

PARTIES

1. Plaintiff AVS is a limited liability company existing under the laws of Texas with its principal place of business at 6136 Frisco Square Blvd., Suite 385, Frisco, Texas 75034.

2. Defendant Toyota Motor Corporation is a corporation existing under the laws of Japan with its principal place of business at 1 Toyota-cha, Toyota City, Aichi Prefecture 471-8571, Japan.

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 Toyota Motor Engineering & Manufacturing North America, Inc. is a Kentucky corporation with its principal place of business at 25 Atlantic Avenue, Erlanger, Kentucky 41018.

5. Defendant Toyota Motor Manufacturing, Kentucky, Inc. is a Kentucky corporation with its principal place of business at in 1001 Cherry Blossom Way, Georgetown, Kentucky 40324.

6. Defendant Toyota Motor Manufacturing, Indiana, Inc. is an Indiana corporation with its principal place of business at 4000 Tulip Tree Drive, Princeton, Indiana 47670.

7. Defendant Southeast Toyota Distributors, LLC is a Delaware limited liability company with its principal place of business at 500 Jim Moran Boulevard, Deerfield Beach, Florida 33442.

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

9. Defendant Gentex Corporation (“Gentex”) is a corporation existing under the laws of the state of Michigan with its principal place of business at 600 North Centennial Street, Zeeland, Michigan 49464.

JURISDICTION AND VENUE

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

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

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

SUMMARY

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

14. 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.

15. 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.

16. 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.

17. 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. 5,845,000

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

19. On December 1, 1998, the United States Patent and Trademark Office (“USPTO”) duly and legally issued United States Patent No. 5,845,000 (“the ‘000 Patent”), entitled “Optical Identification And Monitoring System Using Pattern Recognition For Use With Vehicles.” AVS owns the ‘000 Patent and holds the right to sue and recover damages for infringement thereof. A true and correct copy of the ‘000 Patent is attached as Exhibit A.

20. On information and belief, Defendant Toyota has been and now is directly infringing, and/or inducing infringement by others, and/or contributing to the infringement by others of the ‘000 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 with SmartBeam and other similar automatic headlight dimming technology that infringe or the use of which infringe one or more claims of the ‘000 Patent, all to the injury of AVS. Toyota is thus liable for infringement of the ‘000 Patent pursuant to 35 U.S.C. § 271.

21. On information and belief, Defendant Gentex has been and now is inducing infringement by others and/or contributing to the infringement by others of the ‘000 Patent in the state of Texas, in this judicial district, and elsewhere within the United States by providing monitoring systems, including but not limited to SmartBeam automatic headlight dimming technology, to Toyota for use in vehicles that infringe or the use of which infringe one or more claims of the ‘000 Patent, all to the injury of AVS. Gentex is thus liable for infringement of the ‘000 Patent pursuant to 35 U.S.C. § 271.

22. As a result of Defendants’ infringement of the ‘000 Patent, Defendants Toyota and Gentex have damaged AVS. Defendants Toyota and Gentex are 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.

23. 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 '000 Patent.

24. As a result of Defendants' infringement of the '000 Patent, AVS has suffered and will continue to suffer loss and injury unless Defendants Toyota and Gentex are enjoined by this Court.

25. At least as early as their receipt of this Complaint, Defendants Toyota and Gentex have had knowledge of the '000 Patent and written notice of the infringement.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff AVS pray for the following relief:

26. A judgment in favor of AVS that Defendants Toyota and Gentex have infringed AVS' '000 patent;

27. A permanent injunction, enjoining Defendants Toyota and Gentex along with their officers, directors, agents, servants, employees, affiliates, divisions, branches, subsidiaries, and parents from infringing AVS' '000 patent;

28. A judgment and order requiring Defendants Toyota and Gentex to pay AVS damage for their infringement of AVS' '000 patent, together with interest (both pre- and post-judgment), costs and disbursements as fixed by this Court under 35 U.S.C. § 284;

29. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to AVS its reasonable attorney's fees; and

30. Such other and further relief in law or in equity to which AVS may be justly entitled.

DEMAND FOR JURY TRIAL

31. Plaintiff demands a trial by jury of any and all issues triable of right before a jury.

Respectfully submitted,

/s/ Demetrios Anaipakos

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