

**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.,**

Defendants.

Case No. 2:23-cv-359-JRG

Jury Trial Demanded

**PLAINTIFF'S RESPONSE TO DEFENDANT'S MOTION TO DISMISS AND REQUEST FOR
VOLUNTARY DISMISSAL OF COUNTS II AND III WITHOUT PREJUDICE**

Plaintiff Infogation Corporation files this Response to Defendants Toyota Motor Corporation, Toyota Motor North America, Inc., Toyota Motor Engineering & Manufacturing North America, Inc., and Toyota Motor Sales, U.S.A., Inc.'s ("Toyota" or "Defendants") Motion to Dismiss (Dkt. 12) ("Defendants' Motion"); and Request for Voluntary Dismissal of Counts II and III Without Prejudice.

In Defendant's Motion, Defendants argue that Counts II and III of the Complaint do not satisfy the requirements of Rule 8(a)(2) of the Federal Rules of Civil Procedure, and ultimately moves this Court for dismissal of those counts. Counts II and III concern infringement allegations with respect to U.S. Patent No. 8,898,003 and U.S. Patent No. 8,406,994, respectively. Defendants' Motion at 1. Defendants have not pleaded a counterclaim in this action in parallel to Defendants' Motion.

In light of Defendant's Motion and absence of counterclaim, and in the interest of streamlining the litigation as it currently stands, Plaintiff respectfully requests that the Court voluntarily dismiss Counts II and III, and keep active Counts I and IV, of the Complaint without prejudice.

Dated: February 14, 24

Respectfully Submitted

/s/ Christopher A. Honea

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ATTORNEYS FOR PLAINTIFF

Certificate of Service

I hereby certify that on February 14, 24, I electronically filed the foregoing using the Court's Case Management and Electronic Case Filing system, which will send notification of such filing to counsel of record as registered in the Court's system. Those counsel not registered with the Court's system will receive service via electronic and U.S. Mail.

/s/ Christopher A. Honea

Christopher A. Honea