

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

JERRY DEWAYNE WASHINGTON JR.
Plaintiff,

vs.

Toyota Motor Corporation,
Toyota Motor North America, Inc.
Defendants.

C.A. No.

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Jerry Dewayne Washington Jr. brings this Complaint. Pro se, for patent infringement against Defendants Toyota Motor Corporation and Toyota Motor North America, Inc. and **Toyota Motor North America, Inc.** (collectively, "Defendants") and alleges as follows:

THE PARTIES

1. The Plaintiff, Jerry D. Washington Jr., brings this complaint pro se and resides at 302 30th Ave North Fargo, ND.

2. On information and belief, Defendant Toyota Motor Corporation is a corporation organized and existing under the laws of Japan that maintains an established place of business at 1 Toyota, Aichi, 471-0826 Japan.

3. On information and belief, Defendant Toyota North America Inc. is a corporation organized under the laws of Texas, having a principal place of business at 6565 Headquarters Dr. Plano, Texas 75024. On information and belief, Defendant Toyota North America Inc. is a wholly owned subsidiary of Defendant Toyota Motor Corporation.

JURISDICTION

4. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.

5. This Court has exclusive subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

6. This court has personal jurisdiction over Defendants Toyota Motor Corporation and Toyota Motor North America, Inc. As described below, the Defendant has committed acts of patent infringement within this District, giving rise to this action.

VENUE

7. Venue is proper in this District for Defendant Toyota Motor Corporation, under 28 U.S.C. § 1391(c)(3) because Defendant is a foreign corporation. And, therefore, may be sued in any judicial district.

8. Venue is proper for Defendant, Toyota Motor North America, Inc. under 28 U.S.C. § 1391(b)(2) because Defendant has committed acts of patent infringement in this District, and Plaintiff has suffered harm in this District

PATENT IN SUIT

9. Plaintiff is the assignee of all rights, titles, and interests in United States Patent No. 7,108,095 (the “Patent-in-Suit”), including all rights to enforce and prosecute actions for

infringement and to collect damages for all relevant times against infringers of the Patent-in-Suit. Accordingly, Plaintiff possesses the exclusive right and standing to prosecute the present action for infringement.

10. On September 19, 2006, United States Patent No. 7,108,095 ("the '095 Patent") was duly and legally issued by the United States Patent and Trademark Office. The '095 patent is titled "System and Method for Generating Power." The application leading to the '095 patent was filed on November 13, 2002. A true and correct copy of the '095 patent is attached as "Exhibit A" and incorporated herein by reference as "Exhibit A."

INFRINGEMENT OF THE '095 PATENT

11. Plaintiff repeats and incorporates the allegations contained in paragraphs 1 through 10 above as is set forth fully herein.

12. "Exhibit B" includes charts comparing the '095 Patent Claims to the Defendant's products. As outlined in these charts, "Defendants"'s products practice the technology claimed by the '095 patent. Accordingly, the Defendant's products incorporated in these charts satisfy all elements of the Exemplary '095 Patent Claims.

13. Plaintiff, therefore, incorporates by reference in its allegations herein "Exhibit B."

14. **Actual Knowledge of Infringement.** Defendants ignored the Plaintiff's request to negotiate in good faith. In 2020, Jerry D. Washington Jr. contacted TOYOTA Motor North America via mail, inviting them to negotiate a licensing agreement. A copy of the '095 patent was included for reference. Plaintiff Jerry D. Washington Jr. has yet to receive a response.

15. On August 1, 2024, Plaintiff again contacted Toyota Motor North America Inc. to discuss a licensing deal for the "095" patent and several pending patent applications. The Plaintiff has yet to receive a response.

16. Despite such actual knowledge, Defendants Toyota Motor Corporation and Toyota Motor North America, Inc. Continue to make, use, test, sell, offer for sale, market, and import into the United States products that infringe the '095 patent. On information and belief, Defendants Toyota Motor Corporation and Toyota Motor North America, Inc. Have continued to sell and distribute product literature and website materials, inducing end users and others to use its products in the customary and intended manner that infringes on the '095 patent. See “Exhibit B” extensively referencing these materials to demonstrate how they direct end users to commit patent infringement.

17. **Direct Infringement.** “Defendants” have been and continue to directly infringe one or more claims of the '095 patent in at least this District by making, using, offering to sell, selling, and importing, without limitation, at least the Defendant products identified in “Exhibit B,” literally or by the doctrine of equivalents. On information and belief, numerous other devices that infringe the claims of the '095 patent have been made, used, sold, imported, and offered for sale by Defendant and its customers.

18. “Defendants” also has and continues to directly infringe, literally or under the doctrine of equivalents, the Exemplary '095 Patent Claims by having its employees internally evaluate and use these products.

19. **Induced Infringement.** “DEFENDANTS” actively, knowingly, and intentionally have been and continue to induce infringement of the '095 patent, literally or by the doctrine of or under the doctrine of equivalents, by selling products to their customers for use in end-user products in a manner that infringes one or more claims of the '095 patent.

20. Defendants Toyota Motor Corporation and Toyota Motor North America, Inc. have committed these infringing acts without a license from Plaintiff.

21. Due to the “Defendants” past and continued unlawful infringement of the ’095 patent, Plaintiff has suffered and will continue to suffer damage. Plaintiff is entitled to recover damages adequate to compensate for Defendant's infringement, in an amount that will be ascertained at trial, but in no event less than a reasonable royalty.

JURY DEMAND

22. Under Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff respectfully requests a trial by jury on all issues so triable.

PRAYER FOR RELIEF


WHEREFORE, Plaintiff respectfully requests judgment and relief against Defendants Toyota Motor Corporation and Toyota Motor North America, Inc. as follows:

- A. A judgment by the Court that United States Patent 7,108,095 is valid and enforceable.
- B. A judgment that one or more claims of United States Patent No. 7,108,095 have been directly or indirectly infringed, either literally or under the doctrine of equivalents, by Defendants Toyota Motor Corporation
- C. That Defendants Toyota Motor Corporation and Toyota Motor North America, Inc., and all its subsidiaries, affiliates, officers, agents, employees, attorneys, and all persons acting in concert or participation with it and each of them deliver to Plaintiff all products that infringe the US 7,108,095 patent.
- D. A judgment that awards Plaintiff all appropriate damages for infringement of U.S. Patent No. 7,108,095, with prejudgment interest and costs, said damages to be trebled because of the intentional and willful nature of Defendants Toyota Motor Corporation and Toyota Motor North America, Inc. infringement, as provided by 35 U.S.C. § 284.

- E. An accounting of all damages not presented at trial.
- F. Declaring that this case is exceptional within 35 U.S.C. 285 and awarding Plaintiff.
Reasonable fees, costs, and expenses related to prosecuting this action; and
- G. that Plaintiff be awarded such further relief at law or in equity as the court deems and proper.

Dated: August 9, 2024,

Respectfully submitted,


Jerry D. Washington Jr.

302 30th Ave North
Fargo ND 58102
PRO SE PLAINTIFF