

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

NORTHSTAR SYSTEMS LLC,	)	Case No.
	)	
Plaintiff,	)	<u>JURY TRIAL DEMANDED</u>
	)	
v.	)	
	)	
BAYERISCHE MOTOREN WERKE AG,	)	
	)	
Defendant.	)	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff NorthStar Systems LLC (“NorthStar” or “Plaintiff”) for its Complaint against Defendant Bayerische Motoren Werke AG (“BMW” or “Defendant”) alleges as follows:

THE PARTIES

1. NorthStar is a limited liability company organized and existing under the laws of the State of Texas, with its principal place of business located at 104 E. Houston Street, Marshall, Texas 75670.

2. Upon information and belief, BMW is a German corporation with its principal place of business located at Petuelring 130, BMW Haus, Munich, 80788, Germany. Upon information and belief, BMW does business in Texas and in the Eastern District of Texas, directly or through intermediaries.

JURISDICTION

3. 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).

4. 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.

5. Venue is proper in this Judicial District pursuant to 28 U.S.C. § 1391 because, among other things, Defendant is not a resident in the United States, and thus may be sued in any judicial district pursuant to 28 U.S.C. § 1391(c)(3).

6. Defendant is subject to this Court's jurisdiction pursuant to due process and/or the Texas Long Arm Statute due at least to its substantial business in this State and Judicial District, including (a) at least part of its past infringing activities, (b) regularly doing or soliciting business in Texas, and/or (c) engaging in persistent conduct and/or deriving substantial revenue from goods and services provided to customers in Texas.

PATENTS-IN-SUIT

7. On May 24, 2005, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 6,898,432 (the "'432 Patent") entitled "Route-Based Communication Planning Architecture and Method for Wireless Communication". A true and correct copy of the '432 Patent is available at: <https://pdfpiw.uspto.gov/.piw?PageNum=0&docid=6898432>.

8. On September 6, 2011, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 8,014,943 (the "'943 Patent") entitled "Method and System for Displaying Social Networking Navigation Information". A true and correct copy of the '943 Patent is available at: <https://pdfpiw.uspto.gov/.piw?PageNum=0&docid=8014943>.

9. On October 4, 2011, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 8,032,297 (the "'297 Patent") entitled "Method and System for

Displaying Navigation Information on an Electronic Map”. A true and correct copy of the ’297 Patent is available at: <https://pdfpiw.uspto.gov/.piw?PageNum=0&docid=8032297>.

10. On July 2, 2013, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 8,478,527 (the “’527 Patent”) entitled “Method and System for Displaying Navigation Information and Mapping Content on an Electronic Map”. A true and correct copy of the ’527 Patent is available at: <https://pdfpiw.uspto.gov/.piw?PageNum=0&docid=8478527>.

11. On August 12, 2014, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 8,805,416 (the “’416 Patent”) entitled “Method and System for Mobile Device Selectively Reporting of GPS Position Information to Others”. A true and correct copy of the ’416 Patent is available at: <https://pdfpiw.uspto.gov/.piw?PageNum=0&docid=8805416>.

12. NorthStar is the sole and exclusive owner of all right, title, and interest in the ’432 Patent, the ’943 Patent, the ’297 Patent, the ’527 Patent, and the ’416 Patent (collectively, the “Patents-in-Suit”) and holds the exclusive right to take all actions necessary to enforce its rights to the Patents-in-Suit, including the filing of this patent infringement lawsuit. NorthStar also has the right to recover all damages for past, present, and future infringement of the Patents-in-Suit and to seek injunctive relief as appropriate under the law.

FACTUAL ALLEGATIONS

13. The ’432 Patent generally relates to selecting wireless communication options used by a mobile communications device. The technology described in the ’432 Patent was developed by inventor Xi Jiang. For example, this technology is implemented in BMW’s navigation system, including, but not limited to, the BMW iDrive infotainment system included in personal vehicles, in all trims and configurations, such as the BMW X1, BMW X3, BMW X3 M, BMW X4, BMW

X4 M, BMW X5, BMW X5 M, BMW X6, BMW X6 M, BMW X7, BMW iX, BMW 2 Series, BMW 3 Series, BMW 4 Series, BMW 5 Series, BMW 7 Series, BMW 8 Series, BMW M2, BMW M3, BMW M4, BMW M5, BMW M8, BMW i4, BMW i7, BMW Z4, among other vehicles.

14. The '943 Patent, the '527 Patent, and the '297 Patent generally relate to displaying map objects on an electronic map. The mapping system generally performs the functions of calculating the direction, distance, and travel-time to the map object, and creating an object vector indicator that is on a map-display application. The technology described in the '943, '527 and the '297 Patents was developed by inventor Gabriel Jakobson. For example, this technology is implemented in BMW's navigation system, including, but not limited to, the BMW iDrive infotainment system included in personal vehicles, in all trims and configurations, such as the BMW X1, BMW X3, BMW X3 M, BMW X4, BMW X4 M, BMW X5, BMW X5 M, BMW X6, BMW X6 M, BMW X7, BMW iX, BMW 2 Series, BMW 3 Series, BMW 4 Series, BMW 5 Series, BMW 7 Series, BMW 8 Series, BMW M2, BMW M3, BMW M4, BMW M5, BMW M8, BMW i4, BMW i7, BMW Z4, among other vehicles.

15. The '416 Patent generally discloses systems and methods by which a mobile communication device detects signal interference and communicates with a remote source. The technology described in the '416 Patent was developed by inventor Scott Harris. For example, this technology is implemented in BMW's navigation system, including, but not limited to, the BMW iDrive infotainment system included in personal vehicles, in all trims and configurations, such as the BMW X1, BMW X3, BMW X3 M, BMW X4, BMW X4 M, BMW X5, BMW X5 M, BMW X6, BMW X6 M, BMW X7, BMW iX, BMW 2 Series, BMW 3 Series, BMW 4 Series, BMW 5 Series, BMW 7 Series, BMW 8 Series, BMW M2, BMW M3, BMW M4, BMW M5, BMW M8, BMW i4, BMW i7, BMW Z4, among other vehicles.

16. Upon information and belief, Defendants had actual knowledge of the Patents-in-Suit, at least as of December 2020, from industry publications.¹ Defendants were at least willfully blind to the Patents-in-Suit due to NorthStar's publicized enforcement efforts.

17. BMW has infringed the Patents-in-Suit and is continuing to infringe the '943 Patent, the '527 Patent, and the '297 Patent by making, using, selling, offering to sell, and/or importing, and by actively inducing others to make, use, sell, offer to sell, and/or importing commercial and personal vehicles, including, but not limited to, personal cars.

COUNT I
(Infringement of the '943 Patent)

18. Paragraphs 1 through 17 are incorporated by reference as if fully set forth herein.

19. NorthStar has not licensed or otherwise authorized Defendant to make, use, offer for sale, sell, or import any products that embody the inventions of the '943 Patent.

20. Defendant has and continues to directly infringe the '943 Patent, either literally or under the doctrine of equivalents, without authority and in violation of 35 U.S.C. § 271, by making, using, offering to sell, selling, and/or importing into the United States products that satisfy each and every limitation of one or more claims of the '943 Patent. Such products include, but are not limited to, BMW's Navigation System, including, but not limited to, the BMW iDrive infotainment system included in personal vehicles, in all trims and configurations, such as the BMW X1, BMW X3, BMW X3 M, BMW X4, BMW X4 M, BMW X5, BMW X5 M, BMW X6, BMW X6 M, BMW X7, BMW iX, BMW 2 Series, BMW 3 Series, BMW 4 Series, BMW 5 Series, BMW 7

¹ See, e.g., <https://insight.rpxcorp.com/news/71544-northstar-systems-has-hit-four-more-defendants-so-far-this-summer>; <https://insight.rpxcorp.com/news/64779-location-location-location-northstar-systems-kicks-off-second-campaign-over-former-iv-assets>.

Series, BMW 8 Series, BMW M2, BMW M3, BMW M4, BMW M5, BMW M8, BMW i4, BMW i7, BMW Z4, among other vehicles.

21. For example, Defendant has and continues to infringe at least claim 1 of the '943 Patent by making, using, offering to sell, selling, and/or importing into the United States products such as the vehicles equipped with the BMW navigation and infotainment system, including for example the BMW navigation and BMW iDrive system.

22. For example, the BMW Navigation System performs a method of displaying object vector indicators referencing social-network map-objects on an electronic map. The BMW Navigation System performs the step of providing an electronic device with a map-display application that is coupled to a mapping service, a social network, and a display for displaying a selected area of the electronic map. The BMW Navigation System performs the step of authenticating to the social network. The BMW Navigation System performs the step of obtaining from the social network the map-objects. The BMW Navigation System performs the step of

determining that coordinates of the map-objects not withing the selected area of the electronic map.

Displays

Vehicle features and options

This chapter describes all standard, country-specific and optional features offered with the series. It also describes features and functions that are not necessarily available in your vehicle, e.g., due to the selected options or country versions. This also applies to safety-related functions and systems. When using these functions and systems, the applicable laws and regulations must be observed.

Instrument cluster

General information

Depending on the vehicle equipment, it may be possible to deactivate the display change in the instrument cluster via iDrive.

Some of the displays in the instrument cluster may differ from the illustrations in the Owner's Manual.

Instrument cluster with enhanced features: Overview

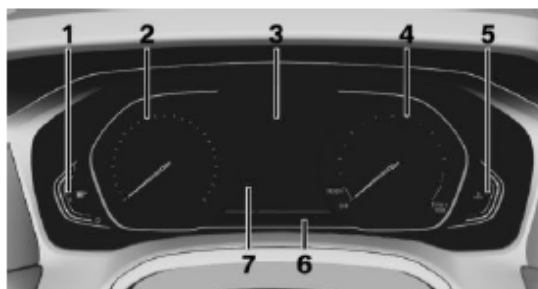


- 1 Fuel gauge 159
Range 162
- 2 Speedometer
- 3 Central display area 149

Navigation display

- 4 Depending on the equipment: Driver Attention Camera
- 5 Tachometer 159
Selection lists 165
Widgets 150
Trip odometer, see Trip data 166
ECO PRO displays 308
Power gauge 160
Status, Driving Dynamics Control 133
Transmission display 142
- 6 Engine temperature 161
- 7 Outside temperature 162
- 8 Check Control 153
- 9 Speed Limit Assistant 228
Speed Limit Info 164
Time 63

Instrument cluster without enhanced features: Overview



- 1 Fuel gauge 159
- 2 Speedometer
- 3 Check Control 153
Widgets 151
Service notifications 163
Navigation display

iDrive

Vehicle features and options

This chapter describes all standard, country-specific and optional features offered with the series. It also describes features and functions that are not necessarily available in your vehicle, e.g., due to the selected options or country versions. This also applies to safety-related functions and systems. When using these functions and systems, the applicable laws and regulations must be observed.

Operating concept

Principle

iDrive is the operating concept of the infotainment system and includes a large number of functions.

General information

These functions can be operated as follows:

- ▶ Via the Controller.
- ▶ Via the touchscreen.
- ▶ Via the BMW Intelligent Personal Assistant.
- ▶ Depending on the equipment: with the gesture control.

Safety information

Warning

Operating the integrated information systems and communication devices while driving can distract from traffic. It is possible to lose control of the vehicle. There is a risk of accident. Only use the systems or devices when the traffic situation allows. As warranted, stop and use the

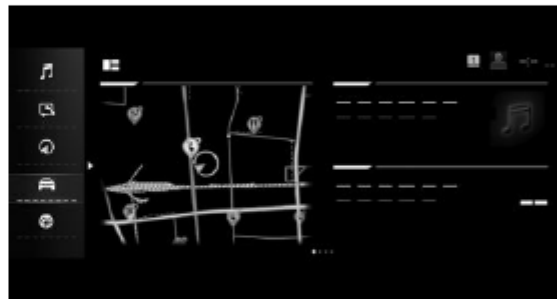
systems and devices while the vehicle is stationary.

Input and display

Main menu

General information

The main menu is divided into two areas. The left area contains menu items that can be used to call up all the iDrive functions. The right area contains widgets that provide quick access to certain functions.



Media/Radio

 All functions of the entertainment system, e.g., radio stations or connection with external devices.

Communication

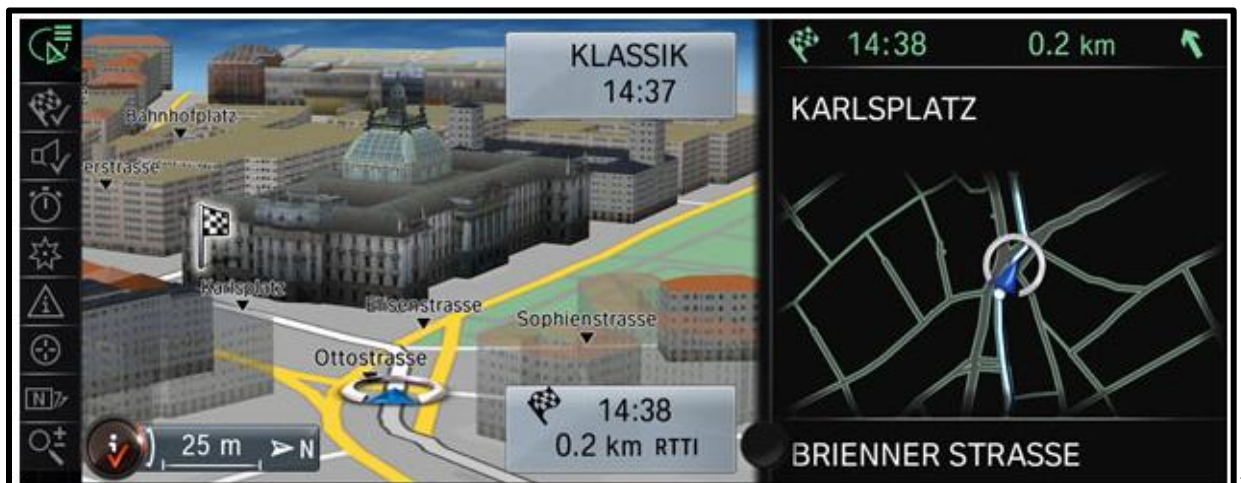
 Phone and message functions, e-mail and calendar, and also the connection and management of mobile devices, such as smartphones.

Navigation

 Access to the navigation system, destination input and traffic bulletins. Configurable map views and other functions, such as points of interest and areas to be avoided.



23. The BMW Navigation System performs the step of computing distance and travel related information (*e.g.*, arrival time) from a location within the selected area of the electronic map to the map-objects.



24. The BMW Navigation System performs the step of computing a placement position of an object vector indicator referencing the map-objects on the map display application. The

BMW Navigation System performs the step of creating the object vector indicators containing distance and travel-related information. The BMW Navigation System performs the step of displaying the object vector indicators on the display at the computed placement position. The BMW Navigation System performs the step of receiving a user input selecting the object vector indicator. The BMW Navigation System performs the step of displaying a secondary area of the electronic map, wherein the secondary area is a region of the electronic map centered approximately around the map-object. The BMW Navigation System performs the step of displaying the map objects approximately at the center of the secondary area.

25. Defendant has and continues to indirectly infringe one or more claims of the '943 Patent by knowingly and intentionally inducing others, including BMW customers and end-users, to directly infringe, either literally or under the doctrine of equivalents, by making, using, offering to sell, selling, and/or importing into the United States products that include infringing technology.

26. Defendant, with knowledge that these products, or the use thereof, infringe the '943 Patent at least as of the date of this Complaint, knowingly and intentionally induced, and continues to knowingly and intentionally induce, direct infringement of the '943 Patent by providing these products to end-users for use in an infringing manner.

27. Defendant has and continues to induce infringement by others, including end-users, with the intent to cause infringing acts by others or, in the alternative, with the belief that there

³ <https://bimmeramerica.com/coding/bmw-navigation-map-update>.

⁴ https://www.autoblog.com/2012/07/11/bmw-adds-idrive-touch-and-3d-maps-to-latest-generation-infotainm/?guccounter=1&guce_referrer=aHR0cHM6Ly93d3cuZ29vZ2xlLmNvbS8&guce_referrer_sig=AQAAAA15pupDNqpz4sOYj-irRKcVYwZ4FkEe0oyP6a_8ITfBHPiHcgEFR30pq40PZ9u3scHguJZYdXoFFuj-BuLvwmZzedlU2vqYqErILfOAtp--RxmPFIi1rZkhQq0XrPE-tfJ2GUz3hUEHvEQ0PtB4KB9HVpkCzaWFf9f5t8krt1Po.

was a high probability that others, including end-users, infringe the '943 Patent, but while remaining willfully blind to the infringement.

28. NorthStar has suffered damages as a result of Defendant's direct and indirect infringement of the '943 Patent in an amount to be proved at trial.

29. NorthStar has suffered, and will continue to suffer, irreparable harm as a result of Defendant's infringement of the '943 Patent, for which there is no adequate remedy at law, unless Defendant's infringement is enjoined by this Court.

COUNT II
(Infringement of the '297 Patent)

30. Paragraphs 1 through 17 are incorporated by reference as if fully set forth herein.

31. NorthStar has not licensed or otherwise authorized Defendant to make, use, offer for sale, sell, or import any products that embody the inventions of the '297 Patent.

32. Defendant has and continues to infringe the '297 Patent, either literally or under the doctrine of equivalents, without authority and in violation of 35 U.S.C. § 271, by making, using, offering to sell, selling, and/or importing into the United States products that satisfy each and every limitation of one or more claims of the '297 Patent. Such products include, but are not limited to, BMW's Navigation System, including, but not limited to, the BMW iDrive infotainment system included in personal vehicles, in all trims and configurations, such as the BMW X1, BMW X3, BMW X3 M, BMW X4, BMW X4 M, BMW X5, BMW X5 M, BMW X6, BMW X6 M, BMW X7, BMW iX, BMW 2 Series, BMW 3 Series, BMW 4 Series, BMW 5 Series, BMW 7 Series, BMW 8 Series, BMW M2, BMW M3, BMW M4, BMW M5, BMW M8, BMW i4, BMW i7, BMW Z4, among other vehicles.

33. For example, Defendant has and continues to directly infringe at least claim 1 of the '297 Patent by making, using, offering to sell, selling, and/or importing into the United States

products such as the vehicles equipped with the BMW navigation and infotainment system, including for example the BMW navigation and iDrive system.

34. For example, the BMW Navigation System performs a method for displaying object vector indicators referencing map objects on an electronic map. The BMW Navigation

System performs the step of providing an electronic device having a map-display application that is coupled to a mapping service and a display for displaying a selected area of an electronic map.

Displays

Vehicle features and options

This chapter describes all standard, country-specific and optional features offered with the series. It also describes features and functions that are not necessarily available in your vehicle, e.g., due to the selected options or country versions. This also applies to safety-related functions and systems. When using these functions and systems, the applicable laws and regulations must be observed.

Instrument cluster

General information

Depending on the vehicle equipment, it may be possible to deactivate the display change in the instrument cluster via iDrive.

Some of the displays in the instrument cluster may differ from the illustrations in the Owner's Manual.

Instrument cluster with enhanced features: Overview

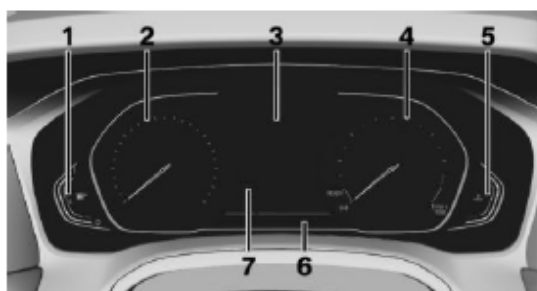


- 1 Fuel gauge 159
Range 162
- 2 Speedometer
- 3 Central display area 149

Navigation display

- 4 Depending on the equipment: Driver Attention Camera
- 5 Tachometer 159
Selection lists 165
Widgets 150
Trip odometer, see Trip data 166
ECO PRO displays 308
Power gauge 160
Status, Driving Dynamics Control 133
Transmission display 142
- 6 Engine temperature 161
- 7 Outside temperature 162
- 8 Check Control 153
- 9 Speed Limit Assistant 228
Speed Limit Info 164
Time 63

Instrument cluster without enhanced features: Overview



- 1 Fuel gauge 159
- 2 Speedometer
- 3 Check Control 153
Widgets 151
Service notifications 163
Navigation display

iDrive

Vehicle features and options

This chapter describes all standard, country-specific and optional features offered with the series. It also describes features and functions that are not necessarily available in your vehicle, e.g., due to the selected options or country versions. This also applies to safety-related functions and systems. When using these functions and systems, the applicable laws and regulations must be observed.

Operating concept

Principle

iDrive is the operating concept of the infotainment system and includes a large number of functions.

General information

These functions can be operated as follows:

- ▶ Via the Controller.
- ▶ Via the touchscreen.
- ▶ Via the BMW Intelligent Personal Assistant.
- ▶ Depending on the equipment: with the gesture control.

Safety information

Warning

Operating the integrated information systems and communication devices while driving can distract from traffic. It is possible to lose control of the vehicle. There is a risk of accident. Only use the systems or devices when the traffic situation allows. As warranted, stop and use the

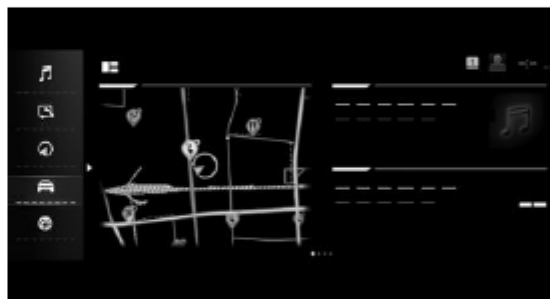
systems and devices while the vehicle is stationary.

Input and display

Main menu

General information

The main menu is divided into two areas. The left area contains menu items that can be used to call up all the iDrive functions. The right area contains widgets that provide quick access to certain functions.



Media/Radio

 All functions of the entertainment system, e.g., radio stations or connection with external devices.

Communication

 Phone and message functions, e-mail and calendar, and also the connection and management of mobile devices, such as smartphones.

Navigation

 Access to the navigation system, destination input and traffic bulletins. Configurable map views and other functions, such as points of interest and areas to be avoided.

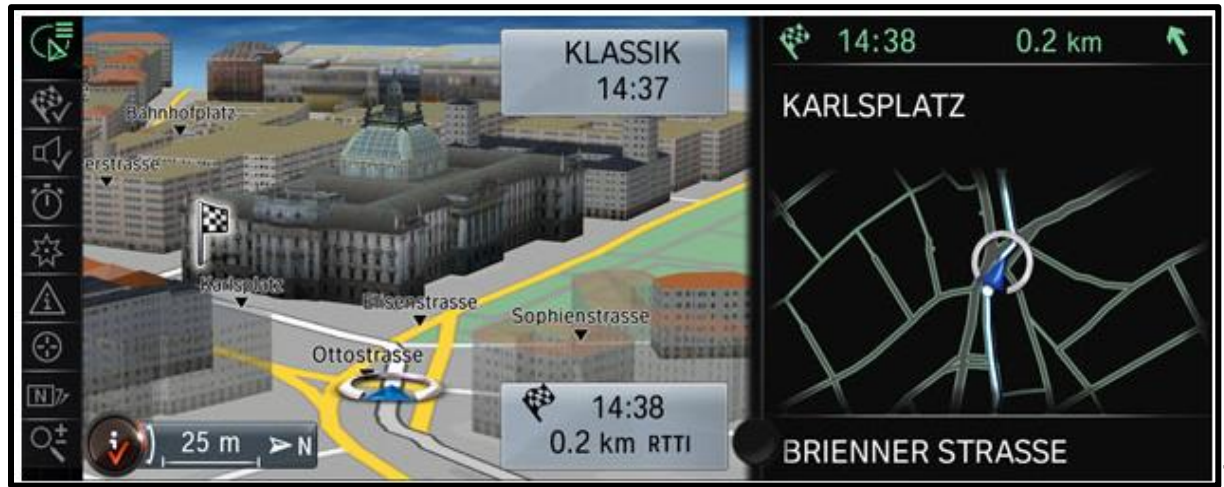


35. The BMW Navigation System performs the step of determining that coordinates of the map object are not in the selected area of the electronic map. The BMW Navigation System performs the step of computing distance and travel-related information (e.g., arrival time) from a location within the selected area of the electronic map to the map-object. The BMW Navigation System performs the step of computing a placement position of an object vector indicator referencing the map-object on the map-display application. The BMW Navigation System performs the step of creating the object vector indicator containing the distance and travel-related

⁵ The 2022 BMW 3 Series Owner's Manual is available at: <https://ownersmanuals2.com/bmw-auto/3-series-2022-owners-manual-83667>.

⁶ <https://bimmeramerica.com/coding/bmw-navigation-map-update>.

information. The BMW Navigation System performs the step of displaying the object vector indicator on the display at the computed placement position.



36. The BMW Navigation System performs the step of receiving user input selecting the object vector indicator. The BMW Navigation System performs the step of displaying a secondary area of the electronic map, wherein the secondary area is a region of the electronic map centered approximately around the map-object. The BMW Navigation System performs the step of displaying the map-object approximately at the center of the secondary area.

37. Defendant has and continues to indirectly infringe one or more claims of the '297 Patent by knowingly and intentionally inducing others, including BMW customers and end-users,

⁷ https://www.autoblog.com/2012/07/11/bmw-adds-idrive-touch-and-3d-maps-to-latest-generation-infotainment/?guccounter=1&guce_referrer=aHR0cHM6Ly93d3cuZ29vZ2xlLmNvbS8&guce_referrer_sig=AQAAAA15pupDNqpz4sOYj-irRKcVYwZ4FkEe0oyP6a_8ITfBHPiHcgEFR30pq40PZ9u3scHguJZYdXoFFuj-BuLvwmZzedlU2vqYqErILfOAtp--RxmPFii1rZkhQq0XrPE-tfJ2GUz3hUEHvEQ0PtB4KB9HVpkCzaWff9f5t8krt1Po.

to directly infringe, either literally or under the doctrine of equivalents, by making, using, offering to sell, selling, and/or importing into the United States products that include infringing technology.

38. Defendant, with knowledge that these products, or the use thereof, infringe the '297 Patent at least as of the date of this Complaint, knowingly and intentionally induced, and continues to knowingly and intentionally induce, direct infringement of the '297 Patent by providing these products to end-users for use in an infringing manner.

39. Defendant has and continues to induce infringement by others, including end-users, with the intent to cause infringing acts by others or, in the alternative, with the belief that there was a high probability that others, including end-users, infringe the '297 Patent, but while remaining willfully blind to the infringement.

40. NorthStar has suffered damages as a result of Defendant's direct and indirect infringement of the '297 Patent in an amount to be proved at trial.

41. NorthStar has suffered, and will continue to suffer, irreparable harm as a result of Defendant's infringement of the '297 Patent, for which there is no adequate remedy at law, unless Defendant's infringement is enjoined by this Court.

COUNT III
(Infringement of the '527 Patent)

42. Paragraphs 1 through 17 are incorporated by reference as if fully set forth herein.

43. NorthStar has not licensed or otherwise authorized Defendant to make, use, offer for sale, sell, or import any products that embody the inventions of the '527 Patent.

44. Defendant has and continues to infringe the '527 Patent, either literally or under the doctrine of equivalents, without authority and in violation of 35 U.S.C. § 271, by making, using, offering to sell, selling, and/or importing into the United States products that satisfy each and every limitation of one or more claims of the '527 Patent. Such products include, but are not limited to,

BMW's Navigation System, including, but not limited to, the BMW iDrive infotainment system included in personal vehicles, in all trims and configurations, such as the BMW X1, BMW X3, BMW X3 M, BMW X4, BMW X4 M, BMW X5, BMW X5 M, BMW X6, BMW X6 M, BMW X7, BMW iX, BMW 2 Series, BMW 3 Series, BMW 4 Series, BMW 5 Series, BMW 7 Series, BMW 8 Series, BMW M2, BMW M3, BMW M4, BMW M5, BMW M8, BMW i4, BMW i7, BMW Z4, among other vehicles.

45. For example, Defendant has and continues to directly infringe at least claim 1 of the '527 Patent by making, using, offering to sell, selling, and/or importing into the United States products such as the vehicles equipped with the BMW navigation and infotainment system, including for example the BMW navigation and iDrive system.

46. For example, the BMW Navigation System performs a method for displaying object vector indicators and mapping-media content, referencing map-objects on an electronic map.

The BMW Navigation System performs the step of obtaining a map-object from a mapping service.

Displays

Vehicle features and options

This chapter describes all standard, country-specific and optional features offered with the series. It also describes features and functions that are not necessarily available in your vehicle, e.g., due to the selected options or country versions. This also applies to safety-related functions and systems. When using these functions and systems, the applicable laws and regulations must be observed.

Instrument cluster

General information

Depending on the vehicle equipment, it may be possible to deactivate the display change in the instrument cluster via iDrive.

Some of the displays in the instrument cluster may differ from the illustrations in the Owner's Manual.

Instrument cluster with enhanced features: Overview

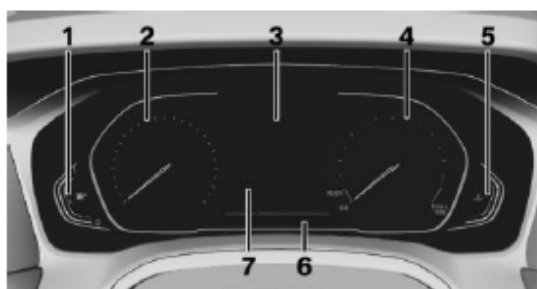


- 1 Fuel gauge 159
Range 162
- 2 Speedometer
- 3 Central display area 149

Navigation display

- 4 Depending on the equipment: Driver Attention Camera
- 5 Tachometer 159
Selection lists 165
Widgets 150
Trip odometer, see Trip data 166
ECO PRO displays 308
Power gauge 160
Status, Driving Dynamics Control 133
Transmission display 142
- 6 Engine temperature 161
- 7 Outside temperature 162
- 8 Check Control 153
- 9 Speed Limit Assistant 228
Speed Limit Info 164
Time 63

Instrument cluster without enhanced features: Overview



- 1 Fuel gauge 159
- 2 Speedometer
- 3 Check Control 153
Widgets 151
Service notifications 163
Navigation display

iDrive

Vehicle features and options

This chapter describes all standard, country-specific and optional features offered with the series. It also describes features and functions that are not necessarily available in your vehicle, e.g., due to the selected options or country versions. This also applies to safety-related functions and systems. When using these functions and systems, the applicable laws and regulations must be observed.

Operating concept

Principle

iDrive is the operating concept of the infotainment system and includes a large number of functions.

General information

These functions can be operated as follows:

- ▶ Via the Controller.
- ▶ Via the touchscreen.
- ▶ Via the BMW Intelligent Personal Assistant.
- ▶ Depending on the equipment: with the gesture control.

Safety information

Warning

Operating the integrated information systems and communication devices while driving can distract from traffic. It is possible to lose control of the vehicle. There is a risk of accident. Only use the systems or devices when the traffic situation allows. As warranted, stop and use the

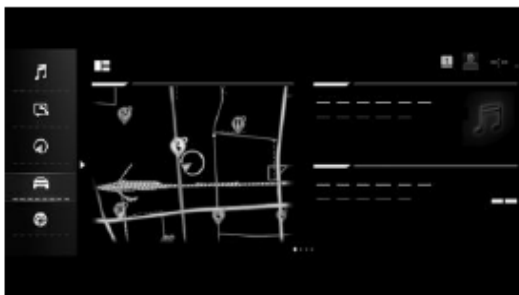
systems and devices while the vehicle is stationary.

Input and display

Main menu

General information

The main menu is divided into two areas. The left area contains menu items that can be used to call up all the iDrive functions. The right area contains widgets that provide quick access to certain functions.



Media/Radio

 All functions of the entertainment system, e.g., radio stations or connection with external devices.

Communication

 Phone and message functions, e-mail and calendar, and also the connection and management of mobile devices, such as smartphones.

Navigation

 Access to the navigation system, destination input and traffic bulletins. Configurable map views and other functions, such as points of interest and areas to be avoided.



47. The BMW Navigation System performs the step of determining that coordinates of the map-object are not within a selected area of the electronic map. The BMW Navigation System

⁸ The 2022 BMW 3 Series Owner's Manual is available at: <https://ownersmanuals2.com/bmw-auto/3-series-2022-owners-manual-83667>.

⁹ <https://bimmeramerica.com/coding/bmw-navigation-map-update>.

performs the step of computing the distance and travel-related information (*e.g.*, arrival time) to the map-object.

48. The BMW Navigation System performs the step of displaying an object vector indicator containing the distance and travel-related information.



49. The BMW Navigation System performs the step of receiving user input selecting the object vector indicator. The BMW Navigation System performs the step of retrieving mapping-media content associated with the selected object vector indicator. The BMW Navigation System performs the step of displaying the mapping-media content.

50. Defendant has and continues to indirectly infringe one or more claims of the '527 Patent by knowingly and intentionally inducing others, including BMW customers and end-users,

¹⁰ https://www.autoblog.com/2012/07/11/bmw-adds-idrive-touch-and-3d-maps-to-latest-generation-infotainment/?guccounter=1&guce_referrer=aHR0cHM6Ly93d3cuZ29vZ2xlMnVbS8&guce_referrer_sig=AQAAAA15pupDNqpz4sOYj-irRKcVYwZ4FkEe0oyP6a_8ITfBHPiHcgEFR30pq40PZ9u3scHguJZYdXoFFuj-BuLvwmZzedlU2vqYqErILfOAtp--RxmPFii1rZkhQq0XrPE-tfJ2GUz3hUEHvEQ0PtB4KB9HVpkCzaWff9f5t8krt1Po.

to directly infringe, either literally or under the doctrine of equivalents, by making, using, offering to sell, selling, and/or importing into the United States products that include infringing technology.

51. Defendant, with knowledge that these products, or the use thereof, infringe the '527 Patent at least as of the date of this Complaint, knowingly and intentionally induced, and continues to knowingly and intentionally induce, direct infringement of the '527 Patent by providing these products to end-users for use in an infringing manner.

52. Defendant has and continues to induce infringement by others, including end-users, with the intent to cause infringing acts by others or, in the alternative, with the belief that there was a high probability that others, including end-users, infringe the '527 Patent, but while remaining willfully blind to the infringement.

53. NorthStar has suffered damages as a result of Defendant's direct and indirect infringement of the '527 Patent in an amount to be proved at trial.

54. NorthStar has suffered, and will continue to suffer, irreparable harm as a result of Defendant's infringement of the '527 Patent, for which there is no adequate remedy at law, unless Defendant's infringement is enjoined by this Court.

COUNT IV
(Infringement of the '416 Patent)

55. Paragraphs 1 through 17 are incorporated by reference as if fully set forth herein.

56. NorthStar has not licensed or otherwise authorized Defendant to make, use, offer for sale, sell, or import any products that embody the inventions of the '416 Patent.

57. Defendant has infringed the '416 Patent, either literally or under the doctrine of equivalents, without authority and in violation of 35 U.S.C. § 271, by making, using, offering to sell, selling, and/or importing into the United States products that satisfy each and every limitation of one or more claims of the '416 Patent. Such products include, but are not limited to, BMW's

Navigation System, including, but not limited to, the BMW iDrive infotainment system included in personal vehicles, in all trims and configurations, such as the BMW X1, BMW X3, BMW X3 M, BMW X4, BMW X4 M, BMW X5, BMW X5 M, BMW X6, BMW X6 M, BMW X7, BMW iX, BMW 2 Series, BMW 3 Series, BMW 4 Series, BMW 5 Series, BMW 7 Series, BMW 8 Series, BMW M2, BMW M3, BMW M4, BMW M5, BMW M8, BMW i4, BMW i7, BMW Z4, among other vehicles.

58. For example, Defendant has infringed at least claim 1 of the '416 Patent by making, using, offering to sell, selling, and/or importing into the United States such as the vehicles equipped with the BMW navigation and infotainment system, including for example the BMW navigation and iDrive system.

59. For example, the BMW Navigation System performs a method comprising receiving, by a mobile communication device, information about a current location of the mobile communication device, wherein the information about the current location includes global positioning system (GPS) information. The BMW Navigation System performs the step of detecting, by the mobile communication device, signal interference. The BMW Navigation System performs the step of generating, by the mobile communication device, an indication of the signal interference. Upon information and belief, the BMW Navigation System performs the step of communicating, by the mobile communication device, with a remote source over a wireless network (*e.g.*, assisted GPS), wherein said communicating comprises sending both the indication of the signal interference and the GPS information from the mobile communication device to the remote source. The BMW Navigation System performs the step of receiving, by the mobile communication device, navigation information from the remote source (*e.g.*, a cellular tower) in response to sending both the indication of the signal interference and the GPS information, wherein

the navigation information comprises data for plotting a course on a map including the current location of the mobile communication device. The BMW Navigation System further performs the step of displaying, by the mobile communication device, the map based on the navigation information.

60. Defendant has indirectly infringed one or more claims of the '416 Patent by knowingly and intentionally inducing others, including BMW customers and end-users, to directly infringe, either literally or under the doctrine of equivalents, by making, using, offering to sell, selling, and/or importing into the United States products that include infringing technology.

61. Defendant, with knowledge that these products, or the use thereof, infringed the '416 Patent, knowingly and intentionally induced, direct infringement of the '416 Patent by providing these products to end-users for use in an infringing manner.

62. Defendant has induced infringement by others, including end-users, with the intent to cause infringing acts by others or, in the alternative, with the belief that there was a high probability that others, including end-users, infringed the '416 Patent, but while remaining willfully blind to the infringement.

63. NorthStar has suffered damages as a result of Defendant's direct and indirect infringement of the '416 Patent in an amount to be proved at trial.

COUNT V
(Infringement of the '432 Patent)

64. Paragraphs 1 through 17 are incorporated by reference as if fully set forth herein.

65. NorthStar has not licensed or otherwise authorized Defendant to make, use, offer for sale, sell, or import any products that embody the inventions of the '432 Patent.

66. Defendant has infringed the '432 Patent, either literally or under the doctrine of equivalents, without authority and in violation of 35 U.S.C. § 271, by making, using, offering to

sell, selling, and/or importing into the United States products that satisfy each and every limitation of one or more claims of the '432 Patent. Such products include, but are not limited to, BMW's Navigation System, including, but not limited to, the BMW iDrive infotainment system included in personal vehicles, in all trims and configurations, such as the BMW X1, BMW X3, BMW X3 M, BMW X4, BMW X4 M, BMW X5, BMW X5 M, BMW X6, BMW X6 M, BMW X7, BMW iX, BMW 2 Series, BMW 3 Series, BMW 4 Series, BMW 5 Series, BMW 7 Series, BMW 8 Series, BMW M2, BMW M3, BMW M4, BMW M5, BMW M8, BMW i4, BMW i7, BMW Z4, among other vehicles.

67. For example, Defendant has directly infringed at least claim 1 of the '432 Patent by making, using, offering to sell, and/or importing into the United States products such as the vehicles equipped with the BMWs navigation and infotainment system, including for example the BMW navigation and iDrive system.

68. For example, the BMW Navigation System performs a method of selecting which of a plurality of wireless communication options will be used by a mobile communication device. The BMW Navigation System performs the step of storing in a database, information indicative of coverage areas for wireless communication options along a route that the mobile communications device will be traversing, including storing boundary locations of the coverage areas for the wireless communication options along the route where the boundary locations stored are limited to boundary locations that are on streets of the route. The BMW Navigation System performs the step of determining at the mobile communication device where on the route that the mobile communication device is as it traverses the route. The BMW Navigation System performs the step of accessing the database to obtain information regarding the communication options available along the route. Upon information and belief, the BMW Navigation System performs

the step of determining whether to switch from a first one of the wireless communication options presently being used to a second one of the wireless communication options when the mobile communication device approaches a boundary of a coverage area of one of the wireless communication options based on the wireless communication options available once the boundary is crossed and those that will be available further along the route. Upon information and belief, the BMW Navigation System performs the step of switching from the first one of the wireless communication options to the second one of the wireless communication options if the determination was made to switch to that second one of the wireless communication options. Upon information and belief, the BMW Navigation System performs the step of obtaining updated information concerning the coverage areas of the wireless communication options and updating the database with the updated information; wherein one of the plurality of wireless communication options is not using any wireless communication, and wherein the step of obtaining updated information concerning the coverage areas of the wireless communication options includes obtaining this information from providers of the wireless communication options.

69. Defendant has indirectly infringed one or more claims of the '432 Patent by knowingly and intentionally inducing others, including BMW customers and end-users, to directly infringe, either literally or under the doctrine of equivalents, by making, using, offering to sell, selling, and/or importing into the United States products that include infringing technology.

70. Defendant, with knowledge that these products, or the use thereof, infringed the '432 Patent at least as of the date of this Complaint, knowingly and intentionally induced, direct infringement of the '432 Patent by providing these products to end-users for use in an infringing manner.

71. Defendant has induced infringement by others, including end-users, with the intent

to cause infringing acts by others or, in the alternative, with the belief that there was a high probability that others, including end-users, infringe the '432 Patent, but while remaining willfully blind to the infringement.

72. NorthStar has suffered damages as a result of Defendant's indirect infringement of the '432 Patent in an amount to be proved at trial.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury for all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, NorthStar prays for relief against Defendant as follows:

- a. Entry of judgment declaring that Defendant has directly and/or indirectly infringed one or more claims of the Patents-in-Suit;
- b. An order pursuant to 35 U.S.C. § 283 permanently enjoining Defendant, its officers, agents, servants, employees, attorneys, and those persons in active concert or participation with them, from further acts of infringement of the '943, '527, and '297 Patents;
- c. An order awarding damages sufficient to compensate NorthStar for Defendant's infringement of the Patents-in-Suit, but in no event less than a reasonable royalty, together with interest and costs;
- d. Entry of judgment declaring that this case is exceptional and awarding NorthStar its costs and reasonable attorney fees under 35 U.S.C. § 285; and
- e. Such other and further relief as the Court deems just and proper.

Dated: December 27, 2022

Respectfully submitted,

/s/ Vincent J. Rubino, III

Alfred R. Fabricant

NY Bar No. 2219392

Email: ffabricant@fabricantllp.com

Peter Lambrianakos
NY Bar No. 2894392
Email: plambrianakos@fabricantllp.com
Vincent J. Rubino, III
NY Bar No. 4557435
Email: vrubino@fabricantllp.com
FABRICANT LLP
411 Theodore Fremd Road, Suite 206 South
Rye, NY 10580
Telephone: (212) 257-5797
Facsimile: (212) 257-5796

John Andrew Rubino
NY Bar No. 5020797
Email: jarubino@rubinoip.com
Michael Mondelli III
NY Bar No. 5805114
Email: mmondelli@rubinoip.com
RUBINO IP
51 J.F.K. Parkway
Short Hills, NJ, 07079
Telephone: (201) 341-9445
Facsimile: (973) 535-0921

Justin Kurt Truelove
Texas Bar No. 24013653
Email: kurt@truelovelawfirm.com
TRUELOVE LAW FIRM, PLLC
100 West Houston
Marshall, Texas 75670
Telephone: (903) 938-8321
Facsimile: (903) 215-8510

***ATTORNEYS FOR PLAINTIFF,
NORTHSTAR SYSTEMS LLC***