

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

VISION WORKS IP CORP.,

Plaintiff,

v.

JAGUAR LAND ROVER AUTOMOTIVE
PLC,

Defendant.

Civil Action No. 2:24-cv-01013

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Vision Works IP Corp. (hereinafter, “Plaintiff” or “Vision Works”) files this Complaint for patent infringement against Defendant Jaguar Land Rover Automotive PLC (hereinafter, “JLRA PLC” or “Defendant”) alleging, based on its own knowledge as to itself and its own actions, and based on information and belief as to all other matters, as follows:

NATURE OF THE ACTION

1. This is a patent infringement action to stop Defendant’s infringement of the following United States Patents (collectively, the “Patents-in-Suit”) issued by the United States Patent and Trademark Office (“USPTO”):

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	U.S. Patent No.	Reference
1.	8,315,769	https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/8315769 https://patents.google.com/patent/US8315769B2/en?q=8%2c315%2c769
2.	8,437,935	https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/8437935 https://patents.google.com/patent/US8437935B2/en?q=8%2c437%2c935
3.	8,682,558	https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/8682558 https://patents.google.com/patent/US8682558B2/en?q=8%2c682%2c558
4.	9,830,821	https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/9830821 https://patents.google.com/patent/US9830821B2/en?q=9%2c830%2c821
5.	10,410,520	https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/10410520 https://patentimages.storage.googleapis.com/e6/ee/23/5d16655436f6d4/US10410520.pdf
6.	10,436,125	https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/10436125 https://patents.google.com/patent/US10436125B2/en?q=10%2c436%2c125

2. Plaintiff seeks monetary damages and injunctive relief.

PARTIES

3. Vision Works is a corporation organized and existing under the laws of the State of Washington and maintains its principal place of business at 202 Mineral Road N., Mineral, Washington, 98355 (Lewis County).

4. Based upon public information, JLRA PLC is a publicly limited company organized under the laws of the United Kingdom since January 18, 2008.

5. Based upon public information, JLRA PLC has its principal place of business at Abbey Road, Whitley, Coventry, CV3 4LF where it may be served.

JURISDICTION AND VENUE

6. Plaintiff repeats and re-alleges the allegations in the Paragraphs above as though fully set forth in their entirety.

7. This action arises under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*, including 35 U.S.C. §§ 271, 281, 283, 284, and 285. This Court has subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

8. JLRA PLC is subject to this Court's specific and general personal jurisdiction under due process and/or the Texas Long Arm Statute due to at least its substantial business in this Judicial District, in the State of Texas, and in the United States, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, or deriving substantial revenue from goods and services provided to individuals in this state, in this District, and in the United States.

9. Specifically, JLRA PLC intends to do and does business in, has committed acts of infringement in, and continues to commit acts of infringement in this District, in the State of Texas, and in the United States, directly, through intermediaries, by contributing to and through the inducement of third parties, and offers and sends its products and services, including those accused of infringement here, to customers and potential customers located in this state, including in this District, and in the United States.

10. More specifically, JLRA PLC directly and/or through its intermediaries, ships, distributes, makes, uses, imports, offers for sale, sells, and/or advertises its products and services in the United States, the State of Texas, and in this District. Defendant has authorized sellers and sales representatives that offer and sell products identified in this Complaint throughout the State

of Texas, including in this Judicial District, and to consumers throughout this Judicial District, such as in Jaguar authorized dealerships in this District and State.

11. On information and belief, JLRA PLC has significant ties to, and presence in, the State of Texas and this District, making venue in this Judicial District both proper and convenient for this action.

12. Therefore, venue is proper in this District pursuant to 28 U.S.C. §1391(b)(3) and (c)(3).

THE ACCUSED PRODUCTS

13. Based upon public information, Defendant owns, operates, advertises, and/or controls the website www.jaguarlandrover.com through which it advertises, sells, offers to sell, provides and/or educates customers about its products.¹

14. Defendant offers at least the following products (hereinafter, the “Accused Products”) that infringe one or more claims of at least one of the Patents-in-Suit:

- JLR Integrated Chassis Control System;
- JLR InControl Remote Climate feature;
- JLR Country Road Assist; and

COUNT I: INFRINGEMENT OF U.S. PATENT NO. 8,315,769

15. Plaintiff re-alleges and incorporates by reference each of paragraphs 1-14# above as though fully set forth in their entirety.

16. U.S. Patent No. 8,315,769 (the “’769 patent”) was issued on November 20, 2012 after full and fair examination by the USPTO of Application No. 13/302,965 which was filed on November 22, 2011. The ’769 patent is entitled “Absolute Acceleration Sensor For Use Within

¹ See <https://www.jaguarlandrover.com/> (last visited December 4, 2024).

Moving Vehicles.” *See* ’769 patent at p. 1.

17. The claims of the ’769 patent are not directed to an abstract idea and are not limited to well-understood, routine, or conventional activity. Rather, the claimed inventions include inventive components that control a vehicle’s performance by continuously updating the suspension of a vehicle for optimum performance based on the lateral acceleration of the vehicle’s body when cornering.

18. The written description of the ’769 patent describes in technical detail each limitation of the claims, allowing a skilled artisan to understand the scope of the claims and how the non-conventional and non-generic combination of claim limitations is patently distinct from and improved upon what may have been considered conventional or generic in the art at the time of the invention.

19. Vision Works owns all substantial rights, interest, and title in and to the ’769 patent, including the sole and exclusive right to prosecute this action and enforce it against infringers and to collect damages for all relevant times.

20. Vision Works or its predecessors-in-interest have satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of the ’769 patent.

21. Based upon public information, Plaintiff is informed and believes that Defendant has infringed one or more claims of the ’769 patent, either literally or under the doctrine of equivalents, because it ships, distributes, makes, uses, imports, offers for sale, sells, and/or advertises the JLR Integrated Chassis Control System.

22. Upon information and belief based upon public information, the JLR Integrated Chassis Control System meets each and every step of at least Claims 21-25 of the ’769 Patent,

either literally or equivalently. Specifically, Defendant's provision of the JLR Integrated Chassis Control System has infringed, and continues to infringe, at least said claims because it provides a method for controlling the performance characteristics of a vehicle by sensing its lateral acceleration at the vehicle, sending a signal to a plurality of control devices based upon the vehicle's lateral acceleration, and adjusting a suspension characteristic of the vehicle based upon the lateral acceleration of the vehicle. *See Exhibit A.*

23. Based upon public information, Defendant's customers use the JLR Integrated Chassis Control System in such a way that infringes one or more claims of the '769 patent. *See Exhibit A.*

24. To the extent that Defendant is not the only direct infringer of one or more claims of the '769 patent, it instructs its customers on how to use the JLR Integrated Chassis Control System in ways that infringe said claims through its support and sales activities.²

25. Based upon public information, Defendant specifically intends its customers to use its products and services in such a way that infringes one or more claims of the '769 patent by, at a minimum, providing and supporting the JLR Integrated Chassis Control System and instructing its customers on how to use it in an infringing manner, at least through information available on Defendant's website including information brochures, promotional material, and contact information.³

26. Based upon public information, Defendant has intentionally induced, and continues to induce, infringement of one or more claims of the '769 patent in this District and elsewhere in

² *See e.g.*, <https://media.landrover.com/news/2021/10/introducing-new-range-rover-breathtaking-modernity-peerless-refinement-and-unmatched> (last visited December 4, 2024); <https://www.landroverusa.com/range-rover/range-rover-sport/options-and-accessories.html#stromer> (last visited December 4, 2024)

³ *See* Footnote 2.

the United States, by its intentional acts which have successfully, among other things, encouraged, instructed, enabled, and otherwise caused Defendant's customers, employees, partners, or contractors to use the JLR Integrated Chassis Control System in an infringing manner. Defendant took active steps, directly or through contractual relationships with others, with the specific intent to cause them to use the JLR Integrated Chassis Control System in a manner that infringes one or more claims of the '769 patent, including, for example, Claims 21-25. Such steps by Defendant included, among other things, advising or directing customers, personnel, contractors, or end-users to use the JLR Integrated Chassis Control System in an infringing manner; advertising and promoting its use in an infringing manner; or distributing instructions that guide users to use the JLR Integrated Chassis Control System in an infringing manner. Defendant is performing these steps, which constitute induced infringement with the knowledge of the '769 patent and with the knowledge that the induced acts constitute infringement. Defendant is aware that the normal and customary use of the Accused Products by others would infringe the '769 patent. Defendant's inducement is ongoing. *See Exhibit A.*

27. Defendant has also indirectly infringed and continues to indirectly infringe by contributing to the infringement of the '769 patent. Defendant has contributed, and continues to contribute, to the direct infringement of the '769 patent by its customers, personnel, and contractors. The JLR Integrated Chassis Control System has special features that are specially designed to be used in an infringing way and that have no substantial uses other than ones that infringe one or more claims of the '769 patent, including, for example, Claims 21-25. The special features constitute a material part of the invention of one or more of the claims of the '769 patent and are not staple articles of commerce suitable for substantial non-infringing use. Defendant's contributory infringement is ongoing. *See Exhibit A.*

28. Despite knowledge of the '769 patent since as early as the date the original complaint was served, Defendant, based upon public information, continues to encourage, instruct, enable, and otherwise cause its customers to use its products and services, in a manner which infringes one or more claims of the '769 patent. Based upon public information, the provision of and sale of the JLR Integrated Chassis Control System is a source of revenue and a business focus for Defendant.

29. Defendant's aforesaid activities have been without authority and/or license from Plaintiff.

30. Furthermore, on information and belief, Defendant has a policy or practice of not reviewing the patents of others, including instructing its employees to not review the patents of others, and thus have been willfully blind of Vision Works' patent rights.

31. Defendant's actions are at least objectively reckless as to the risk of infringing a valid patent and this objective risk was either known or should have been known by Defendant.

32. Since at least the filing of the original complaint in this matter, Defendant's direct and indirect infringement of the '769 patent has been and continues to be willful, intentional, deliberate, or in conscious disregard of Plaintiff's rights under the patent.

33. Vision Works has been damaged and continues to be damaged as a result of the infringing conduct by Defendant alleged above. Thus, Defendant is liable to Vision Works in an amount that compensates it for such infringement, which by law cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

34. Vision Works has suffered and continues to suffer irreparable harm, through its loss of market share and goodwill, for which there is no adequate remedy at law. Vision Works has and will continue to suffer this harm by virtue of Defendant's infringement of one or more claims

of the '769 patent. Defendant's actions have interfered with and will interfere with Vision Works's ability to license technology. The balance of hardships favors Vision Works's ability to commercialize its own ideas and technology. The public interest in allowing Vision Works to enforce its right to exclude outweighs other public interests, which supports injunctive relief in this case.

COUNT II: INFRINGEMENT OF U.S. PATENT NO. 8,437,935

35. Plaintiff re-alleges and incorporates by reference each of paragraphs 1-14 above as though fully set forth in their entirety.

36. U.S. Patent No. 8,437,935 (the "'935 patent") was issued on May 7, 2013 after full and fair examination by the USPTO of Application No. 12/464,601 which was filed on May 12, 2009. *See* '935 patent at p. 1. The '935 patent is entitled "Absolute Acceleration Sensor For Use Within Moving Vehicles."

37. The claims of the '935 patent are not directed to an abstract idea and are not limited to well-understood, routine, or conventional activity. Rather, the claimed inventions include inventive components that save fuel and reduce emissions by automatically turning off a vehicle's idling engine if it is stationary for a prescribed amount of time.

38. The written description of the '935 patent describes in technical detail each limitation of the claims, allowing a skilled artisan to understand the scope of the claims and how the non-conventional and non-generic combination of claim limitations is patently distinct from and improved upon what may have been considered conventional or generic in the art at the time of the invention.

39. Vision Works owns all substantial rights, interest, and title in and to the '935 patent, including the sole and exclusive right to prosecute this action and enforce it against infringers and to collect damages for all relevant times.

40. Vision Works or its predecessors-in-interest have satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of the '935 patent.

41. Based upon public information, Plaintiff is informed and believes that Defendant has infringed one or more claims of the '935 Patent, either literally or under the doctrine of equivalents, because it ships, distributes, makes, uses, imports, offers for sale, sells, and/or advertises the JLR InControl Remote Climate feature.

42. Upon information and belief based upon public information, the JLR InControl Remote Climate feature meets each and every step of at least Claims 1, 3, 4, 5, 6, 10, 11, 12, and 14 of the '935 patent, either literally or equivalently. Specifically, Defendant's provision of the JLR InControl Remote Climate feature has infringed, and continues to infringe, at least said claims because the JLR InControl Remote Climate feature provides a method for automatically turning off an idling engine of a vehicle by sensing a stationary status of the vehicle, activating an idling timer, with a deactivation time window, and detecting a transmission park-status of the vehicle where, if the vehicle is stationary, the idling timer is activated and is configured to send a deactivation signal to turn off the engine once the deactivation time window has expired and the transmission park-status of the vehicle is confirmed, and is programmed to expire after a predetermined period of time. *See Exhibit B.*

43. Based upon public information, Defendant's customers use the JLR InControl Remote Climate feature in such a way that infringes one or more claims of the '935 patent. *See Exhibit B.*

44. To the extent that Defendant is not the only direct infringer of one or more claims of the '935 patent, it instructs its customers on how to use the JLR InControl Remote Climate feature

in ways that infringe said claims through its support and sales activities.⁴

45. Based upon public information, Defendant specifically intends its customers to use its products and services in such a way that infringes one or more claims of the '935 patent by, at a minimum, providing and supporting the JLR InControl Remote Climate feature and instructing its customers on how to use it in an infringing manner, at least through information available on Defendant's website including information brochures, promotional material, and contact information.⁵

46. Based upon public information, Defendant has intentionally induced, and continues to induce, infringement of one or more claims of the '935 patent in this District and elsewhere in the United States, by its intentional acts which have successfully, among other things, encouraged, instructed, enabled, and otherwise caused Defendant's customers, employees, partners, or contractors to use the JLR InControl Remote Climate feature in an infringing manner. Defendant took active steps, directly or through contractual relationships with others, with the specific intent to cause them to use the JLR InControl Remote Climate feature in a manner that infringes one or more claims of the '935 patent, including, for example, Claims 1, 3, 4, 5, 6, 10, 11, 12, and 14. Such steps by Defendant included, among other things, advising or directing customers, personnel, contractors, or end-users to use the JLR InControl Remote Climate feature in an infringing manner; advertising and promoting the use of the JLR InControl Remote Climate feature in an infringing manner; or distributing instructions that guide users to use the JLR InControl Remote Climate

⁴ See

<https://www.ownerinfo.landrover.com/document/3R/2023/1665343/proc/G3140303/G2942440> (last visited December 4, 2024);
<https://www.landroverusa.com/ownership/incontrol/faq/remote-protect-faq.html> (last visited December 4, 2024)

⁵ See Footnote 4.

feature in an infringing manner. Defendant is performing these steps, which constitute induced infringement with the knowledge of the '935 patent and with the knowledge that the induced acts constitute infringement. Defendant is aware that the normal and customary use of the JLR InControl Remote Climate feature by others would infringe the '935 patent. Defendant's inducement is ongoing. *See Exhibit B.*

47. Defendant has also indirectly infringed and continues to indirectly infringe by contributing to the infringement of the '935 patent. Defendant has contributed and continues to contribute to the direct infringement of the '935 patent by its customers, personnel, and contractors. The JLR InControl Remote Climate feature has special features that are specially designed to be used in an infringing way and that have no substantial uses other than ones that infringe one or more claims of the '935 patent, including, for example, Claims 1, 3, 4, 5, 6, 10, 11, 12, and 14. The special features constitute a material part of the invention of one or more of the claims of the '935 patent and are not staple articles of commerce suitable for substantial non-infringing use. Defendant's contributory infringement is ongoing. *See Exhibit B.*

48. Despite knowledge of the '935 patent since as early as the date the original complaint was served, Defendant, based upon public information, continues to encourage, instruct, enable, and otherwise cause its customers to use its products and services, in a manner which infringes one or more claims of the '935 patent. Based upon public information, the provision of and sale of the JLR InControl Remote Climate feature is a source of revenue and a business focus for Defendant.

49. Defendant's aforesaid activities have been without authority and/or license from Plaintiff.

50. Furthermore, on information and belief, Defendant has a policy or practice of not

reviewing the patents of others, including instructing its employees to not review the patents of others, and thus have been willfully blind of Vision Works' patent rights.

51. Defendant's actions are at least objectively reckless as to the risk of infringing a valid patent and this objective risk was either known or should have been known by Defendant.

52. Since at least the filing of the original complaint in this matter, Defendant's direct and indirect infringement of the '935 patent has been and continues to be willful, intentional, deliberate, or in conscious disregard of Plaintiff's rights under the patent.

53. Vision Works has been damaged and continues to be damaged as a result of the infringing conduct by Defendant alleged above. Thus, Defendant is liable to Vision Works in an amount that compensates it for such infringement, which by law cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

54. Vision Works has suffered and continues to suffer irreparable harm, through its loss of market share and goodwill, for which there is no adequate remedy at law. Vision Works has and will continue to suffer this harm by virtue of Defendant's infringement of one or more claims of the '935 patent. Defendant's actions have interfered with and will interfere with Vision Works's ability to license technology. The balance of hardships favors Vision Works's ability to commercialize its own ideas and technology. The public interest in allowing Vision Works to enforce its right to exclude outweighs other public interests, which supports injunctive relief in this case.

COUNT III: INFRINGEMENT OF U.S. PATENT NO. 8,682,558

55. Plaintiff re-alleges and incorporates by reference each of paragraphs 1-14 above as though fully set forth in their entirety.

56. U.S. Patent No. 8,682,558 (the "'558 patent") was issued on March 25, 2014 after full and fair examination by the USPTO of Application No. 13/650,017 which was filed on October

11, 2012. *See* '558 patent at p. 1. The '558 patent is entitled "Absolute Acceleration Sensor For Use Within Moving Vehicles."

57. The claims of the '558 Patent are not directed to an abstract idea and are not limited to well-understood, routine, or conventional activity. Rather, the claimed inventions include inventive components that use measurements of the absolute acceleration of a vehicle to control at least one of its performance systems.

58. The written description of the '558 Patent describes in technical detail each limitation of the claims, allowing a skilled artisan to understand the scope of the claims and how the non-conventional and non-generic combination of claim limitations is patently distinct from and improved upon what may have been considered conventional or generic in the art at the time of the invention.

59. Vision Works owns all substantial rights, interest, and title in and to the '558 Patent, including the sole and exclusive right to prosecute this action and enforce it against infringers and to collect damages for all relevant times.

60. Vision Works or its predecessors-in-interest have satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of the '558 Patent.

61. Based upon public information, Plaintiff is informed and believes that Defendant has infringed one or more claims of the '558 Patent, either literally or under the doctrine of equivalents, because it ships, distributes, makes, uses, imports, offers for sale, sells, and/or advertises the JLR Integrated Chassis Control.

62. Upon information and belief based upon public information, the JLR Integrated Chassis Control meets each and every step of at least Claim 21 of the '558 patent, either literally

or equivalently. Specifically, Defendant's provision of the JLR Integrated Chassis Control has infringed, and continues to infringe, at least said claim because the JLR Integrated Chassis Control provides a system for monitoring and controlling the performance characteristics of a vehicle including an accelerometer-gyroscope for sensing an absolute acceleration of the vehicle, a vehicle computer unit that receives a signal from the accelerometer-gyroscope based upon the absolute acceleration of the vehicle and operates one or more vehicle performance systems based upon the absolute acceleration of the vehicle. *See Exhibit C.*

63. Based upon public information, Defendant's customers use the JLR Integrated Chassis Control in such a way that infringes one or more claims of the '558 patent. *See Exhibit C.*

64. To the extent that Defendant is not the only direct infringer of one or more claims of the '558 patent, it instructs its customers on how to use the JLR Integrated Chassis Control in ways that infringe said claims through its support and sales activities.⁶

65. Based upon public information, Defendant specifically intends its customers to use its products and services in such a way that infringes one or more claims of the '558 patent by, at a minimum, providing and supporting the JLR Integrated Chassis Control and instructing its customers on how to use it in an infringing manner, at least through information available on Defendant's website including information brochures, promotional material, and contact information.⁷

66. Based upon public information, Defendant has intentionally induced, and continues

⁶ See <https://media.landrover.com/news/2021/10/introducing-new-range-rover-breathhtaking-modernity-peerless-refinement-and-unmatched> (last visited December 4, 2024); <https://media.landrover.com/introducing-new-range-rover-serene-capability-assurance-and-composure-and-road> (last visited December 4, 2024)

⁷ See Footnote 6.

to induce, infringement of one or more claims of the '558 patent in this District and elsewhere in the United States, by its intentional acts which have successfully, among other things, encouraged, instructed, enabled, and otherwise caused Defendant's customers, employees, partners, or contractors to use the JLR Integrated Chassis Control in an infringing manner. Defendant took active steps, directly or through contractual relationships with others, with the specific intent to cause them to use the JLR Integrated Chassis Control in a manner that infringes one or more claims of the '558 patent, including, for example, Claim 21. Such steps by Defendant included, among other things, advising or directing customers, personnel, contractors, or end-users to use the JLR Integrated Chassis Control in an infringing manner; advertising and promoting the use of the JLR Integrated Chassis Control in an infringing manner; or distributing instructions that guide users to use the JLR Integrated Chassis Control in an infringing manner. Defendant is performing these steps, which constitute induced infringement with the knowledge of the '558 patent and with the knowledge that the induced acts constitute infringement. Defendant is aware that the normal and customary use of the Accused Products by others would infringe the '558 patent. Defendant's inducement is ongoing. *See Exhibit C.*

67. Defendant has also indirectly infringed and continues to indirectly infringe by contributing to the infringement of the '558 patent. Defendant has contributed and continues to contribute to the direct infringement of the '558 patent by its customers, personnel, and contractors. The JLR Integrated Chassis Control has special features that are specially designed to be used in an infringing way and that have no substantial uses other than ones that infringe one or more claims of the '558 patent, including, for example, Claim 21. The special features constitute a material part of the invention of one or more of the claims of the '558 patent and are not staple articles of commerce suitable for substantial non-infringing use. Defendant's contributory infringement is

ongoing. *See* Exhibit C.

68. Despite knowledge of the '558 patent since as early as the date the original complaint was served, Defendant, based upon public information, continues to encourage, instruct, enable, and otherwise cause its customers to use its products and services, in a manner which infringes one or more claims of the '558 patent. Based upon public information, the provision of and sale of the JLR Integrated Chassis Control is a source of revenue and a business focus for Defendant.

69. Defendant's aforesaid activities have been without authority and/or license from Plaintiff.

70. Furthermore, on information and belief, Defendant has a policy or practice of not reviewing the patents of others, including instructing its employees to not review the patents of others, and thus have been willfully blind of Vision Works' patent rights.

71. Defendant's actions are at least objectively reckless as to the risk of infringing a valid patent and this objective risk was either known or should have been known by Defendant.

72. Since at least the filing of the original complaint in this matter, Defendant's direct and indirect infringement of the '558 patent has been and continues to be willful, intentional, deliberate, or in conscious disregard of Plaintiff's rights under the patent.

73. Vision Works has been damaged and continues to be damaged as a result of the infringing conduct by Defendant alleged above. Thus, Defendant is liable to Vision Works in an amount that compensates it for such infringement, which by law cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

74. Vision Works has suffered and continues to suffer irreparable harm, through its loss of market share and goodwill, for which there is no adequate remedy at law. Vision Works has and will continue to suffer this harm by virtue of Defendant's infringement of one or more claims

of the '558 patent. Defendant's actions have interfered with and will interfere with Vision Works's ability to license technology. The balance of hardships favors Vision Works's ability to commercialize its own ideas and technology. The public interest in allowing Vision Works to enforce its right to exclude outweighs other public interests, which supports injunctive relief in this case.

COUNT IV: INFRINGEMENT OF U.S. PATENT NO. 9,830,821

75. Plaintiff re-alleges and incorporates by reference each of paragraphs 1-14 above as though fully set forth in their entirety.

76. U.S. Patent No. 9,830,821 (The "'821 patent") was issued on November 28, 2017 after full and fair examination by the USPTO of Application No. 14/584,946 which was filed on December 29, 2014. *See* '821 patent at p. 1. The '821 patent is entitled "Absolute Acceleration Sensor For Use Within Moving Vehicles."

77. The claims of the '821 patent are not directed to an abstract idea and are not limited to well-understood, routine, or conventional activity. Rather, the claimed inventions include inventive components that improve vehicle safety by providing a system for communicating information about the speed of a vehicle and about its distance to a nearby vehicle.

78. The written description of the '821 patent describes in technical detail each limitation of the claims, allowing a skilled artisan to understand the scope of the claims and how the non-conventional and non-generic combination of claim limitations is patently distinct from and improved upon what may have been considered conventional or generic in the art at the time of the invention.

79. Vision Works owns all substantial rights, interest, and title in and to the '821 patent, including the sole and exclusive right to prosecute this action and enforce it against infringers and to collect damages for all relevant times.

80. Vision Works or its predecessors-in-interest have satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of the '821 patent.

81. Based upon public information, Plaintiff is informed and believes that Defendant has infringed one or more claims of the '821 patent, either literally or under the doctrine of equivalents, because it ships, distributes, makes, uses, imports, offers for sale, sells, and/or advertises using JLR Country Road Assist. *See Exhibit D.*

82. Upon information and belief based upon public information, JLR Country Road Assist meets each and every step of at least Claims 12, 13, 14, 15, 17, and 18 of the '821 patent, either literally or equivalently. Specifically, Defendant's provision of JLR Country Road Assist has infringed, and continues to infringe at least said claims because JLR Country Road Assist provides a method for communication for a vehicle to calculate a distance between the vehicle and an object and for recording the event if the vehicle enters a safe-zone threshold with respect to distance between the vehicle and the object, wherein the safe-zone threshold is set based upon the speed of the vehicle, and which increases as the speed of the vehicle increases once the vehicle reaches a specified speed. *See Exhibit D.*

83. Based upon public information, Defendant's customers use JLR Country Road Assist in such a way that infringes one or more claims of the '821 patent.

84. To the extent that Defendant is not the only direct infringer of one or more claims of the '821 patent, it instructs its customers on how to use JLR Country Road Assist in ways that infringe said claims through its support and sales activities.⁸

⁸ See <https://media.landrover.com/en-us/news/2023/05/range-rover-offers-new-sv-bespoke-service-greater-personalized-luxury-and-refinement> (last visited December 4, 2024);

85. Based upon public information, Defendant specifically intends its customers to use its products and services in such a way that infringes one or more claims of the '821 patent by, at a minimum, providing and supporting JLR Country Road Assist and instructing its customers on how to use it in an infringing manner, at least through information available on Defendant's website including information brochures, promotional material, and contact information.⁹

86. Based upon public information, Defendant has intentionally induced, and continues to induce, infringement of one or more claims of the '821 patent in this District and elsewhere in the United States, by its intentional acts which have successfully, among other things, encouraged, instructed, enabled, and otherwise caused Defendant's customers, employees, partners, or contractors to use JLR Country Road Assist in an infringing manner. Defendant took active steps, directly or through contractual relationships with others, with the specific intent to cause them to use JLR Country Road Assist in a manner that infringes one or more claims of the '821 patent, including, for example, Claims 12, 13, 14, 15, 17, and 18. Such steps by Defendant included, among other things, advising or directing customers, personnel, contractors, or end-users to use JLR Country Road Assist in an infringing manner; advertising and promoting the use of JLR Country Road Assist in an infringing manner; or distributing instructions that guide users to use JLR Country Road Assist in an infringing manner. Defendant is performing these steps, which constitute induced infringement with the knowledge of the '821 patent and with the knowledge that the induced acts constitute infringement. Defendant is aware that the normal and customary use of JLR Country Road Assist by others would infringe the '821 patent. Defendant's inducement is ongoing. *See Exhibit D.*

<https://www.ownerinfo.landrover.com/document/3R/2024/1706809/proc/G3342834/G3344008> (last visited December 4, 2024)

⁹ *See* Footnote 8.

87. Defendant has also indirectly infringed and continues to indirectly infringe by contributing to the infringement of the '821 patent. Defendant has contributed and continues to contribute to the direct infringement of the '821 patent by its customers, personnel, and contractors. JLR Country Road Assist has special features that are specially designed to be used in an infringing way and that have no substantial uses other than ones that infringe one or more claims of the '821 patent, including, for example, Claims 12, 13, 14, 15, 17, and 18. The special features constitute a material part of the invention of one or more of the claims of the '821 patent and are not staple articles of commerce suitable for substantial non-infringing use. Defendant's contributory infringement is ongoing. *See Exhibit D.*

88. Despite knowledge of the '821 patent since as early as the date the original complaint was served, Defendant, based upon public information, continues to encourage, instruct, enable, and otherwise cause its customers to use its products and services, in a manner which infringes one or more claims of the '821 patent. Based upon public information, the provision of and sale of JLR Country Road Assist is a source of revenue and a business focus for Defendant.

89. Defendant's aforesaid activities have been without authority and/or license from Plaintiff.

90. Furthermore, on information and belief, Defendant has a policy or practice of not reviewing the patents of others, including instructing its employees to not review the patents of others, and thus have been willfully blind of Vision Works' patent rights.

91. Defendant's actions are at least objectively reckless as to the risk of infringing a valid patent and this objective risk was either known or should have been known by Defendant.

92. Since at least the filing of the original complaint in this matter, Defendant's direct and indirect infringement of the '821 patent has been and continues to be willful, intentional,

deliberate, or in conscious disregard of Plaintiff's rights under the patent.

93. Vision Works has been damaged and continues to be damaged as a result of the infringing conduct by Defendant alleged above. Thus, Defendant is liable to Vision Works in an amount that compensates it for such infringement, which by law cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

94. Vision Works has suffered and continues to suffer irreparable harm, through its loss of market share and goodwill, for which there is no adequate remedy at law. Vision Works has and will continue to suffer this harm by virtue of Defendant's infringement of one or more claims of the '821 patent. Defendant's actions have interfered with and will interfere with Vision Works's ability to license technology. The balance of hardships favors Vision Works's ability to commercialize its own ideas and technology. The public interest in allowing Vision Works to enforce its right to exclude outweighs other public interests, which supports injunctive relief in this case.

COUNT V: INFRINGEMENT OF U.S. PATENT NO. 10,410,520

95. Plaintiff re-alleges and incorporates by reference each of paragraphs 1-14 above as though fully set forth in their entirety.

96. U.S. Patent No. 10,410,520 (the "'520 patent") was issued on September 10, 2019 after full and fair examination by the USPTO of Application No. 15/792,203 which was filed on October 24, 2017. *See* '520 patent at p.1. The '520 patent is entitled "Absolute Acceleration Sensor For Use Within Moving Vehicles."

97. The claims of the '520 patent are not directed to an abstract idea and are not limited to well-understood, routine, or conventional activity. Rather, the claimed inventions include inventive components that improve vehicle safety by providing a system for communicating information about the speed of a vehicle and about its distance to a nearby vehicle.

98. The written description of the '520 patent describes in technical detail each limitation of the claims, allowing a skilled artisan to understand the scope of the claims and how the non-conventional and non-generic combination of claim limitations is patently distinct from and improved upon what may have been considered conventional or generic in the art at the time of the invention.

99. Vision Works owns all substantial rights, interest, and title in and to the '520 patent, including the sole and exclusive right to prosecute this action and enforce it against infringers and to collect damages for all relevant times.

100. Vision Works or its predecessors-in-interest have satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of the '520 patent.

101. Based upon public information, Plaintiff is informed and believes that Defendant has infringed one or more claims of the '520 patent, either literally or under the doctrine of equivalents, because it ships, distributes, makes, uses, imports, offers for sale, sells, and/or advertises using the JLR Country Road Assist.

102. Upon information and belief based upon public information, the JLR Country Road Assist meets each and every step of at least Claims 1, 2, 3, 5, 9, 10, 12, 13, 14, 16, 20, 21, 22, and 23 of the '520 patent, either literally or equivalently. Specifically, Defendant's provision of the JLR Country Road Assist has infringed, and continues to infringe, at least said claims because it provides a system and method for determining a safe distance of a vehicle from an object by determining the vehicle's speed, calculating the distance between the vehicle and the object; and determining whether the vehicle is a safe distance from the object based upon a constant value defined according to the speed of the vehicle and the distance between the vehicle and the object.

See Exhibit E.

103. Based upon public information, Defendant's customers use the JLR Country Road Assist in such a way that infringes one or more claims of the '520 patent. *See Exhibit E.*

104. To the extent that Defendant is not the only direct infringer of one or more claims of the '520 patent, it instructs its customers on how to use the JLR Country Road Assist in ways that infringe said claims through its support and sales activities.¹⁰

105. Based upon public information, Defendant specifically intends its customers to use its products and services in such a way that infringes one or more claims of the '520 patent by, at a minimum, providing and supporting the JLR Country Road Assist and instructing its customers on how to use it in an infringing manner, at least through information available on Defendant's website including information brochures, promotional material, and contact information.¹¹

106. Based upon public information, Defendant has intentionally induced, and continues to induce, infringement of one or more claims of the '520 patent in this District and elsewhere in the United States, by its intentional acts which have successfully, among other things, encouraged, instructed, enabled, and otherwise caused Defendant's customers, employees, partners, or contractors to use the JLR Country Road Assist in an infringing manner. Defendant took active steps, directly or through contractual relationships with others, with the specific intent to cause them to use the JLR Country Road Assist in a manner that infringes one or more claims of the '520 patent, including, for example, Claims 1, 2, 3, 5, 9, 10, 12, 13, 14, 16, 20, 21, 22, and 23. Such steps by Defendant included, among other things, advising or directing customers, personnel, contractors, or end-users to use the JLR Country Road Assist in an infringing manner; advertising

¹⁰ *See* Footnote 8

¹¹ *See* Footnote 8.

and promoting the use of the JLR Country Road Assist in an infringing manner; or distributing instructions that guide users to use the JLR Country Road Assist in an infringing manner. Defendant is performing these steps, which constitute induced infringement with the knowledge of the '520 patent and with the knowledge that the induced acts constitute infringement. Defendant is aware that the normal and customary use of the JLR Country Road Assist by others would infringe the '520 patent. Defendant's inducement is ongoing. *See Exhibit E.*

107. Defendant has also indirectly infringed and continues to indirectly infringe by contributing to the infringement of the '520 patent. Defendant has contributed and continues to contribute to the direct infringement of the '520 patent by its customers, personnel, and contractors. JLR Country Road Assist has special features that are specially designed to be used in an infringing way and that have no substantial uses other than ones that infringe one or more claims of the '520 patent, including, for example, Claims 1, 2, 3, 5, 9, 10, 12, 13, 14, 16, 20, 21, 22, and 23. The special features constitute a material part of the invention of one or more of the claims of the '520 patent and are not staple articles of commerce suitable for substantial non-infringing use. Defendant's contributory infringement is ongoing. *See Exhibit E.*

108. Despite knowledge of the '520 patent since as early as the date the original complaint was served, Defendant, based upon public information, continues to encourage, instruct, enable, and otherwise cause its customers to use its products and services, in a manner which infringes one or more claims of the '520 patent. Based upon public information, the provision of and sale of JLR Country Road Assist is a source of revenue and a business focus for Defendant.

109. Defendant's aforesaid activities have been without authority and/or license from Plaintiff.

110. Furthermore, on information and belief, Defendant has a policy or practice of not

reviewing the patents of others, including instructing its employees to not review the patents of others, and thus have been willfully blind of Vision Works' patent rights.

111. Defendant's actions are at least objectively reckless as to the risk of infringing a valid patent and this objective risk was either known or should have been known by Defendant.

112. Since at least the filing of the original complaint in this matter, Defendant's direct and indirect infringement of the '520 patent has been and continues to be willful, intentional, deliberate, or in conscious disregard of Plaintiff's rights under the patent.

113. Vision Works has been damaged and continues to be damaged as a result of the infringing conduct by Defendant alleged above. Thus, Defendant is liable to Vision Works in an amount that compensates it for such infringement, which by law cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

114. Vision Works has suffered and continues to suffer irreparable harm, through its loss of market share and goodwill, for which there is no adequate remedy at law. Vision Works has and will continue to suffer this harm by virtue of Defendant's infringement of one or more claims of the '520 patent. Defendant's actions have interfered with and will interfere with Vision Works's ability to license technology. The balance of hardships favors Vision Works's ability to commercialize its own ideas and technology. The public interest in allowing Vision Works to enforce its right to exclude outweighs other public interests, which supports injunctive relief in this case.

COUNT VI: INFRINGEMENT OF U.S. PATENT NO. 10,436,125

115. Plaintiff re-alleges and incorporates by reference each of paragraphs 1-14 above as though fully set forth in their entirety.

116. U.S. Patent No. 10,436,125 (The "'125 patent") was issued on October 8, 2019 after full and fair examination by the USPTO of Application No. 15/918,835 which was filed on March

12, 2018. *See* '125 patent at p. 1. The '125 patent is entitled "Absolute Acceleration Sensor For Use Within Moving Vehicles."

117. The claims of the '125 patent are not directed to an abstract idea and are not limited to well-understood, routine, or conventional activity. Rather, the claimed inventions include inventive components that improve that save fuel and reduce emissions by automatically turning off a vehicle's idling engine if it is stationary for a prescribed amount of time.

118. The written description of the '125 patent describes in technical detail each limitation of the claims, allowing a skilled artisan to understand the scope of the claims and how the non-conventional and non-generic combination of claim limitations is patently distinct from and improved upon what may have been considered conventional or generic in the art at the time of the invention.

119. Vision Works owns all substantial rights, interest, and title in and to the '125 patent, including the sole and exclusive right to prosecute this action and enforce it against infringers and to collect damages for all relevant times.

120. Vision Works or its predecessors-in-interest have satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of the '125 patent.

121. Based upon public information, Plaintiff is informed and believes that Defendant has infringed one or more claims of the '125 patent, either literally or under the doctrine of equivalents, because it ships, distributes, makes, uses, imports, offers for sale, sells, and/or advertises using the JLR InControl Remote Climate feature.

122. Upon information and belief based upon public information, the JLR InControl Remote Climate feature meets each and every step of at least Claims 1, 7, and 11 of the '125 patent,

either literally or equivalently. Specifically, Defendant's provision of the JLR InControl Remote Climate feature has infringed, and continues to infringe, including at least said claims because the JLR InControl Remote Climate feature provides a method of shutting down an idling engine that includes detecting that a vehicle has stopped and detecting a non-drive transmission status of the vehicle, and, based on the stopping of the vehicle and the non-drive transmission status of the vehicle, activating a shutdown timer configured to shutdown the vehicle after a predetermined period of time, and, upon expiration of the shutdown timer and confirming that the vehicle is stopped and the vehicle's non-drive status; shutting down the engine. *See Exhibit F.*

123. Based upon public information, Defendant's customers use the JLR InControl Remote Climate feature in such a way that infringes one or more claims of the '125 patent. *See Exhibit F.*

124. To the extent that Defendant is not the only direct infringer of one or more claims of the '125 patent, it instructs its customers on how to use the JLR InControl Remote Climate feature in ways that infringe said claims through its support and sales activities.¹²

125. Based upon public information, Defendant specifically intends its customers to use its products and services in such a way that infringes one or more claims of the '125 patent by, at a minimum, providing and supporting the JLR InControl Remote Climate feature and instructing its customers on how to use it in an infringing manner, at least through information available on Defendant's website including information brochures, promotional material, and contact information.¹³

126. Based upon public information, Defendant has intentionally induced, and continues

¹² *See* Footnote 4.

¹³ *See* Footnote 4.

to induce, infringement of one or more claims of the '125 patent in this District and elsewhere in the United States, by its intentional acts which have successfully, among other things, encouraged, instructed, enabled, and otherwise caused Defendant's customers, employees, partners, or contractors to use the JLR InControl Remote Climate feature in an infringing manner. Defendant took active steps, directly or through contractual relationships with others, with the specific intent to cause them to use the JLR InControl Remote Climate feature in a manner that infringes one or more claims of the '125 patent, including, for example, Claims 1, 7, and 11. Such steps by Defendant included, among other things, advising or directing customers, personnel, contractors, or end-users to use the JLR InControl Remote Climate feature in an infringing manner; advertising and promoting the use of the JLR InControl Remote Climate feature in an infringing manner; or distributing instructions that guide users to use the JLR InControl Remote Climate feature in an infringing manner. Defendant is performing these steps, which constitute induced infringement with the knowledge of the '125 patent and with the knowledge that the induced acts constitute infringement. Defendant is aware that the normal and customary use of the Accused Products by others would infringe the '125 patent. Defendant's inducement is ongoing. *See Exhibit F.*

127. Defendant has also indirectly infringed and continues to indirectly infringe by contributing to the infringement of the '125 patent. Defendant has contributed and continues to contribute to the direct infringement of the '125 patent by its customers, personnel, and contractors. The JLR InControl Remote Climate feature has special features that are specially designed to be used in an infringing way and that have no substantial uses other than ones that infringe one or more claims of the '125 patent, including, for example, Claims 1, 7, and 11. The special features constitute a material part of the invention of one or more of the claims of the '125 patent and are not staple articles of commerce suitable for substantial non-infringing use. Defendant's

contributory infringement is ongoing. *See* Exhibit F.

128. Despite knowledge of the '125 patent since as early as the date the original complaint was served, Defendant, based upon public information, continues to encourage, instruct, enable, and otherwise cause its customers to use its products and services, in a manner which infringes one or more claims of the '125 patent. Based upon public information, the provision of and sale of the JLR InControl Remote Climate feature is a source of revenue and a business focus for Defendant.

129. Defendant's aforesaid activities have been without authority and/or license from Plaintiff.

130. Furthermore, on information and belief, Defendant has a policy or practice of not reviewing the patents of others, including instructing its employees to not review the patents of others, and thus have been willfully blind of Vision Works' patent rights.

131. Defendant's actions are at least objectively reckless as to the risk of infringing a valid patent and this objective risk was either known or should have been known by Defendant.

132. Since at least the filing of the original complaint in this matter, Defendant's direct and indirect infringement of the '125 patent has been and continues to be willful, intentional, deliberate, or in conscious disregard of Plaintiff's rights under the patent.

133. Vision Works has been damaged and continues to be damaged as a result of the infringing conduct by Defendant alleged above. Thus, Defendant is liable to Vision Works in an amount that compensates it for such infringement, which by law cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

134. Vision Works has suffered and continues to suffer irreparable harm, through its loss of market share and goodwill, for which there is no adequate remedy at law. Vision Works has

and will continue to suffer this harm by virtue of Defendant's infringement of one or more claims of the '125 patent. Defendant's actions have interfered with and will interfere with Vision Works's ability to license technology. The balance of hardships favors Vision Works's ability to commercialize its own ideas and technology. The public interest in allowing Vision Works to enforce its right to exclude outweighs other public interests, which supports injunctive relief in this case.

JURY DEMAND

135. Plaintiff demands a trial by jury on all issues so triable by right.

PRAYER FOR RELIEF

136. Plaintiff respectfully requests the following relief:

- A. An adjudication that one or more claims of the Patents-in-Suit has been infringed, either literally and/or under the doctrine of equivalents, by Defendant;
- B. An award of damages to be paid by Defendant adequate to compensate Plaintiff Defendant's past infringement, including interest, costs, and disbursements as justified under 35 U.S.C. § 284 and, if necessary to adequately compensate Plaintiff for Defendant's infringement, an accounting of all infringing sales including, but not limited to, those sales not presented at trial;
- C. A permanent injunction enjoining Defendant and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in concert therewith from infringement of the Patents-in-Suit; or, in the alternative, an award of a reasonable ongoing royalty for future infringement of said patent by such entities;
- D. Judgment that Defendant's infringements be found willful as to the Patents-in-Suit; and that the Court award treble damages for the period of such willful

infringement pursuant to 35 U.S.C. § 284;

- E. Pre-judgment and post-judgment interest on the damages caused by Defendant's infringing activities and other conduct complained of herein;
- F. That this Court declare this to be an exceptional case and award Plaintiff its reasonable attorneys' fees and costs in accordance with 35 U.S.C. § 285; and,
- G. Any further relief that this Court deems just and proper.

Dated: December 9, 2024

Respectfully submitted,

/s/ James F. McDonough, III

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Exhibits

- A. Evidence Of Use – US Patent No. 8,315,769
- B. Evidence Of Use – US Patent No. 8,437,935
- C. Evidence Of Use – US Patent No. 8,682,558
- D. Evidence Of Use – US Patent No. 9,830,821
- E. Evidence Of Use – US Patent No. 10,410,520
- F. Evidence Of Use – US Patent No. 10,436,125

Attachments

- Civil Cover Sheet
- Proposed Summons