UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

MOBILEYE VISION TECHNOLOGIES LTD., and MOBILEYE, INC., *Plaintiffs,* v. FACET TECHNOLOGY CORP., *Defendant.*	Case No.: 0:24-cv-4149 **COMPLAINT FOR DECLARATORY JUDGMENT OF NONINFRINGEMENT AND DEMAND FOR JURY TRIAL**

COMPLAINT

Plaintiffs Mobileye Vision Technologies Ltd. and Mobileye, Inc. (collectively, "Plaintiffs"), by and through their undersigned counsel, files this Complaint and Jury Demand against Defendant Facet Technology Corporation ("Facet" or "Defendant"), and alleges as follows:

NATURE OF THE ACTION

1. This is an action for declaratory judgment of noninfringement of United States Patents pursuant to the Declaratory Judgment Act, 28 U.S.C. §§ 2201-2202, and the Patent Laws of the United States, 35 U.S.C. §§ 1 et seq.

2. Plaintiffs seek a declaratory judgment that Plaintiffs do not infringe the claims of U.S. Patent Nos. 9,335,255 (the "'255 patent") and 9,671,328 (the "'328 patent").

3. By this action, Plaintiffs seek to resolve an actual, immediate, substantial, and justiciable controversy between them and Defendant.

PARTIES

4. Plaintiff Mobileye Vision Technologies Ltd. is a company organized and existing under the laws of Israel, and maintains its principal place of business at Har Hotzvim, Shlomo Momo HaLevi Street 1, Jerusalem, Israel 9777015.

5. Plaintiff Mobileye, Inc. is a company organized and existing under the laws of Delaware, and maintains its headquarters at 25301 Dequindre Road, Madison Heights, MI 48071.

6. On information and belief, Defendant Facet is a corporation organized and existing under the laws of Minnesota and located at 1044 Rosemary Circle, Chaska, MN 55318.

JURISDICTION AND VENUE

7. The Court has subject matter jurisdiction over this action pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202; 28 U.S.C. §§ 1331 and 1338; and the Patent Laws of the United States, 35 U.S.C. §§ 1 et seq.

8. The Court has personal jurisdiction over Facet at least because Facet is a company that, upon information and belief, is incorporated in Minnesota and maintains its principal place of business in Minnesota, and because of Facet's continuous and systematic contacts with the State of Minnesota.

9. Venue is proper in this judicial district under 28 U.S.C. § 1391, at least because Defendant the District of Minnesota is the judicial district where Defendant

resides, for example, because Facet, upon information and belief, is incorporated in Minnesota and maintains its principal place of business in Minnesota.

PATENTS-IN-SUIT

10. The ’255 patent bears the title “System and assessment of reflective objects along a roadway,” and states that it issued on May 10, 2016. The ’255 patent identifies James E. Retterath and Robert A. Laumeyer as the named inventors. A copy of the ’255 patent is attached as Exhibit A. The ’255 patent expired no later than August 10, 2021.

11. The United States Patent and Trademark Office Assignment Database contains a record of an exclusive patent license agreement of the ’255 patent from Mandli Communications, Inc. to Defendant executed April 29, 2021, and recorded January 11, 2024, at Reel/frame 066272/0313. The exclusive license agreement purports to exclusively grant Defendant “all substantial rights in and to the Patent Family,” including the ’255 patent.

12. The ’255 patent issued with twenty-three claims. Claims 1, 12, and 17 are all independent claims.

13. The ’328 patent bears the title “System and assessment of reflective objects along a roadway,” and states that it issued on June 6, 2017. The ’328 patent identifies James E. Retterath and Robert A. Laumeyer as the named inventors. A copy of the ’328 patent is attached as Exhibit B. The ’328 patent expired no later than August 10, 2021.

14. The United States Patent and Trademark Office Assignment Database contains a record of an exclusive patent license agreement of the ’328 patent from Mandli Communications, Inc. to Defendant executed April 29, 2021, and recorded January 11,

2024, at Reel/frame 066272/0313. The exclusive license agreement purports to exclusively grant Defendant "all substantial rights in and to the Patent Family," including the '328 patent.

15. The '328 patent issued with twenty-two claims. Claims 1, 9, and 17 are all independent claims.

DEFENDANT'S LAWSUIT AGAINST GENERAL MOTORS

16. On January 26, 2024, Defendant filed a complaint for patent infringement against General Motors ("GM Complaint"), in the United States District Court for the Eastern District of Texas (Civil Action No. 2:24-cv-00035-RWS-RSP) alleging infringement of the '255 and '328 patents. A copy of the complaint is attached as Exhibit C.

17. The GM Complaint alleges that GM infringes the '255 and '328 patents by virtue of GM products incorporating EyeQ3 and/or EyeQ4 Systems-on-Chip (SoCs) to implement lane keep assist and lane departure warning technology. *See* Exhibit C at ¶¶ 43, 52, 76.

18. Plaintiffs develop and/or sell products that primarily target mobile-based solutions including optical and image processing technologies. Certain of Plaintiffs' products constitute and/or incorporate the EyeQ3 and/or EyeQ4 SoCs that support computationally intense vision tasks, including for use in the driver-assist and autonomous-driving markets, and that are accused of infringement in the GM Complaint.

DEFENDANT'S LAWSUIT AGAINST MOBILEYE GLOBAL INC.

19. On January 26, 2024, Defendant filed a complaint for patent infringement against a separate U.S.-based entity, Mobileye Global, Inc. ("Global"), in the United States District Court for the Eastern District of Texas (Civil Action No. 2:24-cv-00058-RWS-RSP) alleging infringement of the '255 and '328 patents. A copy of the complaint is attached as Exhibit D.

20. Defendant alleges in its complaint that it "is the owner by assignment . . . of all rights, title, and interest in and to" the '255 and '328 patents. *See* Exhibit D at ¶¶ 19, 29.

21. Defendant's allegations of infringement of the '255 and '328 patents are based on the alleged manufacture, use, sale or offer for sale of automotive vehicles that incorporate the EyeQ3 and EyeQ4 SoCs. *See* Exhibit D at ¶¶ 52-53, 75-76.

22. Defendant generally alleges that Global "has made, used, offered for sale, and sold in the United States, products and systems that directly infringe" both patents. *See, e.g.,* Exhibit D at ¶¶ 52, 75.

23. In connection with the action against Global, Defendant served infringement contentions on August 26, 2024, accusing Global of infringing claims 12-15 and 17 of the '255 patent and claims 1, 3-4, 9-13, and 17-19 of the '328 patent.

24. Defendant's infringement contentions allege that Global's "Lane Departure Warning ("LDW") Technologies [] utilize Mobileye EyeQ3 and Mobileye EyeQ4 [SoCs] implemented into various vehicle manufacturer's vehicles." Exhibit E. Certain of

Plaintiffs' products constitute and/or incorporate the EyeQ3 and/or EyeQ4 SoCs that are accused of infringement in the complaint against Global.

25. On April 4, 2024, Global filed a motion to dismiss because the Complaint failed to include a plausible venue allegation. By its motion, Global correctly asserted that it did not reside in the Eastern District of Texas, being a Delaware corporation, and did not have a place of business or other physical location in the district. On September 18, 2024, following a full briefing on the motion and discussions at the scheduling conference, the Texas court granted Facet 60 days to conduct discovery concerning venue after the Texas court found "that the allegations of the Complaint concerning collaborations with third parties do not properly allege that [Global] has a regular and established place of business in the District, as required by 28 U.S.C. § 1400(b)."

26. In the Texas Eastern District suit against Global, the parties negotiated and agreed to be bound by a Scheduling Order which the Court adopted, setting September 16, 2024, as the final date to add parties to the suit. That date passed without Facet adding any additional Defendants.

27. Plaintiffs' allegedly infringing EyeQ3 and EyeQ4 SoCs, including the lane departure warning technologies implemented therein, do not infringe and have not infringed, either directly or indirectly, any claim of the '255 and '328 patents. In view of Defendant's allegations that certain technologies implemented on Plaintiffs' EyeQ3 and EyeQ4 SoCs infringe the '255 and '328 patents, and its patent infringement claims against automotive vehicle manufacturers allegedly containing the EyeQ3 and EyeQ4

products—a substantial controversy exists between the parties which is of sufficient immediacy and reality to warrant declaratory relief.

28. Based upon Facet's conduct to date, Plaintiffs have a reasonable apprehension of suit and continued litigation by Facet against the accused EyeQ3 and EyeQ4 products.

FIRST CAUSE OF ACTION
(Declaratory Judgment of Non-Infringement of the '255 Patent)

29. Plaintiffs reallege and incorporate paragraphs 1 to 28 as if fully set forth herein.

30. An actual controversy exists with respect to the '255 patent due at least to Defendant's assertion that the EyeQ3 and EyeQ4 SoCs implementing lane departure warning technologies infringe claims 12-15 and 17 of the '255 patent. Defendant's wrongful assertion of the '255 patent against the EyeQ3 and EyeQ4 SoCs has caused and will continue to cause Plaintiffs injury-in-fact.

31. Facet has alleged and continues to allege that the EyeQ3 and EyeQ4 SoCs, including the lane departure warning technologies implemented therein, are infringing claims 12-15 and 17 of the '255 patent.

32. The asserted independent claims of the '255 patent recite:

Claim Element	Recitation
Claim 12	
[12pre]	An automated method of assessing reflective surfaces disposed along a roadway comprising:
[12A]	activating a light source as the light source is traversed along a roadway to illuminate an area that includes at least one

	reflective surface on a road marker, the road marker having a reflective characteristic;
[12B]	determining a plurality of light intensity values with at least one intensity sensor directed to cover a field of view which includes at least a portion of the area illuminated by the light source; and
[12C]	using a computer processing system configured to: identify a portion of at least one light intensity value of the plurality of light intensity values associated with one of the at least one reflective surface of the road marker; and
[12D]	analyze the portion of the at least one light intensity value of the plurality of light intensity values to determine an assessment for the reflective characteristic of the road marker.
Claim 17	
[17pre]	An automated system for assessing reflective surfaces disposed along a roadway comprising:
[17A]	a light source that is traversed along a roadway to illuminate an area that includes at least one reflective surface on a road marker, the road marker having a reflective characteristic;
[17B]	means for determining a plurality of light intensity values directed to cover a field of view which includes at least a portion of the area illuminated by the light source; and
[17C]	a computer processing system configured to: identify a portion of at least one light intensity value of the plurality of light intensity values associated with one of the at least one reflective surface of the road marker; and
[17D]	analyze the portion of the at least one light intensity value of the plurality of light intensity values to determine an assessment for the reflective characteristic of the road marker.

33. Plaintiffs do not infringe, either directly or indirectly, any claims of the ’255 patent, at least because, by way of non-limiting example, the EyeQ3 and EyeQ4 products do not meet claim limitations [12B], [12C], [12D], [17B], [17C], and [17D] above. Claims 13-15 depend from claim 12 and therefore include these same claim

limitations. Plaintiffs have not infringed and do not infringe any valid and/or enforceable claim of the ’255 patent, directly or indirectly, literally or under the doctrine of equivalents, through, for example, the manufacture, use, sale, and/or offer for sale of the EyeQ3 and EyeQ4 SoCs.

34. As a result of the acts described in the foregoing paragraphs, there exists a substantial controversy of sufficient immediacy and reality to warrant the issuance of a declaratory judgment.

35. In view of the foregoing, Plaintiffs seek and are entitled to a declaratory judgment that at least the manufacture, use, sale, and offer for sale of EyeQ3 and EyeQ4 SoCs, including the lane departure warning technologies implemented therein, have not infringed and do not infringe any claim of the ’255 patent. A judicial determination of the respective rights of the parties with respect to noninfringement of the claims of the ’255 patent is necessary and appropriate under 28 U.S.C. § 2201 to resolve the parties’ dispute regarding alleged infringement of the ’255 patent.

SECOND CAUSE OF ACTION
(Declaratory Judgment of Invalidity of the ’255 Patent)

36. Plaintiffs reallege and incorporate paragraphs 1 to 28 as if fully set forth herein.

37. An actual controversy exists with respect to the ’255 patent due at least to Defendant’s assertion that the EyeQ3 and EyeQ4 SoCs implementing lane departure warning technologies infringe claims 12-15 and 17 of the ’255 patent. Defendant’s

wrongful assertion of the ’255 patent against EyeQ3 and EyeQ4 SoCs has caused and will continue to cause Plaintiffs injury-in-fact.

38. Each claim of the ’255 patent is invalid for failure to satisfy one or more conditions for patentability set forth in 35 U.S.C. § 101 et seq., including but not limited to Sections 102, 103, and 112.

39. For example, claims 12-15 and 17-23 of the ’255 patent are invalid under 35 U.S.C. § 103 for the reasons articulated in the petition for *inter partes* review of the ’255 patent, filed on August 1, 2024, by Global, which is herein incorporated by reference. *Mobileye Global, Inc. v. Mandli Commc’ns, Inc.*, IPR2024-01110, Paper 1 (PTAB Aug. 1, 2024). Claims 12-15 and 17-23 of the ’255 patent are invalid, for example, under §§ 102 and 103 based on at least the following references (each of which is prior art to the ’255 patent), or combinations thereof:

- U.S. Patent Application Publication No. 2002/0063638 to Gallagher
- U.S. Patent No. 5,796,094 to Schofield et al.
- U.S. Patent No. 5,202,742 to Frank et al.
- John J. Lumia, A Mobile System for Measuring Retroreflectance of Traffic Signs, Optics, Illumination, and Image Sensing for Machine Vision V, Donald J. Svetkoff, Editor, Proc. SPIE 1385, pp. 15-26 (1991)
- U.S. Patent No. 5,162,643 to Currie

40. In view of the foregoing, Plaintiffs seek and are entitled to declaratory judgment that the claims of the ’255 patent are invalid. A judicial determination of the respective rights of the parties with respect to the invalidity of the claims of the ’255

patent is necessary and appropriate under 38 U.S.C. § 2201 to resolve the parties' dispute regarding the '255 patent.

THIRD CAUSE OF ACTION
(Declaratory Judgment of Non-Infringement of the '328 Patent)

41. Plaintiffs reallege and incorporate paragraphs 1 to 28 as if fully set forth herein.

42. An actual controversy exists with respect to the '328 patent due at least to Defendant's assertion that the EyeQ3 and EyeQ4 SoCs implementing lane departure warning technologies infringe claims 1-4, 8-13, and 17-19 of the '328 patent. Defendant's wrongful assertion of the '328 patent against EyeQ3 and EyeQ4 SoCs has caused and will continue to cause the Plaintiffs injury-in-fact.

43. Facet has alleged and continues to allege that the EyeQ3 and EyeQ4 SoCs made, used, and/or sold by the Plaintiffs and/or GM infringe claims 1-4, 8-13, and 17-19 of the '328 patent.

44. The asserted independent claims of the '328 patent recite:

Claim Element	Recitation
Claim 1	
[1pre]	An automated system that detects and determines reflective surfaces of interest in a scene of non-retroreflective surfaces along a roadway that is being traversed by a vehicle, the automated system comprising:
[1A]	an image capture system that captures images within a field of view along the roadway;
[1B]	an active light sensor including:
[1C]	a light source that illuminates an area along the roadway; and

[1D]	a light sensor that measures light intensity values within at least a portion of the area illuminated by the light source; and
[1E]	a computer processing system operably connected to the image capture system, and the active light sensor and configured to detect objects of interest within the field of view and for each object of interest:
[1F]	determine whether the object of interest includes a reflective surface based on the light intensity values;
[1G]	determine whether the reflective surface is a road marker based on an assessment of the reflective surface; and
[1H]	determine a location of the road marker.
Claim 9	
[9pre]	An automated system for assessing reflective surfaces disposed along a roadway comprising:
[9A]	an active light sensor that is traversed along a roadway that includes at least one reflective surface on a road marker, the road marker having a reflective characteristic, the active light sensor including:
[9B]	a light source to illuminate an area that includes the at least one reflective surface; and
[9C]	a light sensor that measures a plurality of light intensity values within a field of view which includes at least a portion of the area illuminated by the light source; and
[9D]	a computer processing system operably connected to the active light sensor and configured to detect objects of interest within the field of view and for each object of interest:
[9E]	determine whether the object of interest includes at least one light intensity value associated with a reflective surface of a road marker in the field of view; and
[9F]	analyze the at least one light intensity value to determine an assessment of a discrete location of the road marker within the field of view.
Claim 17	
[17pre]	An automated method for assessing reflective surfaces disposed along a roadway comprising:
[17A]	activating a light source as the light source is traversed along a roadway to illuminate an area that includes at least one reflective surface on a road marker, the road marker having a reflective characteristic;

[17B]	determining a plurality of light intensity values with at least one intensity sensor directed to cover a field of view which includes at least a portion of the area illuminated by the light source; and
[17C]	using a computer processing system configured to: identify at least one light intensity value of the plurality of light intensity values associated with one of the at least one reflective surface of the road marker in the field of view; and
[17D]	[using a computer processing system configured to] analyze the at least one light intensity value of the plurality of light intensity values to determine an assessment of a discrete location of the road marker within the field of view.

45. The Plaintiffs do not infringe, either directly or indirectly, any claims of the ’328 patent, at least because, by way of non-limiting example, the EyeQ3 and EyeQ4 products do not meet claim limitations [1D], [1E], [1F], [9C], [9E], [9F], [17B], [17C], and [17D] above. Claims 2-4, 8, 10-13, 18, and 19 depend from claims 1, 9, or 17 and therefore include these same claim limitations. The Plaintiffs have not infringed and do not infringe any valid and/or enforceable claim of the ’328 patent, directly or indirectly, literally or under the doctrine of equivalents, through, for example, the manufacture, use, sale, and/or offer for sale of EyeQ3 and EyeQ4 products.

46. As a result of the acts described in the foregoing paragraphs, there exists a substantial controversy of sufficient immediacy and reality to warrant the issuance of a declaratory judgment.

47. In view of the foregoing, Plaintiffs seek and are entitled to declaratory judgment that at least the manufacture, use, sale, and offer for sale of EyeQ3 and EyeQ4 SoCs, including the lane departure warning technologies implemented therein, have not infringed and do not infringe any claim of the ’328 patent. A judicial determination of the

respective rights of the parties with respect to noninfringement of the claims of the ’328 patent is necessary and appropriate under 28 U.S.C. § 2201 to resolve the parties’ dispute regarding alleged infringement of the ’328 patent.

FOURTH CAUSE OF ACTION
(Declaratory Judgment of Invalidity of the ’328 Patent)

48. Plaintiffs reallege and incorporate paragraphs 1 to 28 as if fully set forth herein.

49. An actual controversy exists with respect to the ’328 patent due at least to Defendant’s assertion that the EyeQ3 and EyeQ4 SoCs implementing lane departure warning technologies infringe claims 1-4, 8-13, and 17-19 of the ’328 patent. Defendant’s wrongful assertion of the ’328 patent against EyeQ3 and EyeQ4 SoCs has caused and will continue to cause the Plaintiffs injury-in-fact.

50. Each claim of the ’328 patent is invalid for failure to satisfy one or more conditions for patentability set forth in 35 U.S.C. § 101 et seq., including but not limited to Sections 102, 103, and 112.

51. For example, claims 1-22 of the ’328 patent are invalid under 35 U.S.C. § 103 for the reasons articulated in the petition for *inter partes* review of the ’328 patent, filed on August 1, 2024, by Global, which is herein incorporated by reference. *Mobileye Global, Inc. v. Mandli Commc’ns, Inc.*, IPR2024-01111, Paper 1 (PTAB Aug. 1, 2024). Claims 1-22 of the ’328 patent are invalid, for example, under §§ 102 and 103 based on at least the following references (each of which is prior art to the ’328 patent), or combinations thereof:

- U.S. Patent Application Publication No. 2002/0063638 to Gallagher
- U.S. Patent No. 5,796,094 to Schofield et al.
- U.S. Patent No. 5,202,742 to Frank et al.
- American Society for Testing and Materials D4383–96, Standard Specification for Plowable, Raised Retroreflective Pavement Markers (July 1996)
- U.S. Patent No. 5,313,262 to Leonard
- International Publication No. WO 96/17258 to Popovich

52. In view of the foregoing, Plaintiffs seek and are entitled to declaratory judgment that the claims of the ’328 patent are invalid. A judicial determination of the respective rights of the parties with respect to the invalidity of the claims of the ’328 patent is necessary and appropriate under 38 U.S.C. § 2201 to resolve the parties’ dispute regarding the ’328 patent.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands judgment as follows:

A. Declaratory judgment that Plaintiffs’ products, including the EyeQ3 and EyeQ4, do not infringe, directly or indirectly, any valid or enforceable claim of the ’255 patent;

B. Declaratory judgment that the claims of the ’255 patent are invalid;

C. Declaratory judgment that Plaintiffs’ products, including the EyeQ3 and EyeQ4, do not infringe, directly or indirectly, any valid or enforceable claim of the ’328 patent;

D. Declaratory judgment that the claims of the ’328 patent are invalid;

E. Preliminary and permanent injunctive relief restraining Defendant and its agents, servants, employees, successors and assigns, and all others in concert and privity with them from wrongfully asserting either of the ’255 and ’328 patents against Plaintiffs’ products;

F. A declaration that this action is an exceptional case under 35 U.S.C. § 285;

G. An award to Plaintiff of their attorneys’ fees and costs incurred in this Action; and

H. A grant of such other and further relief as this Court deems just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiffs demand a trial by jury on all issues so triable.

Dated: November 7, 2024

Respectfully submitted,

/s/ Sanjiv P. Laud

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