



3. Defendant Toyota Motor Sales U.S.A., Inc. is a California corporation with its principal place of business at 19001 S. Western Avenue, Torrance, CA 90501.

4. Defendant Gulf States Toyota, Inc. is a Texas corporation with its principal place of business at 1375 Enclave Parkway, Houston, Texas 77077.

### **JURISDICTION AND VENUE**

5. This is an action for patent infringement under the Patent Laws of the United States, 35 U.S.C. § 271.

6. This court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

7. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b) and 1400 (b).

### **SUMMARY**

8. Dr. David Breed is one of the leading inventors in the field of automotive technology in the world today.

9. Dr. Breed is an inventor on more than 300 United States patents relating to automotive technologies, including airbags, navigation systems, vehicle diagnostics, crash sensors, vehicle communications, systems monitoring, theft protection, and collision avoidance.

10. Dr. Breed has a Ph.D in Mechanical Engineering from Columbia University as well as Bachelors' and Masters' degrees from the Massachusetts Institute of Technology.

11. Dr. Breed has received the National Highway Traffic Safety Administration's Award for Safety Engineering and the prestigious H.H. Bliss award for his contributions to the development of the airbag.

12. Dr. Breed is a member of the Tau Beta Pi and Pi Tau Sigma engineering honors societies and has published numerous peer-reviewed articles.

**COUNT I: INFRINGEMENT OF U.S. PATENT NO. 6,738,697**

13. AVS incorporates the foregoing paragraphs as if fully set forth here.

14. On May 18, 2004, the USPTO duly and legally issued United States Patent No. 6,738,697 B2 (“the ‘697 Patent”), entitled “Telematics System For Vehicle Diagnostics.” AVS owns the ‘697 Patent and holds the right to sue and recover damages for infringement thereof. A true and correct copy of the ‘697 Patent is attached as Exhibit A.

15. On information and belief, Toyota has been and now is directly infringing, and/or inducing infringement by others, and/or contributing to the infringement by others of the ‘697 Patent in the state of Texas, in this judicial district, and elsewhere within the United States by, among other things, making, using, offering for sale, selling, or importing vehicles, including but not limited to various model years of Lexus’ IS, ES, GS, LS, IS C, RX, GX, LX, IS F, LFA, CTh, RXh, GSh, LSh, and HS products and Toyota’s Land Cruiser, 4Runner, Camry, Sienna, and Prius products, that include automatic crash notification systems and other similar monitoring, reporting, and/or control systems, including but not limited to the Safety Connect systems, and/or that include vehicle diagnostic systems, including but not limited to the Lexus Enform system and other similar systems,, that infringe or the use of which infringe one or more claims of the ‘697 Patent, all to the injury of AVS. Toyota is thus liable for infringement of the ‘697 Patent pursuant to 35 U.S.C. § 271.

16. As a result of Toyota’s infringement of the ‘697 Patent, Toyota has damaged AVS. Toyota is liable to AVS in an amount to be determined at trial that adequately compensates AVS for the infringement, which by law can be no less than a reasonable royalty.

17. AVS intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement and/or post-suit infringement of the '697 Patent.

18. As a result of Toyota's infringement of the '697 Patent, AVS has suffered and will continue to suffer loss and injury unless Toyota is enjoined by this Court.

19. At least as early as its receipt of this Complaint, Toyota has had knowledge of the '697 Patent and written notice of the infringement.

**COUNT II: INFRINGEMENT OF U.S. PATENT NO. 6,823,244**

20. AVS incorporates the foregoing paragraphs as if fully set forth here.

21. On November 23, 2004, the USPTO duly and legally issued United States Patent No. 6,823,244 B2 ("the '244 Patent"), entitled "Vehicle Part Control System Including Electronic Sensors." AVS owns the '244 Patent and holds the right to sue and recover damages for infringement thereof. A true and correct copy of the '244 Patent is attached as Exhibit B.

22. On information and belief, Toyota has been and now is directly infringing, and/or inducing infringement by others, and/or contributing to the infringement by others of the '244 Patent in the state of Texas, in this judicial district, and elsewhere within the United States by, among other things, making, using, offering for sale, selling, or importing vehicles, including but not limited to various model years of Lexus' IS, ES, GS, LS, IS C, RX, GX, LX, IS F, LFA, CTh, RXh, GSh, LSh, and HS products and Toyota's Land Cruiser, 4Runner, Camry, Sienna, and Prius products, that include automatic crash notification systems and other similar monitoring, reporting, and/or control systems, including but not limited to the Safety Connect systems, and/or that include vehicle diagnostic systems, including but not limited to the Lexus Enform system and other similar systems, and/or that include monitoring and/or control systems

related to pre-collision (or crash), including but not limited to Pre-Collision (or Crash), Advanced Pre-Collision (or Crash), Lane Departure (Keep), Lane Keep Assist, Blind Spot, and Night View systems/functionalities, that infringe or the use of which infringe one or more claims of the '244 Patent, all to the injury of AVS. Toyota is thus liable for infringement of the '244 Patent pursuant to 35 U.S.C. § 271.

23. As a result of Toyota's infringement of the '244 Patent, Toyota has damaged AVS. Toyota is liable to AVS in an amount to be determined at trial that adequately compensates AVS for the infringement, which by law can be no less than a reasonable royalty.

24. AVS intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement and/or post-suit infringement of the '244 Patent.

25. As a result of Toyota's infringement of the '244 Patent, AVS has suffered and will continue to suffer loss and injury unless Toyota is enjoined by this Court.

26. At least as early as its receipt of this Complaint, Toyota has had knowledge of the '244 Patent and written notice of the infringement.

**COUNT III: INFRINGEMENT OF U.S. PATENT NO. 7,082,359**

27. AVS incorporates the foregoing paragraphs as if fully set forth here.

28. On July 25, 2006, the USPTO duly and legally issued United States Patent No. 7,082,359 B2 ("the '359 Patent"), entitled "Vehicular Information And Monitoring System And Methods." AVS owns the '359 Patent and holds the right to sue and recover damages for infringement thereof. A true and correct copy of the '359 Patent is attached as Exhibit C.

29. On information and belief, Toyota has been and now is directly infringing, and/or inducing infringement by others, and/or contributing to the infringement by others of the '359

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