

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

LONGHORN AUTOMOTIVE GROUP LLC,

Plaintiff,

v.

VOLKSWAGEN AG,

Defendant.

Case No. 2:24-cv-00933-JRG
(LEAD CASE)

JURY TRIAL DEMANDED

LONGHORN AUTOMOTIVE GROUP LLC,

Plaintiff,

v.

MAZDA MOTOR CORPORATION,

Defendant.

Case No. 2:24-cv-00686-JRG
(MEMBER CASE)

JURY TRIAL DEMANDED

**PLAINTIFF'S DISCLOSURE OF ASSERTED CLAIMS
AND INFRINGEMENT CONTENTIONS**

Plaintiff Longhorn Automotive Group LLC ("LAG" or "Plaintiff") hereby makes the following infringement disclosures under the Patent Local Rules with respect to U.S. Patent No. 8,810,803 (the "'803 Patent"), U.S. Patent No. 7,987,002 (the "'002 Patent"), U.S. Patent No. 7,513,238 (the "'238 Patent"), U.S. Patent No. 8,265,353 (the "'353 Patent"), and U.S. Patent No. 8,085,192 (the "'192 Patent") (collectively, the "Asserted Patents"). LAG's investigation is ongoing and discovery is not open. Accordingly, these disclosures are based on information available to LAG at this time. LAG reserves the right to supplement these disclosures after further discovery from Defendants' and non-parties, particularly documents and other discovery regarding

Defendant's accused products. LAG also reserves the right to assert additional claims of the Asserted Patents, accuse different products, or find alternative literal and/or equivalent infringing elements in Defendant's products.

I. DISCLOSURE OF ASSERTED CLAIMS AND INFRINGEMENT CONTENTIONS PURSUANT TO PATENT LOCAL RULE 3-1

A. ASSERTED CLAIMS

Defendant Volkswagen AG ("VWAG" or "Defendant") has infringed and/or continues to infringe one or more of the following claims of the Asserted Patents in connection with the Accused Products set forth below:

- Claims 1 through 17 of the '803 Patent;
- Claims 1 through 29 of the '002 Patent;
- Claims 1 through 14 of the '238 Patent;
- Claims 1 through 18 of the '353 Patent; and
- Claims 1-6, 9, 11-22 of the '192 Patent.

B. ACCUSED INSTRUMENTALITIES

1. Accused Products

LAG is currently aware that all versions and variants of VWAG vehicles, systems, applications, and software, made, sold, offered for sale, used, or imported in the United States since 2018 ("Accused Products") infringe the Asserted Patents. LAG is currently aware that certain of Defendant's products infringe one or more of the Asserted Patents. Upon information and belief, these Accused Products include VWAG vehicles, systems, applications, and software that include technology which infringe the Asserted Patents. For example, and without limitation, exemplary infringing VWAG products, include at least the following: VW ID.4, the VW Atlas, the VW Atlas Cross Sport, the VW Taos, the VW Jetta, the VW Jetta GLI, the VW Arteon, the

VW Golf R, and the VW Golf GTI; Audi models including, but not limited to, the e-tron GT models, the Q4 e-tron models, the Q8, e-tron models, the Q3 models, the Q5 models, the Q7 models, the Q8 models, the A3 models, the A4 models, the A5 models, the A6 models, the A7 models, the TT models, and the R8 models, among other vehicles other vehicles and other infringing technology, such as Volkswagen Car-Net, Audi Connect, myAudi Application and services, myVW Mobile Application an services, headlight systems, internal combustion engines, driver assistance systems, and any related components, accessories, applications, services, and devices related thereto and identified herein, made, used, sold, offered for sale, and/or imported by VWAG in the United States since 2018, and/or exported by VWAG from the United States, and/or vehicles, systems, applications, and software, made, used, sold, offered for sale, and/or imported in the United States since 2018 by VWAG customers.¹

2. Claim Charts

A claim chart identifying a location of every element of every asserted claim of the '803 Patent within the Accused Products is attached hereto as **Appendix A**. LAG believes that the Accused Products cited in the claim charts are representative of the Accused Products, including all generations and versions.

A claim chart identifying a location of every element of every asserted claim of the '002 Patent within the Accused Products is attached hereto as **Appendices B**. LAG believes that the Accused Products cited in the claim charts are representative of the Accused Products, including all generations and versions.

¹ LAG has provided additional information regarding certain aspects of the Accused Products in the attached claim charts of **Appendices A-E**.

A claim chart identifying a location of every element of every asserted claim of the '238 Patent within the Accused Products is attached hereto as **Appendix C**. LAG believes that the Accused Products cited in the claim charts are representative of the Accused Products, including all generations and versions.

A claim chart identifying a location of every element of every asserted claim of the '353 Patent within the Accused Products is attached hereto as **Appendix D**. LAG believes that the Accused Products cited in the claim charts are representative of the Accused Products, including all generations and versions.

A claim chart identifying a location of every element of every asserted claim of the '192 Patent within the Accused Products is attached hereto as **Appendix E**. LAG believes that the Accused Products cited in the claim charts are representative of the Accused Products, including all generations and versions.

LAG reserves the right to amend these claim charts, as well as other information contained in this document and the Appendices attached hereto, to incorporate new information learned during the course of discovery including, but not limited to, information that is not publicly available or readily discernible without discovery. LAG further reserves the right to amend these claim charts, as well as other information contained in this document and the exhibits attached hereto, pursuant to Patent Local Rules 3-1 and 3-6, and the Court's Standing Proposed Discovery Order Section 3(a)(i).

C. LITERAL INFRINGEMENT AND DOCTRINE OF EQUIVALENTS

LAG asserts that, under the proper construction of the asserted claims and their claim terms, the limitations of the asserted claims of the LAG patents are literally present in the Accused Products, as set forth in the claim charts attached hereto as **Appendices A-E**. LAG contends that

any and all elements found not to be literally infringed are infringed under the doctrine of equivalents because the differences between the claimed inventions and the accused instrumentalities, if any, are insubstantial.

LAG also contends that Defendant has directly infringed and/or continues to directly infringe the asserted claims by making, using offering for sale, selling, and importing into the United States the accused instrumentalities. Moreover, Defendant has directly infringed and/or continues to directly infringe the asserted method claims by using (*i.e.*, Defendant's employees testing, demonstrating, troubleshooting, and/or servicing the Accused Products) in the United States. Furthermore, Defendant has indirectly infringed and/or continues to indirectly infringe by contributing to and/or inducing others (*e.g.*, Defendant's suppliers, Defendant's customers or their customers' customers) to directly infringe those claims by making, using, offering for sale, or selling the Accused Products. Such indirect infringement is further evidenced by Defendant's technical materials and marketing materials including, but not limited to, marketing materials, product briefs, product specifications, troubleshooting guides, technical support websites, reference manuals, and other business documents and communications conveyed to Defendant's customers.

LAG also contends that Defendant has contributorily infringed and/or continues to contributorily infringe with the knowledge that the Accused Products, or the use thereof, infringe the Asserted Patents. Defendant has knowingly and intentionally contributed to the direct infringement of the Asserted Patents by others, by supplying the Accused Products and/or associated software, that embody a material part of the claimed invention of the Asserted Patents, that are known by Defendant to be specially made or adapted for use in an infringing manner, and are not staple articles with substantial non-infringing uses.

Pursuant to Patent Local Rule 3-6(a)(1), LAG reserves the right to amend its infringement contentions as to literal infringement or infringement under the doctrine of equivalents in light of the Court's claim construction.

D. APPLICATION PRIORITY DATES

Each of the asserted claims of the '803 Patent claim priority to U.S. Application No. 12/269,849, filed on November 12, 2008.

Each of the asserted claims of the '002 Patent claim priority to International Application PCT/SE04/001540, filed on October 25, 2004.

Each of the asserted claims of the '238 Patent claim priority to International Application PCT/EP2004/011637, filed October 15, 2004.

Each of the asserted claims of the '353 Patent are entitled to the priority to the date of its own U.S. Patent Application No. 10/955,037, filed on September 20, 2004.

Each of the asserted claims of the '192 Patent are entitled to the priority to the date of U.S. Patent Application No. 11/220,232, filed on September 6, 2005.

E. PRODUCTS THAT PRACTICE THE ASSERTED PATENTS

LAG is continuing to investigate what products and/or historical products may practice the claimed inventions, including those products of third parties (*e.g.*, previous assignees) of the Asserted Patents. At the present time LAG is not currently aware of any past products that practice its patents. LAG's investigation is ongoing, and LAG will supplement these contentions following its investigation (and claim construction as necessary).

II. PRODUCTION OF DOCUMENTS PURSUANT TO PATENT LOCAL RULE 3-2

LAG is producing or making available for inspection documents that are in LAG's possession, custody, or control as set forth in Patent Local Rule 3-2. An LAG 3-2 Production Index identifying these documents is attached hereto.

This preliminary identification of documents is for convenience and is not an admission that each document falls within any exemplary categories in the Patent Local Rules, or that any document qualifies as prior art. Thus, LAG reserves its right to add to, delete from, or otherwise modify its disclosures in this section as its investigation proceeds.

Production of these documents is governed by Patent Local Rule 2-2 and, with the exception of documents produced pursuant to P.R. 3.2(c) and public documents listed in the infringement charts, are considered "Confidential – Outside Attorneys Eyes Only" and disclosure of the confidential document or information, shall be limited to each parties' outside attorney(s) of record and the employees of such outside attorney(s).

Dated: April 4, 2025

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 Avenue

Suite 206 South

Rye, New York 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 07078
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 Street
Marshall, Texas 75670
Telephone: (903) 938-8321
Facsimile: (903) 215-8510

***ATTORNEYS FOR PLAINTIFF,
LONGHORN AUTOMOTIVE GROUP
LLC***

CERTIFICATE OF SERVICE

I hereby certify that on April 4, 2025, a true and correct copy of the above and foregoing document has been served by email on:

Elliot C. Cook
**FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP**
1875 Explorer Street, Suite 800 \\
Reston, VA 20190
Tel: (571) 203-2738
Fax: (202) 408-4400

Gerald F. Ivey
**FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP**
901 New York Avenue, N.W.
Washington, D.C. 20001-4413
Tel: (202) 408-4110
Fax: (202) 408-4400

Eric H. Findlay
FINDLAY CRAFT, P.C.
7270 Crosswater Avenue, Suite B
Tyler, Texas 75703
Tel: (903) 534-1100
Fax: (903) 534-1137

elliott.cook@finnegan.com
gerald.ivey@finnegan.com
efindlay@findlaycraft.com
***Attorneys for Defendant
Volkswagen AG***

/s/ Vincent J. Rubino, III
Vincent J. Rubino, III

LAG 3-2 PRODUCTION INDEX

3-2(c)

Bates Start	Bates End
LAG-VW00000001	LAG-VW00002532