

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

LEAR CORPORATION,)
)
 Plaintiff,)
)
 vs.)
)
TS TECH USA CORPORATION,)
TS TECH NORTH AMERICA, INC. and)
TS TECH CANADA, INC.)
)
 Defendants.)

Honorable _____
 Magistrate _____
 Civil Action No. _____

**COMPLAINT FOR PATENT INFRINGEMENT
AND JURY DEMAND**

I. THE PARTIES

1. Plaintiff Lear Corporation (“Lear”) is a Delaware corporation, having its principal place of business at 21557 Telegraph Road, Southfield, Michigan 48086.

2. Upon information and belief, Defendant TS TECH USA CORP. (“TS TECH USA”) is an Ohio corporation having an address at 8400 East Broad Street, Reynoldsburg, Ohio 43068.

3. Upon information and belief, Defendant TS TECH NORTH AMERICA, INC. (“TS TECH NORTH AMERICA”) is an Ohio corporation having an address at 8400 East Broad Street, Reynoldsburg, Ohio 43068.

4. Upon information and belief, Defendant TS TECH CANADA, INC. (“TS TECH NORTH AMERICA”) is a Canadian corporation having an address at 17855 Leslie Street, Newmarket, Ontario, Canada L3Y 3E3.

II. JURISDICTION

5. Claims pleaded herein arise under the Patent Act, 35 U.S.C. §1 *et seq.*

6. Subject matter jurisdiction for the pleaded claims is conferred upon the Court by 28 U.S.C. §1338.

7. The court also has diversity jurisdiction under 28 U.S.C. § 1332 because the plaintiff and defendants are citizens of different states and the amount in controversy exceeds \$75,000.

III. PATENT INFRINGEMENT

8. On October 18, 2005, U.S. Patent No. 6,955,397 (“the ‘397 patent), for “Vehicle Seat Assembly Having Active Head Restraint System,” was duly and lawfully issued, naming Mladen Humer as inventor. A copy of the ‘397 patent is attached as Exhibit A.

9. Plaintiff Lear is the owner by assignment of the ‘397 patent.

10. On January 12, 2010, U.S. Patent No. U.S. Patent No. 7,644,987 (“the ‘987 patent”), for “Vehicle Seat Having Active Head Restraint System,” was duly and lawfully issued, naming Mladen Humer, Nagarjun Yetukuri, Gerald Locke and Dale Smallwood as inventors. A copy of the ‘987 patent is attached as Exhibit B.

11. Plaintiff Lear is the owner by assignment of the ‘987 patent.

12. Defendants TS TECH USA, TS TECH NORTH AMERICA and TS TECH CANADA (collectively “Defendants”) have directly infringed the ‘397 and ‘987 patents by making, using, selling, and/or offering for sale the claimed matter of these patents, without authority of Lear.

13. Defendants have induced infringement of the ‘397 and ‘987 patents, by actively and knowingly inducing others to make, use, sell and/or offer for sale the claimed matter of these patents, without the authority of Lear.

14. More specifically, upon information and belief, Defendants have been making infringing pivotal headrest assemblies since late 2005 and then selling them to Honda Motor Co., Ltd. or a related entity (“Honda”) knowing and intending that Honda will install these infringing assemblies in Honda vehicles and sell those vehicles throughout the United States — including in the Eastern District of Michigan.

15. The vehicles in which Defendants' infringing pivotal headrest assemblies have been used and sold include, at least, the 2011 Honda Civic (4-door), the 2006-2008 Honda Civic (2-door and 4-door), the 2009 Honda Civic (4-door), the 2008 Honda Odyssey, the 2007-2008 Honda CRV, the 2008 Acura MDX and the 2008 Acura RDX. Lear believes that Defendants' infringing pivotal headrest assemblies are also currently used and/or sold in other Honda Acura models.

16. Plaintiff Lear has been harmed, pecuniarily and irreparably, by the infringing conduct of Defendants and such harm will continue unless Defendants are enjoined from further infringement by this Court.

IV. DEMAND FOR RELIEF

WHEREFORE, plaintiff Lear requests entry of a judgment against Defendants, granting relief as follows.

- A. Finding Defendants liable to plaintiff Lear for infringement of the '397 and '987 patents;
- B. Awarding plaintiff Lear damages adequate to compensate for such infringement;
- C. Increasing the damages up to three times, under authority of 35 U.S.C. §284, ¶2;
- D. Finding the case "exceptional," under 35 U.S.C. §285, and awarding plaintiff Lear its costs, including reasonable attorney's fees;
- E. Preliminarily and permanently enjoining Defendants, their officers, agents, servants, employees, and attorneys, and upon those persons in active concert or participation with them who receive actual notice of the injunction, from further infringement of the '397 and '987 patents; and
- F. Granting such other, further and different relief as may be just and equitable on the proofs.

V. DEMAND FOR JURY TRIAL

Plaintiff Lear demands trial by jury for all issues so triable.

BROOKS KUSHMAN P.C.

Date: October 26, 2010

By: /s/ Frank A. Angileri

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