

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UUSI, LLC, a Michigan domestic limited
Liability company, d/b/a NARTRON,

Plaintiff,

vs.

WEBASTO ROOF SYSTEMS, INC., a Delaware
Corporation,

Defendant.

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Monte L. Falcoff (P48015)
George D. Moustakas (P41631)
Timothy D. MacIntyre (P53100)
HARNESS, DICKEY & PIERCE, P.L.C.
5445 Corporate Drive, Ste. 200
Troy, MI 48098
(248) 641-1600
(248) 641-0270 Fax
mlfalcoff@hdp.com
gdmoustakas@hdp.com
tdmacintyre@hdp.com

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COMPLAINT FOR PATENT INFRINGEMENT
AND DEMAND FOR JURY TRIAL

This is an action for patent infringement in which Plaintiff, UUSI, LLC, d/b/a NARTRON (“UUSI” or “Plaintiff”), makes the following allegations against Defendant Webasto Roof Systems, Inc. (“Webasto” or “Defendant”):

The Parties

1. UUSI, LLC, d/b/a Nartron is a Michigan domestic limited liability company having its principal place of business in Reed City, Michigan.

2. Upon information and belief, Defendant Webasto (“Webasto”) is a Delaware corporation with its principal place of business at 1757 Northfield Drive, Rochester Hills, Michigan 48309.

3. Upon information and belief, Webasto conducts business in this judicial district and elsewhere throughout the United States. Webasto may be served with process through its registered agent Ted Zimbo, 1757 Northfield Drive, Rochester Hills, Michigan 48309.

Nature of the Action

4. This is a civil action for the infringement of United States Patent Nos. 6,064,165 (“the ‘165 Patent”), 7,548,037 (“the ‘037 Patent”), 7,579,802 (“the ‘802 Patent”), and 8,217,612 (“the ‘612 Patent”) (attached as Exhibits A-D, respectively) under the Patent Laws of the United States 35 U.S.C. § 1 *et seq.*

5. On information and belief, the infringing product includes, but is not limited to, the window regulator assembly shown at Exhibit E, Ford Part No. AT4Z-15790-E, for the 2012 Ford Edge.

Jurisdiction and Venue

6. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States, including 35 U.S.C. § 271 *et seq.*

7. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 and 1400(b). On information and belief, the Defendant has transacted business in this District, and has committed acts of patent infringement in this District.

8. On information and belief, Defendant is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or Michigan Long Arm Statute, due at least to its substantial business in this forum, including (i) making, using, selling, offering for sale or importing, or inducing same of others, for at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Michigan and in this District.

The Patents-in-Suit

9. On May 16, 2000, the '165 Patent, titled "Power Window or Panel Controller," was duly and legally issued by the United States Patent and Trademark Office ("USPTO"). The '165 Patent is directed among other things to a controller for energizing a power-operable element, such as a sunroof, window, door, vehicle seat, etc. The controller senses both hard and soft obstructions and de-activates or otherwise alters operation of a motor that drives the element when an obstruction is detected.

10. On June 16, 2009, the '037 Patent, titled "Collision Monitoring System," was duly and legally issued by the USPTO. The '037 Patent is directed to among other things an improved system and method for sensing both hard and soft obstructions for a movable panel.

11. On August 25, 2009, the '802 Patent, titled "Collision Monitoring System," was duly and legally issued by the USPTO. The '802 Patent is directed to among other things an improved system and method for sensing both hard and soft obstructions for a movable panel.

12. On July 10, 2012, the '612 Patent, titled "Collision Monitoring System," was duly and legally issued by the USPTO. The '612 Patent is directed to among other things an improved system and method for sensing both hard and soft obstructions for a movable panel.

13. Webasto has been put on notice through, at least, Nartron Corporation's marking of products with one or more of the Patents in Suit.

14. UUSI, LLC is the assignee of all right, title and interest in the '165, '037, '802 and '612 Patents ("Patents-in-Suit"), and possess all rights to sue and recover for any current or past infringement of the Patents-in-Suit.

Count I
Infringement of U.S. Patent No. 6,064,165

15. Paragraphs 1-14 are incorporated by reference as if fully restated herein.

16. On information and belief, Webasto has infringed, directly and indirectly, one or more claims of the '165 Patent, including for example, but not by way of limitation claim 25, literally and/or under the doctrine of equivalents, in this District and elsewhere in the United States, in violation of 35 U.S.C. § 271, by (i) manufacturing, making, using, selling, offering for sale, and/or importing components, assemblies and/or systems for sensing hard and soft obstructions for moveable panels such as a window and/or sunroof, that infringe one or more claims of the '165 Patent; and/or (ii) contributing to infringement by others, by using, selling, offering for sale, and/or importing components, assemblies and/or systems for sensing hard and soft obstructions for moveable panels such as a window and/or sunroof, in a manner that infringes one or more claims of the '165 Patent, knowing that others will use the infringing product in an infringing manner, knowing that the product constitutes a material part of the invention of the '165 Patent, knowing the product to be especially made or adapted to infringe the '165 Patent, and knowing that the product is not staple articles or commodities of commerce

suitable for substantial non-infringing use; and/or (iii) inducing infringement by others, by using, selling, offering for sale, and/or importing components, assemblies, and/or systems for sensing hard and soft obstructions for movable panels such as a window and/or sunroof, in a manner that infringes one or more claims of the '165 Patent, know the '165 Patent and its claims, knowing that others will use the infringing product in an infringing manner, and knowing and intending to encourage and facilitate those infringing uses of the infringing product through at least the creation and dissemination of engineering drawings, production parts, instruction materials, product manuals, and/or technical manuals relating to the infringing product. The infringing product includes, but is not limited to, the systems and/or assemblies pictorially identified in detail in Exhibit E.

17. On information and belief, Webasto markets a product that has competed with Plaintiff's products based on the technology in the '165 Patent including, but not limited to, systems and/or assemblies for sensing hard and soft obstructions for moveable panels such as a window and/or sunroof. Through such activities, Webasto has competed for and misappropriated sales and profits for Plaintiff's products based on the technology in the '165 Patent, including, without limitation, systems and/or assemblies for sensing hard and soft obstructions for moveable panels such as a window and/or sunroof that would have gone to Plaintiff, but for Webasto's infringing activities. As a result of the sale and/or distribution of Webasto's infringing product, Plaintiff has had lost revenue, profits and/or royalties and has suffered irreparable harm.

18. Plaintiff has been damaged by Webasto's infringing activities.

Count II
Infringement of U.S. Patent No. 7,548,037

19. Paragraphs 1-18 are incorporated by reference as if fully restated herein.

20. On information and belief, Webasto has infringed, and continues to infringe, directly and indirectly, one or more claims of the '037 Patent, including for example, but not by way of limitation claim 19, literally and/or under the doctrine of equivalents, in this District and elsewhere in the United States, in violation of 35 U.S.C. § 271, by (i) manufacturing, making, using, selling, offering for sale, and/or importing components, assemblies and/or systems for sensing hard and soft obstructions for moveable panels such as a window and/or sunroof, that infringe one or more claims of the '037 Patent; and/or (ii) contributing to infringement by others, by using, selling, offering for sale, and/or importing components, assemblies and/or systems for sensing hard and soft obstructions for moveable panels such as a window and/or sunroof, in a manner that infringes one or more claims of the '037 Patent, knowing that others will use the infringing product in an infringing manner, knowing that the product constitutes a material part of the invention of the '037 Patent, knowing the product to be especially made or adapted to infringe the '037 Patent, and knowing that the product is not staple articles or commodities of commerce suitable for substantial non-infringing use; and/or (iii) inducing infringement by others, by using, selling, offering for sale, and/or importing components, assemblies, and/or systems for sensing hard and soft obstructions for movable panels such as a window and/or sunroof, in a manner that infringes one or more claims of the '037 Patent, know the '037 Patent and its claims, knowing that others will use the infringing product in an infringing manner, and knowing and intending to encourage and facilitate those infringing uses of the infringing product through at least the creation and dissemination of engineering drawings, production parts, instruction materials, product manuals, and/or technical manuals relating to the infringing product. The infringing product includes, but is not limited to, the systems and/or assemblies pictorially identified in detail in Exhibit E.

21. Webasto's acts of infringement of the '037 Patent will continue, without authority or license, unless this Court enjoins Webasto's infringing activities.

22. On information and belief, Webasto's continued infringement, without cessation, represents willful and deliberate conduct. Webasto's infringing activities, after the date of notice, constitute acts of willful infringement, warranting the assessment of increased damages pursuant to 35 U.S.C. § 284, an award of attorney's fees and costs, as such actions warrant an exceptional case pursuant to 35 U.S.C. § 285.

23. On information and belief, Webasto markets a product that directly competes with and/or has competed with Plaintiff's products based on the technology in the '037 Patent including, but not limited to, systems and/or assemblies for sensing hard and soft obstructions for moveable panels such as a window and/or sunroof. Through such activities, Webasto competes for and misappropriates sales and profits for Plaintiff's products based on the technology in the '037 Patent, including, without limitation, systems and/or assemblies for sensing hard and soft obstructions for moveable panels such as a window and/or sunroof that would have gone to Plaintiff, but for Webasto's infringing activities. As a result of the sale and/or distribution of Webasto's infringing product, Plaintiff has lost revenue, profits and/or royalties and has suffered irreparable harm.

24. Plaintiff has been, is being, and will continue to be damaged by Webasto's infringing activities. Plaintiff's harm resulting from Webasto's infringement includes harm that is irreparable and that cannot be remedied in its entirety by the recovery of money damages. Plaintiff does not have an adequate remedy at law.

Count III
Infringement of U.S. Patent No. 7,579,802

25. Paragraphs 1-24 are incorporated by reference as if fully restated herein.

26. On information and belief, Webasto has infringed, and continues to infringe, directly and indirectly, one or more claims of the '802 Patent, including for example, but not by way of limitation claim 7, literally and/or under the doctrine of equivalents, in this District and elsewhere in the United States, in violation of 35 U.S.C. § 271, by (i) manufacturing, making, using, selling, offering for sale, and/or importing components, assemblies and/or systems for sensing hard and soft obstructions for moveable panels such as a window and/or sunroof, that infringe one or more claims of the '802 Patent; and/or (ii) contributing to infringement by others, by using, selling, offering for sale, and/or importing components, assemblies and/or systems for sensing hard and soft obstructions for moveable panels such as a window and/or sunroof, in a manner that infringes one or more claims of the '802 Patent, knowing that others will use the infringing product in an infringing manner, knowing that the product constitutes a material part of the invention of the '802 Patent, knowing the product to be especially made or adapted to infringe the '802 Patent, and knowing that the product is not staple articles or commodities of commerce suitable for substantial non-infringing use; and/or (iii) inducing infringement by others, by using, selling, offering for sale, and/or importing components, assemblies, and/or systems for sensing hard and soft obstructions for movable panels such as a window and/or sunroof, in a manner that infringes one or more claims of the '802 Patent, know the '802 Patent and its claims, knowing that others will use the infringing product in an infringing manner, and knowing and intending to encourage and facilitate those infringing uses of the infringing product through at least the creation and dissemination of engineering drawings, production parts, instruction materials, product manuals, and/or technical manuals relating to the infringing product. The infringing product includes, but is not limited to, the systems and/or assemblies pictorially identified in detail in Exhibit E.

27. Webasto's acts of infringement of the '802 Patent will continue, without authority or license, unless this Court enjoins Webasto's infringing activities.

28. On information and belief, Webasto's continued infringement, without cessation, represents willful and deliberate conduct. Webasto's infringing activities, after the date of notice, constitute acts of willful infringement, warranting the assessment of increased damages pursuant to 35 U.S.C. § 284, an award of attorney's fees and costs, as such actions warrant an exceptional case pursuant to 35 U.S.C. § 285.

29. On information and belief, Webasto markets a product that directly competes with and/or has competed with Plaintiff's products based on the technology in the '802 Patent including, but not limited to, systems and/or assemblies for sensing hard and soft obstructions for moveable panels such as a window and/or sunroof. Through such activities, Webasto competes for and misappropriates sales and profits for Plaintiff's products based on the technology in the '802 Patent, including, without limitation, systems and/or assemblies for sensing hard and soft obstructions for moveable panels such as a window and/or sunroof that would have gone to Plaintiff but for Webasto's infringing activities. As a result of the sale and/or distribution of Webasto's infringing product, Plaintiff has lost revenue, profits and/or royalties and has suffered irreparable harm.

30. Plaintiff has been, is being, and will continue to be damaged by Webasto's infringing activities. Plaintiff's harm resulting from Webasto's infringement includes harm that is irreparable and that cannot be remedied in its entirety by the recovery of money damages. Plaintiff does not have an adequate remedy at law.

Count IV
Infringement of U.S. Patent No. 8,217,612

31. Paragraphs 1-30 are incorporated by reference as if fully restated herein.

32. On information and belief, Webasto has infringed, and continues to infringe, directly and indirectly, one or more claims of the '612 Patent, including for example, but not by way of limitation claim 6, literally and/or under the doctrine of equivalents, in this District and elsewhere in the United States, in violation of 35 U.S.C. § 271, by (i) manufacturing, making, using, selling, offering for sale, and/or importing components, assemblies and/or systems for sensing hard and soft obstructions for moveable panels such as a window and/or sunroof, that infringe one or more claims of the '612 Patent; and/or (ii) contributing to infringement by others, by using, selling, offering for sale, and/or importing components, assemblies and/or systems for sensing hard and soft obstructions for moveable panels such as a window and/or sunroof, in a manner that infringes one or more claims of the '612 Patent, knowing that others will use the infringing product in an infringing manner, knowing that the product constitutes a material part of the invention of the '612 Patent, knowing the product to be especially made or adapted to infringe the '612 Patent, and knowing that the product is not staple articles or commodities of commerce suitable for substantial non-infringing use; and/or (iii) inducing infringement by others, by using, selling, offering for sale, and/or importing components, assemblies, and/or systems for sensing hard and soft obstructions for movable panels such as a window and/or sunroof, in a manner that infringes one or more claims of the '612 Patent, knowing the '612 Patent and its claims, knowing that others will use the infringing product in an infringing manner, and knowing and intending to encourage and facilitate those infringing uses of the infringing product through at least the creation and dissemination of engineering drawings, production parts, instruction materials, product manuals, and/or technical manuals relating to the infringing product. The infringing product includes, but is not limited to, the systems and/or assemblies pictorially identified in detail in Exhibit E.

33. Webasto's acts of infringement of the '612 Patent will continue, without authority or license, unless this Court enjoins Webasto's infringing activities.

34. On information and belief, Webasto's continued infringement, without cessation, represents willful and deliberate conduct. Webasto's infringing activities, after the date of notice, constitute acts of willful infringement, warranting the assessment of increased damages pursuant to 35 U.S.C. § 284, an award of attorney's fees and costs, as such actions warrant an exceptional case pursuant to 35 U.S.C. § 285.

35. On information and belief, Webasto markets a product that directly competes with and/or has competed with Plaintiff's products based on the technology in the '612 Patent including, but not limited to, systems and/or assemblies for sensing hard and soft obstructions for moveable panels such as a window and/or sunroof. Through such activities, Webasto competes for and misappropriates sales and profits for Plaintiff's products based on the technology in the '612 Patent, including, without limitation, systems and/or assemblies for sensing hard and soft obstructions for moveable panels such as a window and/or sunroof that would have gone to Plaintiff but for Webasto's infringing activities. As a result of the sale and/or distribution of Webasto's infringing product, Plaintiff has lost revenue, profits and/or royalties and has suffered irreparable harm.

36. Plaintiff has been, is being, and will continue to be damaged by Webasto's infringing activities. Plaintiff's harm resulting from Webasto's infringement includes harm that is irreparable and that cannot be remedied in its entirety by the recovery of money damages. Plaintiff does not have an adequate remedy at law.

Prayer for Relief

WHEREFORE, Plaintiff UUSI, LLC d/b/a Nartron respectfully requests that this Court enter judgment against Defendant Webasto Roof Systems, Inc., as follows:

A. Adjudging that Webasto has infringed the Patents-in-Suit in violation of 35 U.S.C. § 271;

B. Awarding Plaintiff damages to which it is entitled under 35 U.S.C. § 284 for Defendant's past infringement and any continuing or future infringement up until the date Defendant is finally and permanently enjoined from further infringement, and ordering a full account of same;

C. Awarding Plaintiff enhanced damages, up to and including trebling of Plaintiff's damages pursuant to 35 U.S.C. § 284, for Defendant's willful infringement of the Patents-in-Suit;

D. Awarding Plaintiff attorneys' fees pursuant to 35 U.S.C. § 285, for Defendant's willful infringement of the Patents-in-Suit;

E. Awarding Plaintiff pre-judgment and post-judgment interest on its damages; and

F. Awarding Plaintiff such other and further relief in law or equity that the Court deems just and proper.

Demand for Jury Trial

Plaintiff hereby demands a trial by jury on all claims and issues so triable.

Dated: April 15, 2013

Respectfully submitted,

By: s/ George D. Moustakas /
HARNESS, DICKEY & PIERCE, P.L.C.
Monte L. Falcoff (P48015)
George D. Moustakas (P41631)
Timothy D. MacIntyre (P53100)
5445 Corporate Drive, Ste. 200
Troy, MI 48098
(248) 641-1600
(248) 641-0270 Fax
mlfalcoff@hdp.com
gdmoustakas@hdp.com
tdmacintyre@hdp.com

Attorneys for Plaintiff

17599311.1