

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

SAFE DRIVING TECHNOLOGIES LLC.

Plaintiff,

v.

FORD MOTOR COMPANY

Defendant.

Civil Action No. _____

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

This is an action for willful patent infringement in which Safe Driving Technologies LLC (“SDT” or “Plaintiff”) makes the following allegations against Ford Motor Company (“Defendant” or “Ford”):

THE PARTIES

1. Plaintiff SDT is a limited liability company duly existing and organized under the laws of the State of New York with its principal place of business in Suffern, New York.

2. Defendant Ford is a corporation duly existing and organized under the laws of the State of Delaware that makes, sells, and offers for sale in the United States, or imports into the United States, motor vehicles and related motor vehicles components and accessories, including those products accused of infringement in this matter.

3. SDT is the successor in interest to the intellectual property of Applied Computer Technologies, Inc. (www.actplace.net). Applied Computer Technologies was established in September of 1985 by Mr. Mouhamad Naboulsi and focused on efforts to computerize cars. Those efforts included, but were not limited to, research and development of non-GPS navigation systems; pay at the pump methods; tire pressure monitoring; and detecting and managing calls

while driving.

4. Mr. Naboulsi is an entrepreneur and the named inventor on over a dozen patents, having decades of experience in the automotive industry. Mr. Naboulsi was born into a family involved in the automobile business as importers, mechanics, and service providers. His first automotive job was working on a Ford assembly line while attending college.

5. In 1987, Mr. Naboulsi was hired by Mazda, working in various departments ranging from robot programming to consumer support, where he worked on improving quality, improving JD power numbers, analyzing warranty data, developing analysis software, and managing the quality committee for North American built Mazda. While at Mazda, Mr. Naboulsi submitted a patent application to remotely start the car and unlock the doors, activate the wipers and control the heat and A/C.

6. From 1993-2000, Mr. Naboulsi held various engineering positions in the automotive industry, including for Ford Motor Company Body Operations where he managed the deployment of a standardized data analysis package across Ford stamping plants.

7. Mr. Naboulsi filed U.S. provisional Patent Application No. 60/336,293, on October 24, 2001, and U.S. Provisional Patent Application No. 60/390,877, which was filed on June 21, 2002. Mr. Naboulsi also filed U.S. patent application serial number 10/279,447, filed October 24, 2001, and U.S. patent application serial number 10/287,299, filed November 4, 2002, both of which claim priority to the provisionals in this paragraph.

8. In 2003, Mr. Naboulsi was hired by Ford Motor Company.

JURISDICTION AND VENUE

9. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a) as this action arises under Title 35 of the United States Code.

10. Defendant Ford is a corporation duly existing and organized under the laws of the

State of Delaware that makes, sells, and offers for sale in the United States, or imports into the United States and exports from the United States, motor vehicles and related motor vehicles components and accessories, including those products accused of infringement in this matter.

11. This Court has personal jurisdiction over Ford because Ford is incorporated in the State of Delaware. This Court also has personal jurisdiction over Ford because Ford regularly transacts business with entities and individuals in the State of Delaware, including one or more of at least four Ford dealerships located in the State of Delaware, and because Ford manufactures and distributes infringing motor vehicles and other infringing products that it purposefully directs into the State of Delaware, including this District, or at least places into the stream of commerce via established distribution channels with the knowledge and expectation that they will be sold in the State of Delaware, including in this District.

12. Venue is proper in this District under 28 U.S.C. § 1400(b) because Ford is incorporated in the State of Delaware.

THE ASSERTED PATENTS

13. This lawsuit concerns Ford's infringement of United States Patent No. 9,713,994 (the "994 Patent"), United States Patent No. 8,301,108 (the "108 Patent"), United States Patent No. 9,047,170 (the "170 Patent") and United States Patent No. 10,532,709 (the "709 Patent") (collectively, the "Asserted Patents"). Each of the above patents continues from and claims priority to U.S. Patent Application No. 60/336,293, which was filed on October 24, 2001, and to U.S. Patent Application No. 60/390,877, which was filed on June 21, 2002.

14. Each of the Asserted Patents was invented by Mouhamad Naboulsi. Each of the inventions has been assigned to SDT.

15. Generally speaking, each of the Asserted Patents relates to the field of telematics, namely to the field of integrating information, communication, computing and entertainment

technologies into vehicles for civilian or military use. The invention particularly relates to safety control systems for vehicles to reduce driver distraction, avoiding potentially dangerous conditions tending to produce accidents.

16. For example, each of the Asserted Patents recites ways in which vehicle safety is improved by automatically managing the use of telematics in general, and cellular phones in specific, by drivers while driving.

17. Such inventions improve over the prior art by, for example, using combinations of driving and stopping events, driver preferences, vehicle type, driving purpose and environmental conditions in order to significantly improve the system's ability to avoid dangerous conditions, manage risk and individualize the warnings to individual driving skills and driving purpose.

18. The inventions disclosed in the Asserted Patents have been revolutionary throughout the industry. In fact, the patent family to which each of the Asserted Patents belongs has been cited by over 275 other patents, including dozens of patents filed by Ford and its related entities such as Ford Global Technologies, LLC, as well as others such as Honda, Toyota, General Motors, Volkswagen, Nissan, Volvo, Nio, Audi and Avaya.

THE PARTIES' PAST RELATIONSHIP AND FORD'S USE OF PLAINTIFF'S TECHNOLOGY

19. In 2000, Mr. Naboulsi tested the invention that is the subject of the Asserted Patents by implementing it on a Mazda minivan.

20. After filing his invention, Mr. Naboulsi exhibited the invention in various automotive shows throughout the US, which were attended by various representatives from the automotive industry, including Ford.

Battling driver distraction

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Mouhamad Naboulsi, 57, of West Bloomfield, president of IQ-Telematics, with one of the company's products at the Society of Automotive Engineers' automotive headquarters in Troy. / BRIAN KAUFMAN/Detroit Free Press

21. Naboulsi participated and exhibited in multiple regulatory sessions, including: Transport Canada, in Ottawa October 2003; Department of Transportation in Washington, D.C. U.S. Department of Transportation Secretary LaHood Distracted Driving Summit September 30 - October 1, 2009 and again in September of 2010; National Congress for State Legislature in Salt Lake City July 2004 and in Louisville in July 2010; and Governors Highway Safety Association in Kansas in 2010.

22. In March 2003, Naboulsi was hired to work in Ford's Safety Office.

23. Prior to his employment, Naboulsi disclosed to Ford that he filed multiple patents relating to driver's safety and distraction, namely to Patti Warren and Dennis Curry.

24. In May 2004, Naboulsi was asked by two Ford Executives to give a demonstration of his invention at the Ford Advanced Design Center, and to give a presentation and a demonstration about his invention to Dev Kotchar and Luis Trajena Human Factor researchers at Ford Motor Company and Jeff Rupp Senior Manager in Autonomous Vehicles, ADAS, and Crash Safety R&D. In October of 2004, a Ford IP attorney came to his exhibit to inquire about the patent.

25. Shortly after the demo, another Ford representative asked Mr. Naboulsi if he would assign his invention to Ford in return for full-time employment at Ford. He declined to do so because of other investors associated with the development of his invention.

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