

2. Defendant BMW of North America, LLC (“BMW NA”) is a Delaware limited liability company having its principal place of business at 300 Chestnut Ridge Road, Woodcliff Lake, New Jersey 07677. BMW NA is a wholly owned subsidiary of BMW (US) Holding Corporation, a Delaware corporation, which is a wholly owned subsidiary of Bayerische Motoren Werke AG (“BMW AG”).

3. Defendant BMW AG is a corporation organized under the laws of the Federal Republic of Germany with its principal place of business at Petuelring 130, 80809 Munich, Germany. BMW AG designs and manufactures motor vehicles, parts, and other products for sale in Europe and for export and sale throughout the world including the United States.

JURISDICTION AND VENUE

4. This is an action for patent infringement under the Patent Laws of the United States, 35 U.S.C. § 271.

5. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

6. This Court has personal jurisdiction over each Defendant. Each Defendant has conducted and does conduct business within the State of Georgia. Each Defendant, directly or through intermediaries (including distributors, retailers, and others), imports, ships, distributes, offers for sale, and sells its products in the United States, the State of Georgia, and the Northern District of Georgia.

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

COUNT I: PATENT INFRINGEMENT

8. The United States Patent and Trademark Office duly and legally issued the ‘021 Patent. nGimat is the exclusive licensee of ‘021 Patent and possesses all rights of

recovery under the '021 Patent, including the right to recover damages for past infringement.

9. The '021 Patent is valid and enforceable.

10. The United States Patent and Trademark Office duly and legally issued the '604 Patent. nGimat is the exclusive licensee of '604 Patent and possesses all rights of recovery under the '604 Patent, including the right to recover damages for past infringement.

11. The '604 Patent is valid and enforceable.

12. The United States Patent and Trademark Office duly and legally issued the '318 Patent. nGimat is the exclusive licensee of '318 Patent and possesses all rights of recovery under the '318 Patent, including the right to recover damages for past infringement.

13. The '318 Patent is valid and enforceable.

14. The Defendants have been infringing, directly and indirectly by way of inducement and/or contributory infringement, literally and/or under the doctrine of equivalents, the Patents-in-Suit in this District and elsewhere by making, using, offering for sale, importing, and/or selling products made by or repaired by the patented methods of the Patents-in-Suit. In addition, Defendants have instructed others to practice the patented methods with knowledge of the Patents-in Suit.

15. Defendants have had actual knowledge of the Patents-in-Suit, and actual knowledge that its activities constitute either direct or indirect infringement of the Patents-in-Suit.

16. Defendants' infringement of the Patents-in-Suit has been willful and deliberate.

17. Defendants, by way of their infringing activities, have caused nGimat to suffer damages in an amount to be determined at trial.

PRAYER FOR RELIEF

WHEREFORE, nGimat prays for the following relief:

1. A judgment in favor of nGimat that Defendants have infringed, directly and indirectly by way of inducement and/or contributory infringement, literally and/or under the doctrine of equivalents, the Patents-in-Suit;

2. Award nGimat the damages to which it is entitled under 35 U.S.C. § 284 for Defendants' past infringement, including both compensatory damages and treble damages for willful infringement;

3. A judgment and order requiring Defendants to pay the costs of this action (including all disbursements), as well as attorneys' fees as provided by 35 U.S.C. § 285;

4. Award to nGimat pre-judgment and post-judgment interest on its damages; and

5. Such other and further relief in law or in equity to which nGimat may be justly entitled.

JURY DEMAND

Plaintiff demands trial by jury on all issues so triable.

DATED: July 14, 2014

Respectfully submitted,

nGimat Co.

By: s/ Alan Kan

Alan Kan
KAN CLARK LLP
Overlook I | 2849 Paces Ferry Road
Suite 640 | Atlanta, GA 30339
P: 678-298-7911 | F: 678-298-6291
E: akan@kanclarklaw.com

Keith A. Vogt (Bar No. 6207971)
Takiguchi & Vogt, LLP
1415 West 22nd Street, Tower Floor
Oakbrook, IL 60523
(630) 974-5707
KVogt@takiguchiandvogt.com
(to be admitted *pro hac vice*)
Attorneys for Plaintiff