

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

ADAPTIVE HEADLAMP TECHNOLOGIES, INC.	)	
	)	
<i>Plaintiff,</i>	)	
v.	)	Case No. TBD
	)	
	)	
BMW OF NORTH AMERICA, LLC	)	<b><i>JURY TRIAL DEMANDED</i></b>
	)	
<i>Defendant.</i>	)	
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**COMPLAINT**

Plaintiff Adaptive Headlamp Technologies, Inc. (“AHT”) files this complaint for infringement of U.S. Patent No. 7,241,034 (“the ’034 patent”) under 35 U.S.C. § 271 against defendant BMW of North America, LLC (“BMW”). Plaintiff seeks damages for BMW’s infringement.

Plaintiff alleges as follows:

**PARTIES**

1. Plaintiff Adaptive Headlamp Technologies, Inc. is a Delaware corporation with a principal place of business at 600 Anton Blvd., Suite 1350, Costa Mesa, CA 92626.
2. Upon information and belief and after a reasonable opportunity for further discovery, Defendant BMW is a company organized and existing under the laws of Delaware, having a principal place of business at 300 Chestnut Ridge Rd, Woodcliff Lake, NJ 07677-7731. BMW is a business entity registered with the state of Delaware and regularly conducts and transacts business in this jurisdiction, throughout the United States, and within the District of Delaware, either itself or through one or more subsidiaries, affiliates, business divisions, or business units.

Defendant BMW can be served through its registered agent The Corporation Trust Company, Corporation Trust Center, 1209 Orange St., Wilmington, DE 19801.

**JURISDICTION AND VENUE**

3. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 1 et seq., alleging infringement of the '034 patent. A copy of the patent is attached hereto as Exhibit A and is incorporated herein by reference in its entirety.

4. The Court has exclusive subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over BMW because BMW has conducted business in this District and upon information and belief has infringed, contributed to infringement of, and/or actively induced others to infringe the '034 patent in this District as alleged in this Complaint. Finally, BMW is a registered entity in this District as described in paragraph 2.

6. Venue is proper under 28 U.S.C. §§ 1391(b), 1391(c), and/or 1400(b).

**PATENT-IN-SUIT**

7. The '034 patent entitled "Automatic Directional Control System for Vehicle Headlights" was duly and legally issued on July 10, 2007. See Exhibit A.

8. All right, title, and interest to this patent has been assigned to AHT.

9. BMW is familiar with the '034 patent at least as of March 8, 2010 when it was asserted against BMW in Civil Action No. 6:10-cv-00078-LED in the United States District Court for the Eastern District of Texas.

10. The matter was dismissed without prejudice when the patent was pulled into *inter partes* reexamination.

11. The '034 patent emerged with three of its claims intact as amended and thirty-four newly added claims.

### **INFRINGEMENT GOODS/SERVICES**

12. BMW has been and is now directly infringing, and/or inducing infringement by others, and/or contributing to the infringement by others of the '034 patent in the State of Delaware, in this judicial district, and elsewhere in the United States. BMW's infringements include, without limitation, making, using, offering for sale, and/or selling at least the BMW 2010-2014 228i Coupe, M235i Coupe, 320i Sedan, 320i xDrive Sedan, 328i Sedan, 328i xDrive Sedan, 328d Sedan, 328d xDrive Sedan, 335i Sedan, 335i xDrive Sedan, ActiveHybrid 3, 328d xDrive Sports Wagon, 328i xDrive Sports Wagon, 328i xDrive Gran Turismo, 335i xDrive Gran Turismo, 428i Coupe, 428i Gran Coupe, 428i xDrive Coupe, 428i xDrive Gran Coupe, 428i Convertible, 428i xDrive Convertible, 435i Coupe, 435i xDrive Coupe, 435i Gran Coupe, 435i Convertible, 528i Sedan, 528i xDrive Sedan, 535i Sedan, 535i xDrive Sedan, 535d Sedan, 535d xDrive Sedan, 550i Sedan, 550i xDrive Sedan, ActiveHybrid 5, 535i Gran Turismo, 535i xDrive Gran Turismo, 550i Gran Turismo, 550i xDrive Gran Turismo, 640i Coupe, 640i xDrive Coupe, 650i Coupe, 650i xDrive Coupe, 640i Convertible, 640i xDrive Convertible, 650i Convertible, 650i xDrive Convertible, 640i Gran Coupe, 640i xDrive Gran Coupe, 650i Gran Coupe, 650i xDrive Gran Coupe, 740i Sedan, 740Li Sedan, 740Li xDrive Sedan, 740 Ld xDrive Sedan, 750i Sedan, 750i xDrive Sedan, 750Li Sedan, 750Li xDrive Sedan, 760Li Sedan, ActiveHybrid 7, X1 sDrive28i, X1 xDrive28i, X1 xDrive35i, X3 xDrive28i, X3 xDrive35i, X4 xDrive 28i, X4 xDrive 35i, X5

sDrive35i, X5 xDrive35i, X5 xDrive35d, X5 xDrive50i, X6 xDrive35i, X6 xDrive50i, Z4 sDrive28i, Z4 sDrive35i, Z4 sDrive35is, M3 Sedan, M4 Coupe, M4 Convertible, M5 Sedan, M6 Coupe, M6 Convertible, M6 Gran Coupe, and X6 M products. These automobiles include adaptive, self-leveling headlights whose positions automatically change due to changes in steering angle and pitch of the vehicle after a threshold minimum is passed.

13. Such headlights fall within the scope of at least claim 3 of the '034 patent.

14. Claim 3 as it appears in the *Inter Partes* Reexamination Certificate provides:

3. An automatic directional control system for a vehicle headlight, comprising: two or more sensors that are each adapted to generate a signal that is representative of at least one of a plurality of sensed conditions of a vehicle such that two or more sensor signals are generated, said sensed conditions

including at least a steering angle and a pitch of the vehicle;

a controller that is responsive to said two or more sensor signals for generating at least one output signal only when at least one of said two or more sensor signals changes by more than a predetermined minimum threshold amount to prevent at least one of two or more actuators from being operated continuously or unduly frequently in response to relatively small variations in at least one of the sensed conditions; and said two or more actuators each being adapted to be connected to the headlight to affect movement thereof in accordance with said at least one output signal;

wherein at least one of said two or more sensors generates at least one of said two or more sensor signals that is representative of a rate of change of the steering angle of the vehicle.

15. Given this, BMW's above referenced vehicles fall within the scope of the '034 patent.

## **COUNT I**

### **BMW'S PATENT INFRINGEMENT** **UNDER 35 U.S.C. § 271 OF THE '034 PATENT**

16. AHT incorporates by reference the allegations of paragraphs 1–15.

17. The '034 patent was duly and legally issued by the United States Patent and Trademark Office on June 1, 2004, after full and fair examination. A reexamination certificate issued on February 18, 2014.

18. Plaintiff is the assignee of all right, title, and interest in and to the '034 patent and possesses all rights of recovery under the '034 patent.

19. BMW has directly infringed the '034 patent at a minimum by making, using, offering to sell, and selling within the United States products and services that practice the inventions of the '034 patent, namely automatic directional control systems for vehicle headlights, and these products/services have no substantial non-infringing uses.

20. BMW has contributorily infringed the '034 patent and induced infringement of the '034 patent after the filing of the complaint.

21. Upon information and belief, BMW was aware of the '034 patent on or about March 8, 2010, in view of Civil Action No. 6:10-cv-00078 in the United States District Court for the Eastern District of Texas.

22. At a minimum, BMW was aware of the patent on or about June 25, 2014, when AHT sent BMW a letter informing it of the patent.

23. Despite knowledge of the patent and its infringement, BMW continues to manufacture, make, offer for sale, and sell goods that violate the patent.

24. In addition and upon belief, BMW encourages its customers to operate the products in an infringing manner.

25. BMW has caused and will continue to cause AHT damage by virtue of its continuing infringement.

26. AHT is entitled to recover from BMW the damages sustained by AHT as a result of BMW's acts in an amount subject to proof at trial.
27. Upon information and belief and after an opportunity for further discovery, BMW's infringement of the '034 patent is willful and deliberate at a minimum starting from at least on or around June 25, 2014.

**PRAYER FOR RELIEF**

WHEREFORE, Adaptive Headlamp Technologies, Inc. respectfully requests that the Court enter a judgment as follows:

- A. A judgment that BMW has directly infringed the '034 patent, contributorily infringed the '034 patent, induced infringement of the '034 patent, and willfully infringed the '034 patent;
- B. A judgment and order requiring BMW to pay Plaintiff damages under 35 U.S.C. § 284, including supplemental damages for any continuing post-verdict infringement up until entry of the final judgment, with an accounting, as needed, and treble damages for willful infringement as provided by 35 U.S.C. § 284;
- C. A judgment and order requiring BMW to pay Plaintiff pre-judgment and post-judgment interest on the damages awarded;
- D. A judgment and order requiring BMW to pay Plaintiff the costs of this action (including all disbursements) and attorney's fees as provided by 35 U.S.C. § 285; and
- E. Such other and further relief as the Court deems just and equitable.

**DEMAND FOR JURY TRIAL**

Plaintiff hereby requests that all issues be determined by jury.

Dated: July 21, 2014

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