas.¹

13. Tesla placed and/or contributed to placing the Accused Products into the stream of commerce knowing or understanding that such Accused Products would be imported into, sold, provided, distributed, and/or used in the United States, including in the Western District of Texas.

14. The Austin Division is an appropriate venue for this case because, pursuant to Fed. R. Civ. P. 11(b)(3), Tesla has its headquarters in this division at 1 Tesla Road, Austin, TX 78725

¹ <https://www.tesla.com/giga-texas> (“Covering 2,500 acres along the Colorado River with over 10 million square feet of factory floor, Gigafactory Texas is a U.S. manufacturing hub for Model Y and the home of Cybertruck.”) (last accessed April 10, 2024).

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