

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

FEDERAL-MOGUL S.A., a Belgium corporation,

Plaintiff,

Case No.: _____

v.

Illinois Tool Works, Inc., a Delaware corporation,

Defendant.

_____ /

COMPLAINT AND JURY DEMAND

Plaintiff Federal-Mogul S.A., through its attorneys, Dickinson Wright PLLC, states as follows for its cause of action against Defendant Illinois Tool Works, Inc., for patent infringement:

NATURE OF THE CASE

1. This is a complaint for infringement of U.S. Patent No. 8,347,449 under 35 U.S.C. § 271.

THE PARTIES

A. The Plaintiff

2. Plaintiff Federal-Mogul S.A. ("Federal-Mogul") is a Belgium corporation having a principal place of business in Aubange, Belgium.

3. Federal-Mogul is in the business of designing, manufacturing, and selling a variety of parts and components for vehicle wiper blades, including, but not limited to wiper blade assemblies.

4. Federal-Mogul is the owner by assignment of United States Patent No. 8,347,449 ("the '449 patent"), which issued on January 8, 2013, for an invention entitled "Windscreen Wiper Device." A copy of the '449 patent is attached as Exhibit A.

B. The Defendant

5. Defendant Illinois Tool Works, Inc. ("ITW") is a Delaware corporation with its principal place of business at 3600 West Lake Avenue, Glenview, Illinois 60026.

6. ITW is engaged, directly or indirectly, in the manufacture and sale of wiper blades for vehicles, including, but not limited to, at least its Rain-X Latitude® and Rain-X Repel® wiper blades.

JURISDICTION AND VENUE

7. This action arises under the patent laws of the United States, 35 U.S.C. § 1 *et seq.*

8. This Court has subject matter jurisdiction over Federal-Mogul's claims pursuant to 28 U.S.C. § 1331 and § 1338(a) because this is a civil action for patent infringement and arises under the patent laws of the United States.

9. ITW is subject to personal jurisdiction in this District by virtue of, *inter alia*, the fact that it conducts business activity within the State of Michigan and in this District, has substantial and continuous contacts within the State of Michigan and in this District, and has committed acts of patent infringement in the State of Michigan and in this District.

10. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b), (c) and § 1400(b).

COUNT I
PATENT INFRINGEMENT

11. Federal-Mogul hereby incorporates paragraphs 1 through 10 as if fully set forth herein.

12. The '449 patent was duly and legally issued by the United States Patent and Trademark Office.

13. The '449 patent is valid and enforceable.

14. Federal-Mogul S.A. owns the '449 patent by assignment.

15. ITW has been and is currently infringing, actively inducing others to infringe, and/or contributing to the infringement of, the '449 patent in violation of 35 U.S.C. § 271, by making, using, selling, and/or offering for sale, or causing or inducing the same in connection with at least its Rain-X Latitude® and Rain-X Repel® wiper blades.

16. Upon information and belief, ITW will continue to infringe the '449 patent unless and until enjoined by this Court.

17. ITW has caused and will continue to cause Federal-Mogul irreparable injury and damage by infringing the '449 patent. Federal-Mogul will suffer further irreparable injury, for which there is no adequate remedy at law, unless and until ITW is enjoined from infringing this patent.

18. Federal-Mogul is entitled to injunctive relief under 35 U.S.C. § 283.

19. Federal-Mogul is entitled to damages under 35 U.S.C. § 284 by virtue of ITW's infringement of the '449 patent.

20. Federal-Mogul is also entitled to a trebling of the damages award resulting from ITW's willful infringement of the '449 patent.

21. This is an exceptional case warranting an award of attorney's fees to Federal-Mogul under 35 U.S.C. § 285.

RELIEF REQUESTED

WHEREFORE, Federal-Mogul requests that the Court enter a judgment in its favor and against ITW and provide it the following relief:

- A. Order, adjudge and decree that ITW has infringed the '449 Patent in violation of 35 U.S.C. § 271;
- B. Order, adjudge, and decree that ITW willfully and knowingly infringed the '449 Patent;
- C. Order, adjudge and decree that this case is exceptional under 35 U.S.C. § 285;
- D. Issue injunctive relief prohibiting ITW, its respective parents, subsidiaries, principal, officers, agents, affiliates, servants, attorneys, employees, and all others in privity with it from infringing the '449 patent;
- E. Award Federal-Mogul damages for patent infringement including prejudgment interest and costs against ITW under 35 U.S.C. § 284;
- F. Award Federal-Mogul increased damages under 35 U.S.C. § 284;
- G. Award Federal-Mogul its reasonable attorney's fees under 35 U.S.C. § 285; and
- H. Award such other and further relief as the Court may deem just and proper under the circumstances.

JURY DEMAND

Plaintiff, Federal-Mogul S.A. demands a trial by jury as to all issues so triable.

Respectfully submitted,

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Dated: May 31, 2013

EXHIBIT A

U.S. PATENT NO. 8,347,449



US008347449B2

(12) **United States Patent**
Genet et al.

(10) **Patent No.:** **US 8,347,449 B2**
(45) **Date of Patent:** **Jan. 8, 2013**

(54) **WINDSCREEN WIPER DEVICE**

(75) Inventors: **Sophie Genet**, Chenieres (FR); **Pierre Henin**, Bellefontaine (BE); **Xavier Boland**, Arlon (BE)

(73) Assignee: **Federal-Mogul S.A.**, Aubange (BE)

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

(21) Appl. No.: **12/510,476**

(22) Filed: **Jul. 28, 2009**

(65) **Prior Publication Data**

US 2009/0282638 A1 Nov. 19, 2009

Related U.S. Application Data

(62) Division of application No. 10/476,929, filed on Apr. 19, 2004, now Pat. No. 7,581,277.

(30) **Foreign Application Priority Data**

May 8, 2001 (EP) 01201671

(51) **Int. Cl.**
B60S 1/38 (2006.01)

(52) **U.S. Cl.** **15/250,201; 15/250.43**

(58) **Field of Classification Search** **15/250.201, 15/250.43, 250.44, 250.361, 250.32, 250.451 250.454**
See application file for complete search history.

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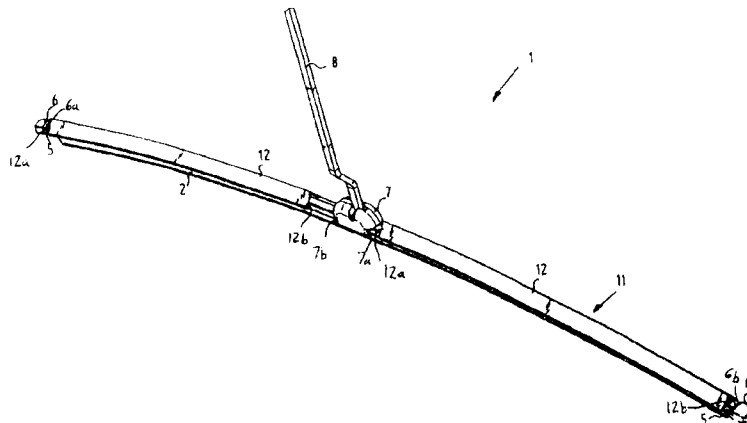
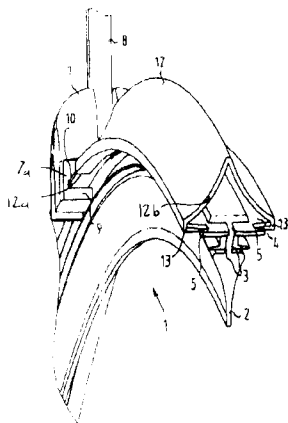
Primary Examiner - Gary Graham

(74) *Attorney, Agent, or Firm* Robert L. Stearns; Dickinson Wright, PLLC

(57) **ABSTRACT**

A windscreen wiper device comprising an elastic, elongated carrier element, as well as an elongated wiper blade of a flexible material, which can be placed in abutment with a windscreen to be wiped, which wiper blade includes opposing longitudinal grooves on its longitudinal sides, in which grooves spaced-apart longitudinal strips of the carrier element are disposed, wherein neighboring ends of said longitudinal strips are interconnected by a respective connecting piece, which windscreen wiper device comprises a connecting device for an oscillating wiper arm, as well as a spoiler, a special feature of which is that the spoiler as a separate constructional element is detachably connected to the wiper blade.

14 Claims, 3 Drawing Sheets



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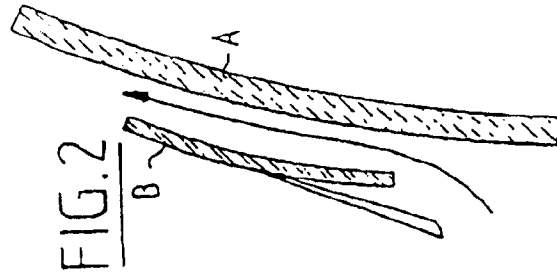


FIG. 2

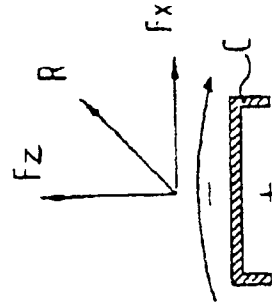


FIG. 4

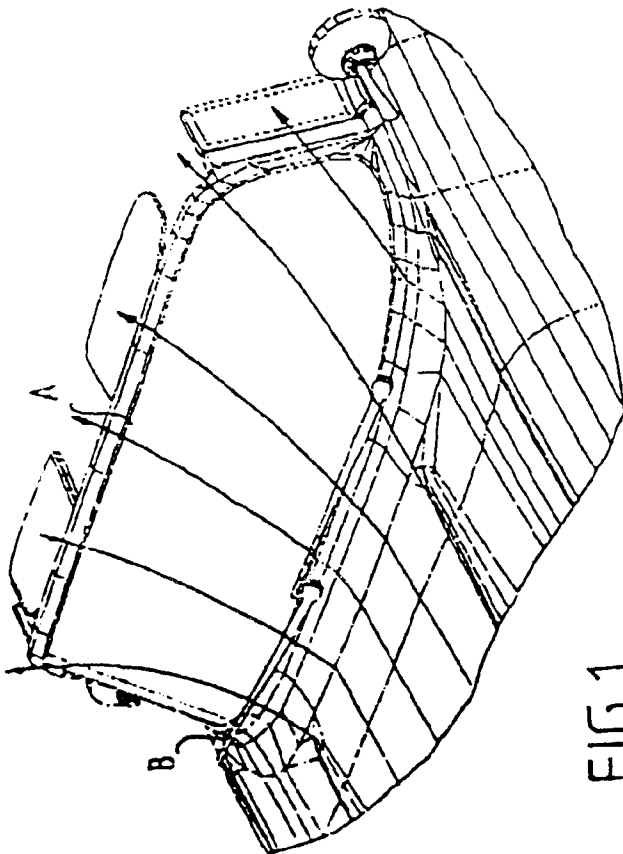


FIG. 1

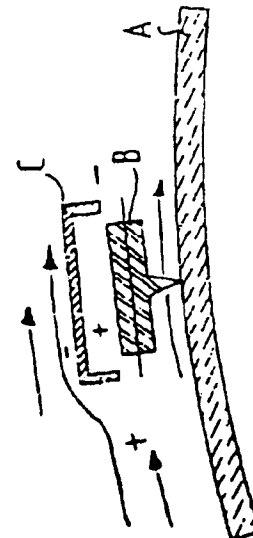


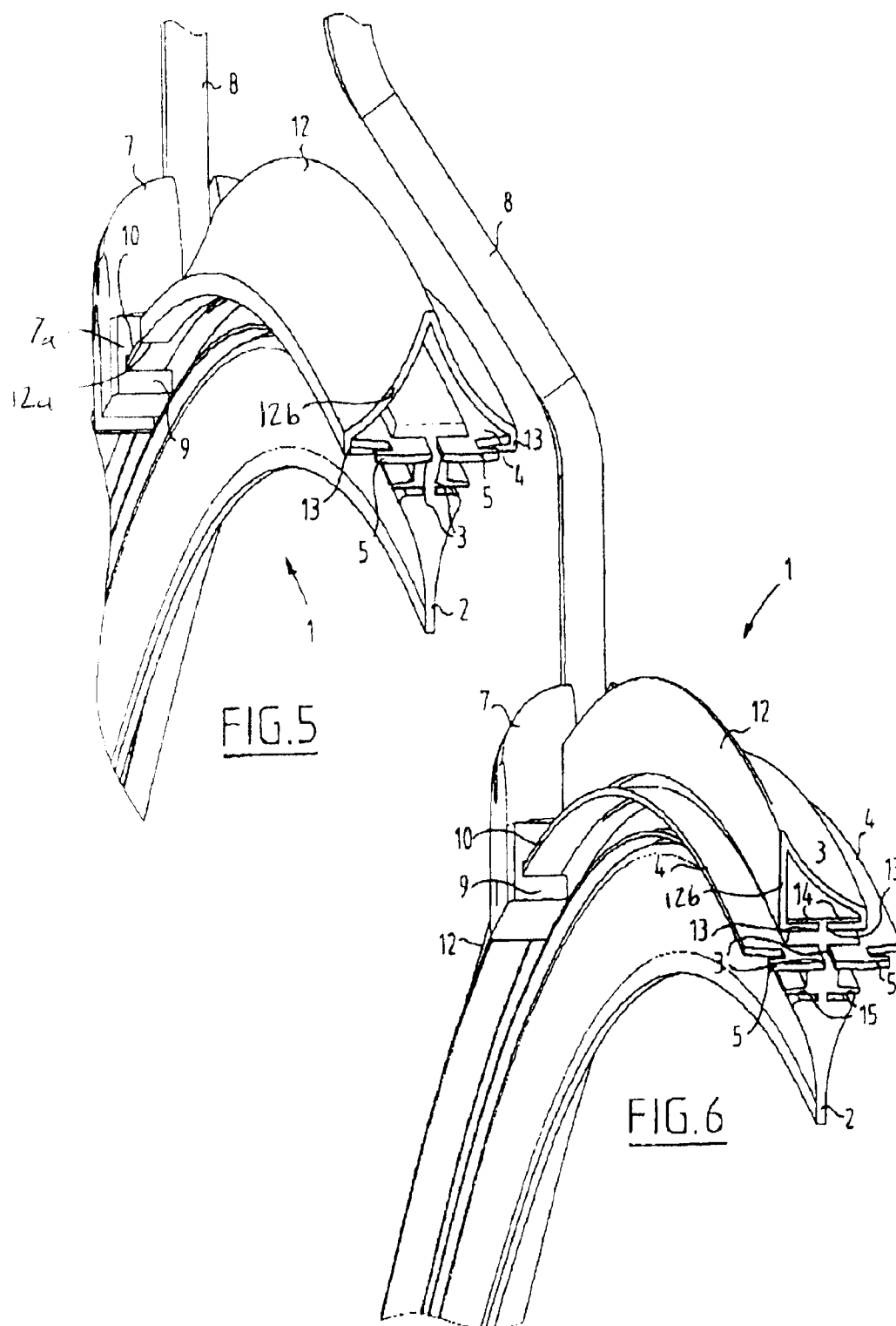
FIG. 3

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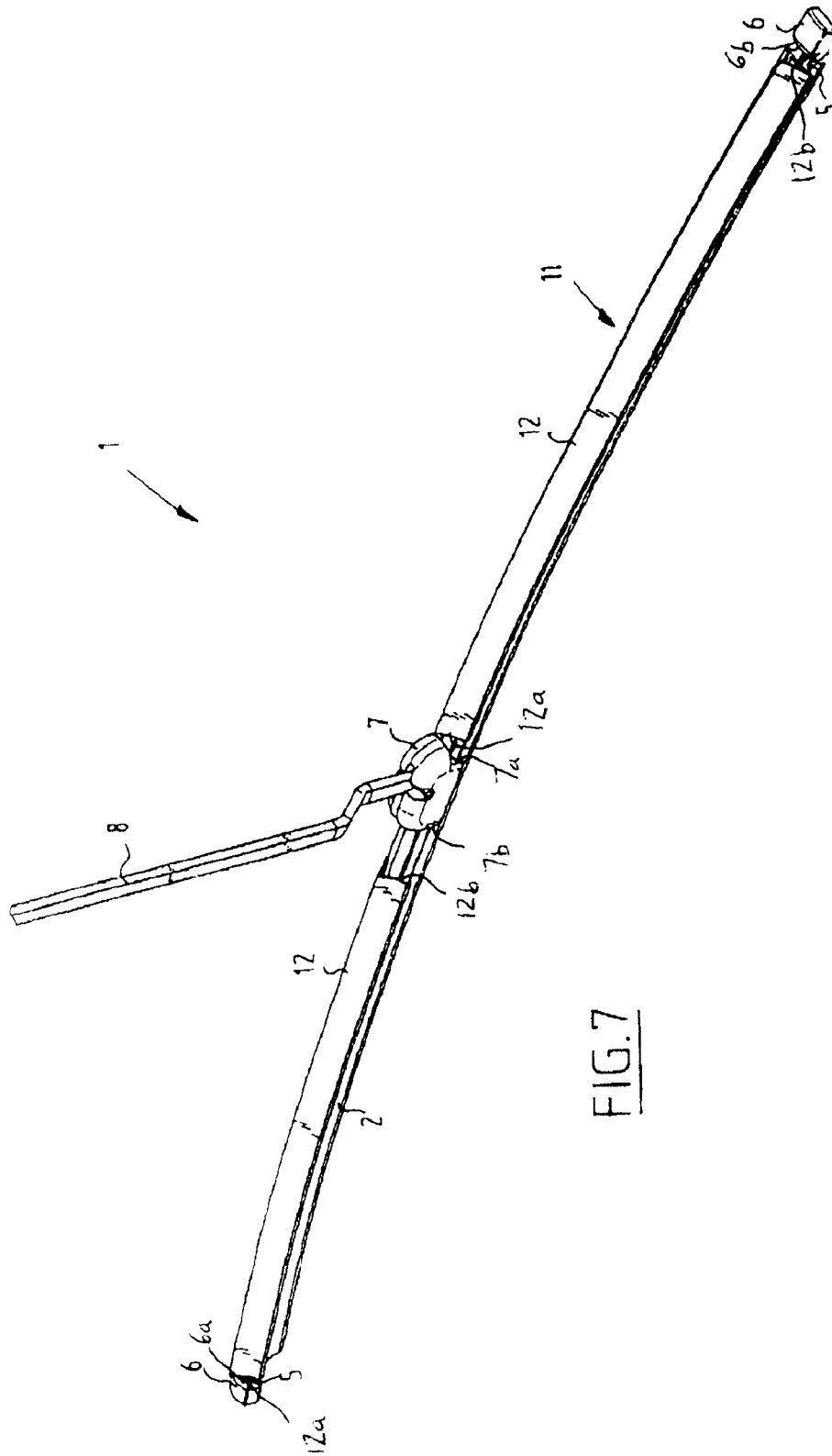


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WINDSCREEN WIPER DEVICE**RELATED APPLICATIONS**

This application is a divisional application which claims
priority to U.S. application Ser. No. 10/476,929, filed Apr. 19,
2004, now U.S. Pat. No. 7,581,277 and is incorporated herein
by reference.

**STATEMENT REGARDING FEDERALLY
SPONSORED RESEARCH****NON-****1. Technical Field**

This invention relates to a windscreen wiper device com-
prising an elastic, elongated carrier element, as well as an
elongated wiper blade of a flexible material, which can be
placed in abutment with the windscreen to be wiped, which
wiper blade includes opposing longitudinal grooves on its
longitudinal sides, in which grooves spaced-apart longitudi-
nal strips of the carrier element are disposed, wherein neigh-
boring ends of said longitudinal strips are interconnected by a
respective connecting piece, which windscreen wiper device
comprises a connecting device for an oscillating wiper arm,
as well as a spoiler. Such a spoiler is also called an "air
deflector".

2. Related Art

Such a windscreen wiper device is generally known. The
prior art windscreen wiper device is in particular designed as
a "yokeless" wiper device, wherein use is no longer made of
several yokes pivotally connected to each other, but wherein
the wiper blade is biased by the carrier element, as a result of
which it exhibits a specific curvature. The spoiler and the
wiper blade of the known windscreen wiper device are made
in one piece.

Windscreen wiper devices actually used on cars fitted with
windcreens exhibiting some degree of curvature are some-
times subjected to a lifting effect at high speeds, which pre-
vents the windscreen from being wiped correctly. This lifting
effect is due to the following aerodynamic phenomenon. Streams
of air along the car tend to escape vertically upwards
along the axis of the car. Near the sides of the curved wind-
screen, however, the streams of air tend to pass horizontally
along the sides. These streams of air create, mainly in the
zones in which the windscreen wiper device meets them
perpendicularly, a reduced pressure above the windscreen
wiper device and an increased pressure between the wind-
screen and the windscreen wiper device. The resulting pres-
sure, in spite of the mechanical pressure applied by the arm of
the windscreen wiper device, causes the latter to lift away
towards the front of the windscreen, thereby deteriorating the
wiping pattern at higher driving speeds.

A disadvantage of the known windscreen wiper device is
that the spoiler and the wiper blade are made in one piece;
every car has its own specific aerodynamic characteristics, so
that a specific windshield wiper with an integrated spoiler has
to be designed and manufacture for each type of car. Obvi-
ously this requires the use of complex machinery, tools, with
all the expenses involved. A further drawback is that replace-
ment (because of wear) of the wiper blade automatically im-
plies the replacement of the spoiler.

It is an object of the invention to obviate these disadvan-
tages, in the sense that at minimum cost a windshield wiper
device comprising a spoiler is proposed which can be
mounted on all windshield wipers of different cars, without
the use of complex machinery and additional tools being
required. It is noted that the present invention is not restricted

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to windscreen wiper devices for cars, but that it also relates to
windscreen wiper devices for rail coaches and all other (fast)
vehicles.

SUMMARY OF THE INVENTION

In order to accomplish that objective, a windscreen wiper
device of the kind referred to in the introduction is character-
ized in that the spoiler as a separate constructional element is
detachably connected to the wiper blade. In particular said
spoiler comprises on opposite sides of the connecting device
a subspoiler being detachably connected to the wiper blade.
The use of two subspoilers ensures a great rigidity of the
spoiler.

In one preferred embodiment of a windscreen wiper device
according to the invention, said spoiler comprises clamping
means which engage round longitudinal sides of said longi-
tudinal strips that face away from each other. In another
preferred embodiment said spoiler comprises clamping
means which engage round longitudinal edges of said wiper
blade that face away from each other. Preferably said spoiler
and said clamping means are made in one piece.

In another preferred embodiment of a windscreen wiper
device according to the invention, said connecting pieces are
clamping members, which form separate constructional ele-
ments. In particular, said connecting pieces are form-locked
or force-locked to the adjacent ends of the longitudinal strips.

In another preferred embodiment of a windscreen wiper
device according to the invention, said connecting pieces are
in one piece with said longitudinal strips.

In another preferred embodiment of a windscreen wiper
device according to the invention, at least said longitudinal
strips are made of spring band material, preferably steel.

In another preferred embodiment of a windscreen wiper
device according to the invention, said connecting device
comprises clamping members, which engage round longitu-
dinal sides of said longitudinal strips that face away from each
other. In particular, said connecting device and said clamping
members are made in one piece.

The invention furthermore relates to a method for manu-
facturing a windscreen wiper device according to the inven-
tion, wherein opposing longitudinal grooves are formed in the
longitudinal sides of an elongated wiper blade of a flexible
material, which can be placed in abutment with a windscreen
to be wiped, in which grooves longitudinal strips of a carrier
element are subsequently fitted in spaced-apart relationship,
wherein neighboring ends of said longitudinal strips are inter-
connected by a respective connecting piece, characterized in
that a spoiler as a separate constructional element is detach-
ably fitted onto the wiper blade.

THE DRAWINGS

The invention will now be explained in more detail with
reference to figures illustrated in a drawing, wherein:

FIG. 1 shows diagrammatically the flow of streams of air
along the windscreen of a car;

FIG. 2 is a diagram of a standard windscreen wiper device
in a position parallel to the streams of air;

FIG. 3 is a cross-section of the same windscreen wiper
device, but in a position at right angles to the streams of air;

FIG. 4 illustrates the forces due to the tangential streams of
air acting on the standard windscreen wiper blade;

FIGS. 5 and 6 show a schematical and a perspective view,
respectively, of a windscreen wiper device according to two
preferred embodiments of the invention; and

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FIG. 7 is a total perspective, schematic view of the windscreen wiper device of FIGS. 5 and 6.

DETAILED DESCRIPTION

FIG. 1 shows a perspective view of the front portion of a car provided with a curved windscreen A, together with the direction of flow of the streams of air, the latter passing the vehicle upwards and along the sides. In a zone in which a windscreen wiper device of the usual standard form is positioned parallel to the streams of air, as shown in FIG. 2, nothing unusual occurs; on the other hand, in a zone as shown in FIG. 3, in which the streams of air flow practically at right angles to the direction of the windscreen wiper device, this air cannot flow along the glass because of the wiper blade, and thus creates an increase in pressure (indicated by the + sign). Such an increased pressure also exists in the region of the hollow profile comprised between the flanges of the frame C directed towards the windscreen. These flanges create further obstacles to the flow of air and assist in maintaining the increased pressure. In addition, the streams of air which pass round the windscreen wiper device towards the upstream side tend to move away from the surface and create a reduced pressure zone (indicated by the - sign), as is well known. These two forces $\frac{1}{2}x$ and $\frac{1}{2}z$ (which can be compared with the drag and the lift acting on a wing section) have a resultant R which tends to lift the windscreen wiper device against the mechanical pressure applied by the arm (see FIG. 4).

FIGS. 5 and 6 show a preferred variant of a windscreen wiper device 1 according to the invention. Said windscreen wiper device is built up of an elastomeric wiper blade 2, in the longitudinal sides of which opposing longitudinal grooves 3 are formed, and of longitudinal strips 4 made of spring band steel, which are fitted in said longitudinal grooves 3. Said strips 4 form a flexible carrier element or carrier for the rubber wiper blade 2, as it were, which is thus biased in a curved position (the curvature in operative position being that of a windscreen to be wiped). Neighboring ends 5 of strips 4 are interconnected on either side of the windscreen wiper device 1 by means of connecting pieces 6 functioning as clamping members. In this embodiment, the connecting pieces 6 are separate constructional elements or end caps, which may be form-locked as well as force-locked to the ends 5 of strips 4. In another preferred variant, said connecting pieces 6 are in one piece with the strips 4 made of spring band steel. In the latter case said connecting pieces form transverse bridges for the strips 4, as it were.

The windscreen wiper device 1 is further more built up of a connecting device 7 of plastic material for an oscillating wiper arm 8. Connecting device 7 comprises clamping members 9 that are integral therewith, which engage round longitudinal sides 10 of the strips 4 that face away from each other, as a result of which the connecting device 7 is firmly attached to the unit consisting of wiper blade 2 and strips 4. The oscillating wiper arm 8 is pivotally connected to the connecting device 7 about a pivot axis near one end.

Both preferred embodiments of FIGS. 5 and 6 according to the invention comprise a spoiler 11 including two separate subspoilers 12 being detachably connected to the wiper blade 2 on opposite sides of the connecting device 7. The subspoilers 12 are made of an elastomeric material, rubber for example, and they are provided with clamping means 13 made in one piece therewith. In the preferred embodiment of FIG. 5 the clamping means 13 engage round longitudinal sides 10 of the longitudinal strips 4 that face away from each other, whereas in the embodiment of FIG. 6 the clamping means 13 engage around longitudinal laterally extending

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edges 14 of the wiper blade 2 that face away from each other. Of course, it is also possible for the clamping means to engage round other longitudinal laterally extending edges 15 of the wiper blade 2 that face away from each other.

FIG. 7 shows a total perspective, schematic view of the windscreen wiper device of FIGS. 5 and 6, wherein corresponding parts have been designated with the same reference numerals.

It will be seen from FIGS. 5-7 that the connecting device 7 is secured to the carrier 4 at a location spaced between the end caps 6. The connecting device has longitudinally oppositely facing abutment surfaces 7a and 7b, and the end caps 6 have longitudinally inwardly facing abutment surfaces 6a, 6b that face toward and are spaced from the abutment surfaces 7b, 7a of the connecting device 7, respectively, and which define a longitudinal space of predetermined length between the connecting device abutment surfaces 7b, 7a and each of the respective end cap abutment surfaces 6a and 6b.

The subspoilers 12 span at least the majority of the length of the space and thus at least substantially span the longitudinal space between the abutment surfaces of the connecting device 7 and end caps 6. The subspoilers 12 each have abutment surfaces 12a, 12b at their opposite ends that are adjacent to and directly face (i.e., are positioned so they would confront) the abutment surfaces of the connecting device and end caps, respectively, but which are spaced longitudinally from the associated abutment surfaces of the connecting device 7 and end caps 6, as shown in FIGS. 5 and 6 and best illustrated in FIG. 7, by virtue of the subspoilers 12 being shorter in length between their abutment surfaces 12a, 12b than the longitudinal spacing between the abutment surfaces 7a, 6b and 7b, 6a of the connecting device and end caps 6. The spacing between the subspoilers 12 and the abutment surfaces 6a, 6b and 7a, 7b of the end caps 6 and connecting device 7, along with the detachable (i.e., not fixedly attached) subspoiler connection, allow the subspoilers 12 to flex and move with the changing bending curvature of the wiper assembly, as illustrated by a comparison for FIG. 7 and FIGS. 5 and 6.

The foregoing invention has been described in accordance with the relevant legal standards, thus the description is exemplary rather than limiting in nature. Variations and modifications to the disclosed embodiment may become apparent to those skilled in the art and do come within the scope of the invention. Accordingly, the scope of legal protection afforded this invention can only be determined by studying the following claims.

We claim:

1. A windscreen wiper device comprising: a flexible, elongated carrier element; an elongated wiper blade of a flexible material, which can be placed in abutment with a windscreen to be wiped, said wiper blade extending between longitudinally opposite ends and including opposing longitudinal grooves formed on longitudinal sides thereof; said carrier element including spaced-apart longitudinal strips disposed in said grooves and interconnected by a respective connecting piece at opposite neighboring ends of said strips; a connecting device for an oscillating wiper arm attached to said carrier element; and a spoiler formed as a separate element from that of said wiper blade; said spoiler including two subspoilers constructed from separate pieces of material from one another, each of said subspoilers being disposed on opposite sides of said connecting device, wherein each subspoiler extends substantially from said connecting device substantially to a respective one of said connecting pieces, and wherein each subspoiler is connected to said longitudinal

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strips of said carrier element and is detachable therefrom independent of the attachment of said connecting device to said carrier element.

2. A windscreen wiper device according to claim 1, wherein said spoiler comprises clamping features which detachably engage longitudinal sides of said longitudinal strips that face away from each other.

3. A windscreen wiper device according to claim 1, wherein said connecting pieces are clamping members, which form separate constructional elements.

4. A windscreen wiper device according to claim 3, wherein said connecting pieces are form-locked or force-locked to the adjacent ends of said longitudinal strips.

5. A windscreen wiper device according to claim 1, wherein said longitudinal strips are made of spring band material.

6. A windscreen wiper device according to claim 1, wherein said connecting device comprises clamping members, which engage longitudinal sides of said longitudinal strips that face away from each other.

7. A windscreen wiper device according to claim 6, wherein said connecting device and said clamping members are made in one piece.

8. A windscreen wiper device, comprising:

an elastic, elongated carrier element extending between opposite ends;

an elongated wiper blade operably attached to said carrier element;

a connecting device for attachment to an oscillating wiper arm; and

a spoiler formed as a separate piece of material from said wiper blade, said spoiler including subspoilers constructed of separate pieces of material from one another disposed on opposite sides of said connecting device and extending substantially from said connecting device substantially to a respective one of said opposite ends of said carrier element, said subspoilers being detachably connected to said carrier element.

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9. The windscreen wiper device of claim 8 further comprising connecting pieces attached to said opposite ends of said carrier element, said subspoilers extending substantially to said connecting pieces.

10. The windscreen wiper device of claim 8 wherein said carrier element includes longitudinal strips spaced from one another.

11. The windscreen wiper device of claim 10 wherein said wiper blade has longitudinally extending sides with longitudinal grooves formed therein, said longitudinal strips of said carrier element being disposed in said grooves.

12. A windscreen wiper device, comprising:

a longitudinally extending wiper blade;

a carrier that is self-biased into a pre-curved shape and which extends longitudinally between opposite ends, said carrier operatively supporting and biasing said wiper blade into a pre-curved configuration and extending beyond laterally opposite sides of said wiper blade; end caps secured to said carrier at said opposite ends;

a connecting device secured to said carrier at a location between and spaced from said end caps for connection with a wiper arm; and

a pair of subspoilers constructed as separate pieces from one another, from said wiper blade and from said end caps, said subspoilers arranged on longitudinally opposite sides of said connecting device and substantially spanning the space between said connecting device and each of said end caps, and each subspoiler having clamping edge portions that wrap around and releasably secure said subspoilers to said carrier.

13. The windscreen wiper device of claim 12, wherein said connecting device limits movement of said subspoilers.

14. The windscreen wiper device of claim 12, wherein said releasably attached subspoilers are slidable relative to said carrier and said wiper blade.

* * * * *