

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

Infogation Corporation,

Plaintiff,

v.

**Toyota Motor Corporation, Toyota
Motor North America, Inc., Toyota
Motor Engineering &
Manufacturing North America, Inc.,
and Toyota Motor Sales, U.S.A., Inc.,**

Defendant.

Case No. 2:23-cv-359

Jury Trial Demanded

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Infogation Corporation (“Infogation” or “Plaintiff”) hereby files this Original Complaint for Patent Infringement against Toyota Motor Corporation, Toyota Motor North America, Inc., Toyota Motor Engineering & Manufacturing North America, Inc., and Toyota Motor Sales, U.S.A., Inc. (“Toyota” or “Defendant”), and alleges, upon information and belief, as follows:

THE PARTIES

1. Infogation Corporation is a corporation organized and existing under the laws of the State of Texas with its principal place of business at 1409 Constellation Drive, Allen, Texas 75013.
2. Upon information and belief, Defendant Toyota Motor Corporation (“TMC”) is a corporation organized and existing under the laws of Japan with a principal place of business at 1 Toyota-cho, Toyota City, Aichi Prefecture 471-8571, Japan. On information

and belief, TMC does business itself, or through its subsidiaries, affiliates, and agents, in the State of Texas and the Eastern District of Texas.

3. Upon information and belief, Defendant Toyota Motor North America, Inc. (“TMNA”) is a corporation organized and existing under the laws of the State of California with its principal place of business at 6565 Headquarters Drive W1-3C, Plano, Texas 75024. On information and belief, TMNA is the wholly owned operating subsidiary of TMC and is responsible for all operations of TMC in the United States, including research and development, manufacturing, sales, offers for sale, marketing, importation, and distribution of automotive vehicles from Toyota-managed brands (e.g., Toyota, Lexus, and Scion). According to its website, TMNA is “headquartered in Plano, Texas, [and] brings together Toyota’s marketing, sales, engineering and manufacturing arms in North America on one shared, state-of-the-art campus.” (<https://www.toyota.com/usa/operations/map.html#!/tcal>).
4. Upon information and belief, Defendant Toyota Motor Engineering & Manufacturing North America, Inc. (“TEMA”) is a corporation organized and existing under the laws of the State of Kentucky with its principal place of business at 6565 Headquarters Drive W1-3C, Plano, Texas 75024. On information and belief, TEMA is a wholly owned subsidiary of TMC and is responsible for research and development and manufacturing of automotive vehicles from Toyota-managed brands (e.g., Toyota and Lexus) in the United States. According to its website, TEMA “is responsible for engineering design and development, R&D and manufacturing activities in the U.S.... and is also responsible for manufacturing plants across North America” including in the State of Texas. (<https://www.toyota.com/usa/operations#!/Engineering-Manufacturing>).

5. Upon information and belief, Defendant Toyota Motor Sales, U.S.A., Inc. (“TMS”) is a corporation organized and existing under the laws of the State of California with its principal place of business at 6565 Headquarters Drive W1-3C, Plano, Texas 75024. On information and belief, TMS is a wholly owned subsidiary of TMC and is responsible for sales, marketing, and distribution of automotive vehicles from Toyota-managed brands (e.g., Toyota and Lexus) in the United States.
6. On information and belief, Toyota designs, manufactures, distributes, imports, offers for sale, and/or sells in the State of Texas and the Eastern District of Texas automotive vehicles and components thereof that infringe the Patents-in-Suit, contributes to inducement by others, and/or induces others to commit acts of patent infringement in the State of Texas and the Eastern District of Texas. Toyota has regular and established places of business, at which it has committed acts of infringement and placed the accused products into the stream of commerce, throughout the State of Texas and the Eastern District of Texas.

JURISDICTION AND VENUE

7. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 1, et seq. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).
8. This Court has personal jurisdiction over Defendant. Defendant regularly conducts business and has committed acts of patent infringement and/or has induced acts of patent infringement by others in this Judicial District and/or has contributed to patent infringement by others in this Judicial District, the State of Texas, and elsewhere in the United States.
9. This Court has at least specific personal jurisdiction over Defendant because it has substantial contacts and conducts business in the State of Texas and in this District and has

been infringing, contributing to the infringement of and/or actively inducing others to infringe claims of the Patents-in-Suit (defined below) in Texas and elsewhere by virtue of its manufacture and importing of automobiles with Toyota's Audio Multimedia system, including through its subsidiary distributors as alleged.

10. Defendant's control and contractual relationship with its subsidiaries located in this District to sell or at the least import and sell Defendant's products within the United States is alone sufficient to establish minimum contacts with the United States. Defendant, through its website, shows it retains control over directing its customers to its U.S. distributor for the Accused Instrumentalities (defined below).
11. Defendant directly conducts business extensively throughout the State of Texas, by distributing, making, using, offering for sale, selling, and advertising its products and services in the State of Texas and in this District. Defendant has purposefully and voluntarily made its business services, including the infringing systems and services, available to residents of this District and into the stream of commerce with the intention and expectation that they will be purchased and/or used by consumers in this District.
12. Venue is proper in the Eastern District of Texas as to Defendant Toyota Motor Corporation pursuant to at least 28 U.S.C. §§ 1391(b) and (c) and 1400(b), as well as under the "alien venue rule." *Brunette Machine Works, Ltd. v. Kockum Indus., Inc.*, 406 U.S. 706 (1972); *In re HTC Corp.*, 889 F.3d 1349 (Fed. Cir. 2018); *Weatherford Tech. v. Tesco Corp.*, 2018 WL 5315206 at *2-3 (E.D. Tex. Oct. 26, 2018). As noted above, Defendant Toyota Motor Corporation is a foreign entity which maintains a regular and established business presence in the United States.

13. Venue is also proper in this District as to Defendants Toyota Motor North America, Inc., Toyota Motor Engineering & Manufacturing North America, Inc., and Toyota Motor Sales, U.S.A., Inc. pursuant to at least 28 U.S.C. §§ 1391(c)(2) and 1400(b). As noted above, Defendant Toyota Motor North America, Inc., Toyota Motor Engineering & Manufacturing North America, Inc., and Toyota Motor Sales, U.S.A., Inc. maintain a regular and established business presence in this District.

PATENTS-IN-SUIT

14. Plaintiff is the sole and exclusive owner, by assignment, of U.S. Patent 10,107,628 (the “628 Patent”), U.S. Patent 8,898,003 (the “003 Patent”), U.S. Patent 8,406,994 (the “994 Patent”) and U.S. Patent 6,292,743 (the “743 Patent”) (hereinafter collectively referred to as the “Patents-in-Suit”).
15. By written instruments executed, Plaintiff is assigned all rights, title, and interest in the Patents-in-Suit. As such, Plaintiff has sole and exclusive standing to assert the Patents-in-Suit and to bring these causes of action.
16. The Patents-in-Suit are valid, enforceable, and were duly issued in full compliance with Title 35 of the United States Code.
17. The Patents-in-Suit have been cited in over 200 patents issued to well-known industry leaders, including industry giants Toyota, Google, Microsoft, Garmin, Honda, TomTom, Aol, Mapquest, Facebook, Verizon, Sprint, Cisco, Samsung, NEC, Nokia, Alcatel, Pioneer, Phillips, Lucent, IBM, Intel, Motorola, Sony, Toshiba and Kaarta.
18. The Patents-in-Suit each include numerous claims defining distinct inventions. No single claim is representative of any other.

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