

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

**REMOTE VEHICLE TECHNOLOGIES, LLC**

**Plaintiff,**

**v.**

**HYUNDAI MOTOR AMERICA, INC.**

**Defendant.**

**Civil Action No. \_\_\_\_\_**

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Remote Vehicle Technologies, LLC alleges as follows:

**PARTIES**

1. Plaintiff Remote Vehicle Technologies, LLC ("RVT") is a Texas limited liability company with a principal place of business at 719 West Front Street, Suite 244, Tyler, TX 75702.

2. On information and belief, defendant Hyundai Motor America, Inc. ("Hyundai") is a California corporation with its principal place of business at 10550 Talbert Avenue, Fountain Valley, California. Hyundai has appointed National Registered Agents, Inc., 300 S. Phillips Ave., Suite 300, Sioux Falls, SD 57104-6322 as its agent for service of process.

**JURISDICTION AND VENUE**

3. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

4. Venue is proper in this district under 28 U.S.C. §§ 1391(b)-(c) and 1400(b). On information and belief, Hyundai has transacted business in this district, and has committed and/or induced acts of patent infringement in this district.

5. On information and belief, Hyundai is subject to this Court's specific and general personal jurisdiction under due process and/or the Texas Long Arm Statute, due at least to its substantial business in this forum, 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 Texas and in this judicial district.

### **COUNT I**

#### **Infringement of U.S. Patent No. 7,084,735**

6. RVT incorporates and realleges the allegations of paragraphs 1-5 as are fully set forth above.

7. RVT is the owner by assignment of United States Patent No. 7,084,735 (the "'735 patent"), which is entitled "Remote Vehicle Security System." The '735 patent issued on August 1, 2006. A true and correct copy of the '735 patent is attached as Exhibit A.

8. Defendant Hyundai has been and currently is directly infringing, and jointly and indirectly infringing, by way of inducing infringement by others and/or contributing to the infringement by others of the '735 patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, making, using, importing, offering for sale, and/or selling, without license or authority, products falling within the scope of one or more claims of the '735 patent. Such products include, without limitation, Hyundai's vehicles equipped with Blue Link technology and related services. For instance, upon information and belief, such products infringe at least claim 1, and likely other claims, of the '735 patent by implementing a system for receiving remote commands over a wireless communications network and, in response to such remote commands, controlling the speed and engine performance of a vehicle. By making, using, importing, offering for sale, and/or selling such products, Hyundai has injured RVT and is thus liable to RVT for infringement of the '735 patent under 35 U.S.C. § 271. If Hyundai is not deemed to directly infringe any of the above-referenced claims of the '735

patent, those who Hyundai induces to infringe and/or whose infringement to which Hyundai contributes are the end users of the above-referenced products.

9. To the extent that any marking was required by 35 U.S.C. § 287, all predecessors in interest to the '735 patent have complied any with such requirements.

10. To the extent that facts learned in discovery show that Hyundai's infringement of the '735 patent is or has been willful, Hyundai reserves the right to request such a finding at the time of trial.

11. As a result of Hyundai's infringement of the '735 patent, RVT has suffered monetary damages and will continue to suffer damages in the future unless Hyundai's infringing activities are enjoined by this Court.

12. Unless a permanent injunction is issued enjoining Hyundai and its agents, servants, employees, representatives, affiliates, and all others acting or in active concert therewith from infringing the '735 patent, RVT will be greatly and irreparably harmed.

#### **PRAYER FOR RELIEF**

WHEREFORE, RVT respectfully requests that this Court enter:

1. A judgment in favor of RVT that Hyundai has infringed, directly and/or indirectly, by way of inducing and/or contributing to the infringement of the '735 patent;

2. A permanent injunction enjoining Hyundai and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith from infringement, inducing the infringement of, or contributing to the infringement of the '735 patent;

3. A judgment and order requiring Hyundai to pay RVT its damages, costs, expenses, and prejudgment and post-judgment interest for Hyundai's infringement of the '735 patent as provided under 35 U.S.C. § 284;

4. A judgment and order requiring Hyundai to provide an accounting and to pay supplemental damages to RVT, including, without limitation, pre-judgment interest;

5. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to RVT against Hyundai RVT's reasonable attorneys' fees; and

6. Any and all other relief to which RVT may show itself to be entitled.

**DEMAND FOR JURY TRIAL**

RVT, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

Dated: August 1, 2011

Respectfully submitted,

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Attorneys for Plaintiff,  
REMOTE VEHICLE TECHNOLOGIES, LLC

**CERTIFICATE OF SERVICE**

I hereby certify that the counsel of record who are deemed to have consented to electronic service are being served on August 1, 2011 with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

Dated: August 1, 2011

/s/ Marc A. Fenster \_\_\_\_\_  
Marc A. Fenster