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8 (Additional Counsel Listed Below)

9 *Attorneys for Plaintiffs*
10 *Toyota Motor Corporation*
11 *and Toyota Motor Sales, USA, Inc.*

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA

14 TOYOTA MOTOR CORPORATION and
15 TOYOTA MOTOR SALES, USA, INC.

16 Plaintiffs,

17 v.

18 EFFICIENT DRIVETRAINS INC. and
19 THE REGENTS OF THE UNIVERSITY
20 OF CALIFORNIA,

21 Defendants

Case No.

**COMPLAINT FOR DECLARATORY
JUDGMENT**

DEMAND FOR JURY TRIAL

22 Plaintiffs Toyota Motor Corporation and Toyota Motor Sales, USA, Inc. (collectively
23 "Toyota") by and through its undersigned attorneys allege, upon knowledge as to its own acts and
24 upon information and belief as to the acts of others, that:

25 **NATURE OF THE ACTION**

26 1. This is an action for a declaratory judgment of noninfringement and invalidity of
27 U.S. Patent Nos. 5,842,534 (the "534 Patent"), 6,054,844 (the "844 Patent"), 6,116,363 (the
28 "363 Patent"), 6,809,429 (the "429 Patent"), and 6,847,189 (the "189 Patent") (collectively, the
"Asserted Patents").

ORIGINAL FILED

JUL 20 2011

Richard W. Wieking
Clerk, U.S. District Court
Northern District of California
San Jose

LB

CV 11-03570

1 **THE PARTIES**

2 2. Plaintiff Toyota Motor Corporation (“TMC”) is a Japanese Corporation having its
3 principal place of business at 1 Toyota-Cho, Toyota City, Aichi Prefecture 471-8571, Japan.

4 3. Plaintiff Toyota Motor Sales, USA, Inc. (“TMS”) is a California corporation
5 having its principal place of business at 19001 S. Western Avenue, Torrance, CA 90509.

6 4. Upon information and belief, Defendant Efficient Drivetrains Inc. (“EDI”) is a
7 Delaware corporation with its principal place of business at 319 Ramona Street, Palo Alto,
8 California 94301.

9 5. Upon information and belief, Defendant The Regents of the University of
10 California (“UC”) is a California corporation with its principal place of business at 1111 Franklin
11 Street, 12th Floor, Oakland, California 94607-5200.

12 **JURISDICTION**

13 6. This action arises under the Declaratory Judgment Act, 28 U.S.C. §§ 2201-02 and
14 the patent laws of the United States, Title 35, U.S.C. § 1 et seq. This Court has subject matter
15 jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

16 7. This Court has personal jurisdiction over EDI because its principal place of
17 business is in Palo Alto, Santa Clara County, California.

18 8. This Court has personal jurisdiction over UC because its principal place of
19 business is in Oakland, Alameda County, California.

20 9. This Court has declaratory judgment jurisdiction under 28 U.S.C. § 2201 because,
21 as alleged below, there is an actual and justiciable controversy between Toyota, on one hand, and
22 EDI and UC, on the other, regarding the noninfringement and invalidity of the Asserted Patents.

23 10. Since 2000, Toyota has sold certain hybrid electric vehicles in the U.S., including
24 the Toyota Prius, Toyota Camry Hybrid, Toyota Highlander Hybrid, Lexus RX400h, Lexus
25 RX450h, Lexus LS600hL, Lexus GS450h, Lexus HS250h, and Lexus CT 200h (collectively,
26 “Toyota Hybrids”).

27 11. Upon information and belief, UC is the owner of each of the Asserted Patents, and
28 UC has granted EDI an exclusive license with respect to each of the Asserted Patents. True and

1 correct copies of each of the Asserted Patents are attached hereto as Exhibits A through E.

2 12. EDI, through its counsel, and purportedly with authorization from UC, has written
3 to Toyota offering Toyota a license to the Asserted Patents. In subsequent discussions between
4 the parties, EDI has contended that the Toyota Hybrids infringe each of the Asserted Patents and
5 has indicated it intends to enforce each of the Asserted Patents against Toyota. Toyota denies that
6 it infringes any of the Asserted Patents and contends that the Asserted Patents are invalid. As a
7 result, an actual and justiciable controversy exists between Toyota, on one hand, and EDI and
8 UC, on the other, regarding the noninfringement and invalidity of the Asserted Patents.

9 **VENUE**

10 13. Venue is proper in this district under 28 U.S.C. § 1391(b)-(c). EDI conducts
11 business within this district and its principal place of business is within this district. UC conducts
12 business within this district and its principal place of business is within this district.

13 **INTRADISTRICT ASSIGNMENT**

14 14. This is an Intellectual Property Action. Pursuant to Civil Local Rule 3-2(c), the
15 action may be assigned on a district-wide basis.

16 **FIRST COUNT**

17 **DECLARATORY JUDGMENT OF NONINFRINGEMENT**

18 15. Toyota incorporates by reference the allegations of paragraphs 1 through 14 as if
19 fully set forth herein.

20 16. Toyota does not and has not directly infringed, contributed to the infringement of,
21 nor actively induced others to infringe, any claim of the Asserted Patents.

22 **SECOND COUNT**

23 **DECLARATORY JUDGMENT OF PATENT INVALIDITY**

24 17. Toyota incorporates by reference the allegations of paragraphs 1 through 16 as if
25 fully set forth herein.

26 18. Each of the claims of the Asserted Patents is invalid for failure to comply with one
27 or more of the conditions and requirements of the patent laws, including, but not limited to, 35
28 U.S.C. §§ 102, 103 and 112, and the rules, regulations and laws pertaining to those provisions.

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PRAAYER FOR RELIEF

WHEREFORE, Toyota respectfully requests that the Court enter judgment:

- a. Declaring that Toyota has not infringed any claim of the Asserted Patents;
- b. Declaring that each of the claims of the Asserted Patents is invalid;
- c. Finding that, pursuant to 35 U.S.C. § 285 and/or other applicable laws, this is an exceptional case and that Toyota be awarded costs of this action and its attorneys' fees to the extent permitted by law; and
- d. Granting such other and further relief as the Court deems just and proper.

Dated: July 20, 2011

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JURY DEMAND

Toyota Motor Corporation and Toyota Motor Sales, USA, Inc. demand a jury trial of all issues so triable.

Dated: July 20, 2011

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