

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

GENTHERM CANADA ULC and)	Case No. 2:13-CV-11536-AJT-APP
GENTHERM GMBH,)	
)	THIRD AMENDED COMPLAINT
Plaintiffs,)	FOR PATENT INFRINGEMENT
v.)	
)	DEMAND FOR JURY TRIAL
IGB AUTOMOTIVE, LTD.,)	
)	Hon. Arthur J. Tarnow
Defendant.)	Magistrate Judge Anthony P. Patti

Plaintiffs GENTHERM CANADA ULC and GENTHERM GMBH (“Gentherm”) hereby complain of Defendant IGB Automotive Ltd. (“IGB”) and allege as follows:

JURISDICTION AND VENUE

1. This Complaint is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 100 *et seq.*, and more particularly, 35 U.S.C. §§ 271 and 281. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

2. Upon information and belief, IGB regularly conducts business in the Eastern District of Michigan and elsewhere in the United States, and has committed the acts of direct patent infringement complained of herein in the Eastern District of Michigan and/or contributed to and/or induced the acts of direct patent infringement by others in the Eastern District of Michigan and elsewhere in the United States. This Court therefore has personal jurisdiction over IGB.

3. Venue is proper under 28 U.S.C. §§ 1391(b) and (c), as well as 1400(b), because IGB regularly conducts business in this Judicial District and certain of the acts complained of herein occurred in this Judicial District.

PARTIES

4. Plaintiff Gentherm Canada ULC is a corporation formed and existing under the laws of the Province of Alberta, Canada, having a principal place of business at 3445 Wheelton Drive, Windsor, ON N8W 5A6, Canada. Plaintiff Gentherm GmbH is a company formed and existing under the laws of Germany, having a principal place of business at Rudolf-Diesel-Straße 12, 85235 Odelzhausen, Germany.

5. Upon information and belief, Defendant IGB is a Canadian corporation having a principal place of business at 3090 Marentette Avenue, Windsor, ON N8X 4G2, Canada.

ALLEGATIONS FOR ALL CLAIMS OF RELIEF

6. On January 11, 2005, the United States Patent and Trademark Office duly and lawfully issued U.S. Patent No. 6,840,576 (“the ’576 patent”), titled “Ventilated Seat.” Gentherm GmbH owns the ’576 patent and has the right to enforce it for infringement on and after January 5, 2016. From at least April 3, 2013, to January 5, 2016, Gentherm Canada ULC was an exclusive licensee to the ’576 patent, with the sole and exclusive right to enforce it, including the right to recover damages for past infringement.

7. On May 30, 2006, the United States Patent and Trademark Office duly and lawfully issued U.S. Patent No. 7,052,091 (“the ’091 patent”), titled “Automotive Vehicle Seat Insert.” Gentherm GmbH owns the ’091 patent and has the right to enforce it for infringement on and after January 5, 2016. From at least April 3, 2013, to January 5, 2016, Gentherm Canada ULC was an exclusive licensee to the ’091 patent, with the sole and exclusive right to enforce it, including the right to recover damages for past infringement.

8. On September 5, 2006, the United States Patent and Trademark Office duly and lawfully issued U.S. Patent No. 7,100,978 (“the ’978 patent”), titled “Ventilated Seat.” Gentherm GmbH owns the ’978 patent and has the right to enforce it for infringement on and after January 5, 2016. From at least April 3, 2013, to January 5, 2016, Gentherm Canada ULC was an exclusive licensee to the ’978 patent, with the sole and exclusive right to enforce it, including the right to recover damages for past infringement.

9. On June 12, 2007, the United States Patent and Trademark Office duly and lawfully issued U.S. Patent No. 7,229,129 (“the ’129 patent”), titled “Ventilated Seat.” Gentherm GmbH owns the ’129 patent and has the right to enforce it for infringement on and after January 5, 2016. From at least July 19, 2013, to January 5, 2016, Gentherm Canada ULC was an exclusive licensee to the

'129 patent, with the sole and exclusive right to enforce it, including the right to recover damages for past infringement.

10. On December 29, 2009, the United States Patent and Trademark Office duly and lawfully issued U.S. Patent No. 7,637,573 (“the ’573 patent”), titled “Automotive Vehicle Seating Insert.” Genterm GmbH owns the ’573 patent and has the right to enforce it for infringement on and after January 5, 2016. From at least April 3, 2013, to January 5, 2016, Genterm Canada ULC was an exclusive licensee to the ’573 patent, with the sole and exclusive right to enforce it, including the right to recover damages for past infringement.

11. On June 15, 2010, the United States Patent and Trademark Office duly and lawfully issued U.S. Patent No. 7,735,932 (“the ’932 patent”), titled “Automotive Vehicle Seat Insert.”

12. On August 17, 2010, the United States Patent and Trademark Office duly and lawfully issued U.S. Patent No. 7,775,602 (“the ’602 patent”), titled “Automotive Vehicle Seat Insert.” Genterm GmbH owns the ’602 patent and has the right to enforce it for infringement on and after January 5, 2016. From at least April 3, 2013, to January 5, 2016, Genterm Canada ULC was an exclusive licensee to the ’602 patent, with the sole and exclusive right to enforce it, including the right to recover damages for past infringement.

13. On January 29, 2013, the United States Patent and Trademark Office duly and lawfully issued U.S. Patent No. 8,360,517 (“the ’517 patent”), titled “Automotive Vehicle Seat Insert.” Genterm GmbH owns the ’517 patent and has the right to enforce it for infringement on and after January 5, 2016. From at least April 3, 2013, to January 5, 2016, Genterm Canada ULC was an exclusive licensee to the ’517 patent, with the sole and exclusive right to enforce it, including the right to recover damages for past infringement.

14. IGB, through its agents, employees, and servants, has infringed, actively induced others to infringe, and/or contributed to others' infringement of one or more claims of the '576, '091, '978, '129, '573, '602, and '517 patents ("the Asserted Patents") under 35 U.S.C. § 271 by, among other things, manufacturing, using, promoting, offering for sale, selling, and/or importing products or systems for heating or cooling seats, as well as seats or seat assemblies incorporating such products or systems, covered by or made by a process covered by one or more claims of these patents.

15. Upon information and belief, IGB has manufactured, used, promoted, offered for sale, sold, and imported products or systems used for heating or cooling seats, including products or systems labeled "PILL Heat Vent FSC," PILL Heat Vent FSB," "GMX352 Vent FSC," "GMX352 Heat Vent FSC," and "GMX352 Vent FSB." Upon information and belief, IGB has also used and promoted seats or seat assemblies that incorporate such products or systems, including vehicle seats or seat assemblies for recent models of the Cadillac XTS and the Chevrolet Impala. These products, systems, seats, and seat assemblies are covered by or made by a process covered by one or more claims of the Asserted Patents.

16. Upon information and belief, IGB has caused, urged, encouraged, and aided others, including its customers, to directly infringe one or more claims of the Asserted Patents. Upon information and belief, IGB has caused, urged, encouraged, and aided others, including its customers, to manufacture, use, offer for sale, sell, and import products or systems used for heating or cooling seats, including products or systems labeled "PILL Heat Vent FSC," PILL Heat Vent FSB," "GMX352 Vent FSC," "GMX352 Heat Vent FSC," and "GMX352 Vent FSB." Upon information and belief, IGB has also caused, urged, encouraged, and aided others, including its customers, to manufacture, promote, offer for sale, sell, and import seats or seat assemblies that incorporate such products or systems,

including vehicle seats or seat assemblies for recent models of the Cadillac XTS and the Chevrolet Impala. These products, systems, seats, and seat assemblies are covered by or made by a process covered by one or more claims of the Asserted Patents. Upon information and belief, IGB had knowledge of the Asserted Patents and specifically intended others, including its customers, to directly infringe these claims.

17. Upon information and belief, IGB has sold components of products or systems used for heating or cooling seats, including products or systems labeled “PILL Heat Vent FSC,” PILL Heat Vent FSB,” “GMX352 Vent FSC,” “GMX352 Heat Vent FSC,” and “GMX352 Vent FSB.” Upon information and belief, IGB has also sold components of seats or seat assemblies that incorporate such products or systems, including vehicle seats or seat assemblies for recent models of the Cadillac XTS and the Chevrolet Impala. These products, systems, seats, and seat assemblies are covered by or made by a process covered by one or more claims of the Asserted Patents. Upon information and belief, IGB knows that these components are especially made and adapted for use in the infringement of one or more claims of the Asserted Patents. Due at least to their composition, dimensions, and arrangement of elements, these components are not staple articles or commodities of commerce suitable for substantial noninfringing use.

18. IGB has actual knowledge of the Asserted Patents, or is willfully blind to their existence. A letter identifying the ’576, ’091, and ’932 patents was sent on December 10, 2012, to a representative of IGB’s parent corporation, I.G. Bauerrhin GmbH. The ’573 patent is in the same patent family as the ’091 patent. The ’602 and ’517 patents are in the same patent family as the ’932 patent. The ’978 patent is in the same family as the ’576 patent. The December 10 letter also stated that these patents were relevant to the Cadillac XTS seat. IGB had knowledge of the ’129 patent or has knowledge of that patent due at least to this Complaint.

19. Gentherm has given notice to IGB of its infringement of the Asserted Patents.

FIRST CLAIM FOR RELIEF
(Infringement of U.S. Patent No. 6,840,576)

20. Gentherm repeats, realleges, and incorporates by reference the allegations set forth in Paragraphs 1-19 of this Complaint.

21. This is a claim for patent infringement and arises under the Patent Laws of the United States, Title 35 of the United States Code.

22. Upon information and belief, IGB has in the past infringed and is currently infringing the '576 patent in violation of 35 U.S.C. § 271(a) by manufacturing, using, offering for sale, selling, and importing products or systems for cooling or heating seats. These products or systems, including products or systems labeled "GMX352 Vent FSB," are covered by one or more claims of the '576 patent, including Claims 4, 5, 7, 10, 11, 16, 18, 22, 27, 28, and 31–34 of the '576 patent.


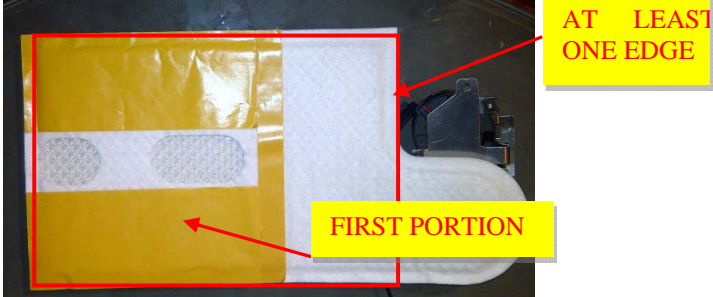

23. Upon information and belief, IGB has actively induced others to infringe the '576 patent in violation of 35 U.S.C. § 271(b). Upon information and belief, IGB has caused, urged, encouraged, and aided others, including its customers, to directly infringe one or more claims of the '576 patent, and has engaged in these acts with knowledge of the '576 patent. Upon information and belief, IGB has caused, urged, encouraged, and aided others, including its customers, to manufacture, use, offer for sale, sell, and import products or systems used for heating or cooling seats, including products or systems labeled "GMX352 Vent FSB." Upon information and belief, IGB has also caused, urged, encouraged, and aided others, including its customers, to manufacture, promote, offer for sale, sell, and import seats or seat assemblies that incorporate such products or systems, including vehicle seats or seat assemblies for recent models of the Chevrolet

Impala. These products, systems, seats, and seat assemblies are covered by one or more claims of the '576 patent, including Claims 4, 5, 7, 10, 11, 16, 18, 22, 27, 28, and 31–34 of the '576 patent. Upon information and belief, IGB specifically intended others, including its customers, to directly infringe these claims.

24. Upon information and belief, IGB has contributorily infringed the '576 patent in violation of 35 U.S.C. § 271(c). Upon information and belief, IGB has sold components of seats or seat assemblies, including vehicle seats or seat assemblies for recent models of the Chevrolet Impala, that are covered by one or more claims of the '576 patent, including Claims 4, 5, 7, 10, 11, 16, 18, 22, 27, 28, and 31–34 of the '576 patent. Upon information and belief, these components include products or systems used for heating or cooling seats, including products or systems labeled “GMX352 Vent FSB.” Upon information and belief, IGB knows that these components are especially made and adapted for use in the infringement of one or more claims of the '576 patent. Due at least to their composition, dimensions, and arrangement of elements, these components, including products or systems labeled “GMX352 Vent FSB,” are not staple articles or commodities of commerce suitable for substantial noninfringing use.




25. Upon information and belief, IGB has also sold components of products or systems used for heating or cooling seats. Upon information and belief, these products or systems, including products or systems labeled “GMX352 Vent FSB,” are covered by one or more claims of the '576 patent, including Claims 4, 5, 7, 10, 11, 16, 18, 22, 27, 28, and 31–34 of the '576 patent. Upon information and belief, IGB knows that these components are especially made and adapted for use in the infringement of one or more claims of the '576 patent. Due at least to their composition, dimensions, and arrangement of elements, these components are not staple articles or commodities of commerce suitable for substantial noninfringing use.

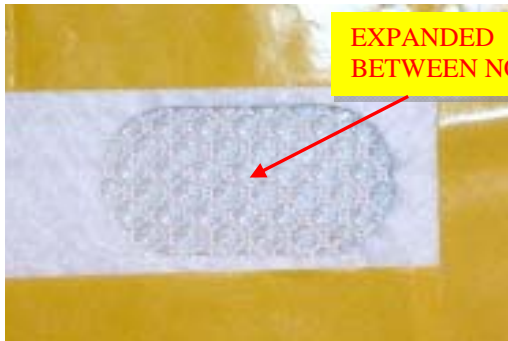


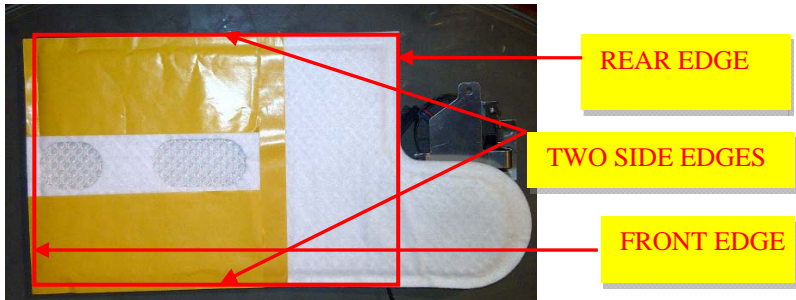
26. Additional details regarding IGB’s infringement follows:


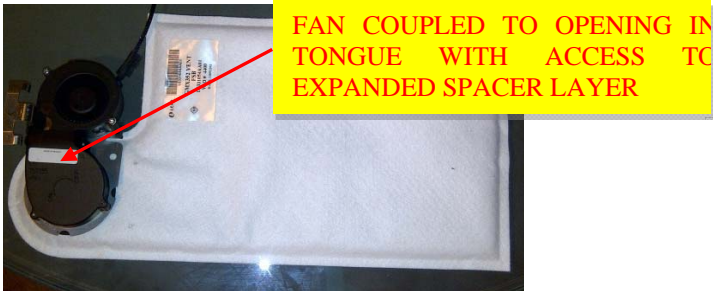
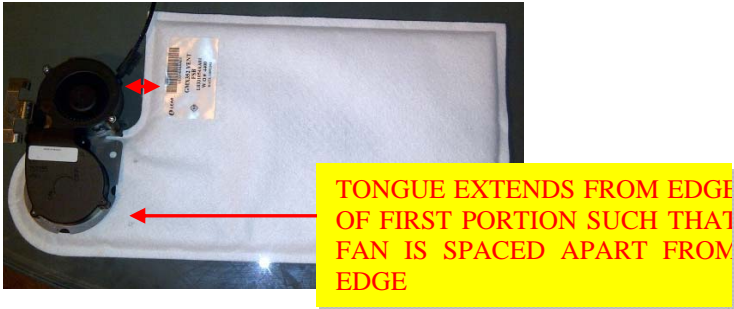

U.S. Patent No. 6,840,576	Corresponding elements of GMX352 Vent FSB, P1LL Heat Vent FSC, P1LL Heat Vent FSB, GMX352 Heat Vent FSC and GMX352 Vent FSC ^{1,2}
1. A ventilated vehicle seat comprising:	<p>The preamble is not limiting. To the extent a Court finds this preamble limiting, IGB infringes directly and indirectly. See below for more details.</p> 
a first portion having at least one edge comprising:	
a porous upper surface layer;	


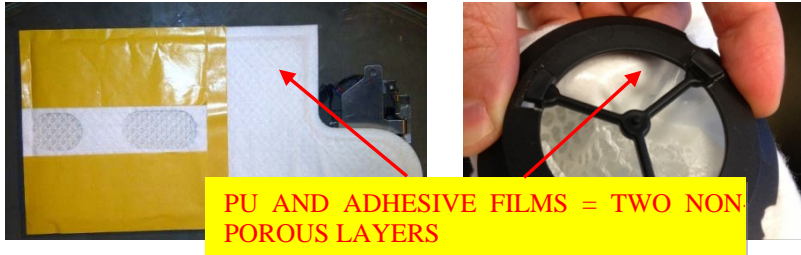


¹ Although this chart only illustrates the features of the P1LL Heat Vent, we note that the other systems share the same features discussed herein and that any differences are noted where necessary.

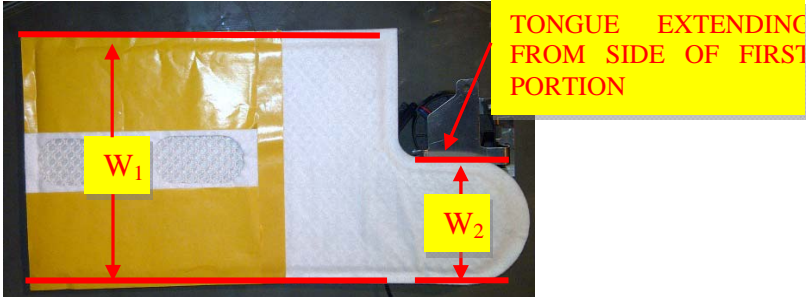
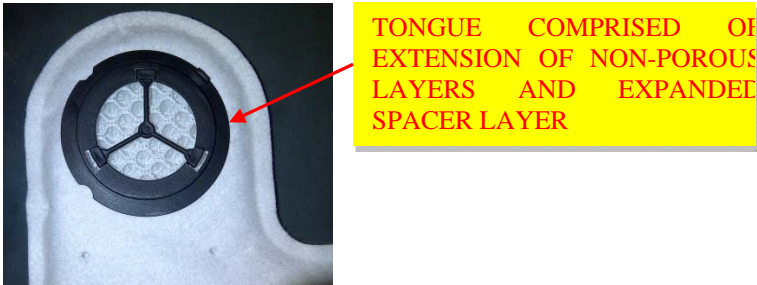


² The product elements identified in these claim charts are exemplary and do not preclude other elements from meeting the claim limitations.




U.S. Patent No. 6,840,576	Corresponding elements of GMX352 Vent FSB, P1LL Heat Vent FSC, P1LL Heat Vent FSB, GMX352 Heat Vent FSC and GMX352 Vent FSC ^{1,2}
a non-porous first inner layer adjacent to the upper surface layer and	
including ventilation holes;	
a non-porous lower surface layer; and	


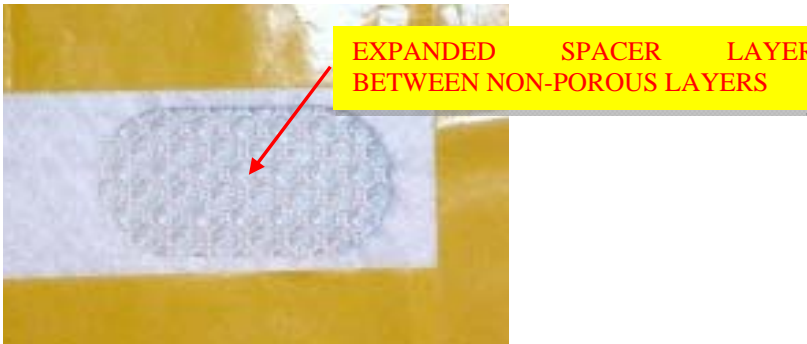

<p>U.S. Patent No. 6,840,576</p>	<p>Corresponding elements of GMX352 Vent FSB, P1LL Heat Vent FSC, P1LL Heat Vent FSB, GMX352 Heat Vent FSC and GMX352 Vent FSC^{1,2}</p>
<p>an expanded spacer layer between the non-porous layers providing an air space; and</p>	 <p>EXPANDED SPACER LAYER BETWEEN NON-POROUS LAYERS</p>
<p>a tongue portion comprising a tongue integrally-formed with the first portion and extending from the edge of the first portion and</p>	 <p>TONGUE INTEGRALLY FORMED WITH FIRST PORTION</p>
<p>including an opening in one of the non-porous layers, the opening providing access to the air space within the expanded spacer layer.</p>	 <p>OPENING IN NON-POROUS LOWER SURFACE LAYER PROVIDES ACCESS TO AIR SPACE</p>
<p>2. The ventilated vehicle seat of claim 1, wherein the first portion comprises a front edge, two side edges, and a rear edge.</p>	 <p>REAR EDGE</p> <p>TWO SIDE EDGES</p> <p>FRONT EDGE</p>


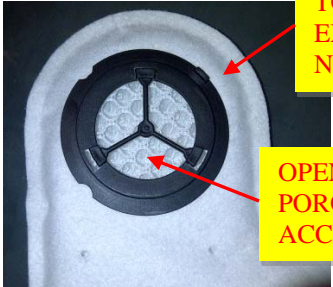

<p>U.S. Patent No. 6,840,576</p>	<p>Corresponding elements of GMX352 Vent FSB, P1LL Heat Vent FSC, P1LL Heat Vent FSB, GMX352 Heat Vent FSC and GMX352 Vent FSC^{1,2}</p>
<p>5. The ventilated vehicle seat of claim 2, wherein the edge from which the tongue extends is the rear edge of the first portion.</p>	
<p>6. The ventilated vehicle seat of claim 1, further comprising a fan coupled to the opening in the tongue and having access to the air space of the expanded spacer layer.</p>	
<p>11. The ventilated vehicle seat of claim 6, wherein the tongue extends from the edge of the first portion such that the fan is spaced apart from the edge of the first portion.</p>	
<p>17. A ventilated seat pad assembly for a vehicle seat comprising:</p>	<p>The preamble is not limiting. To the extent a Court finds this preamble limiting, the limitation is met, as outlined below.</p> 



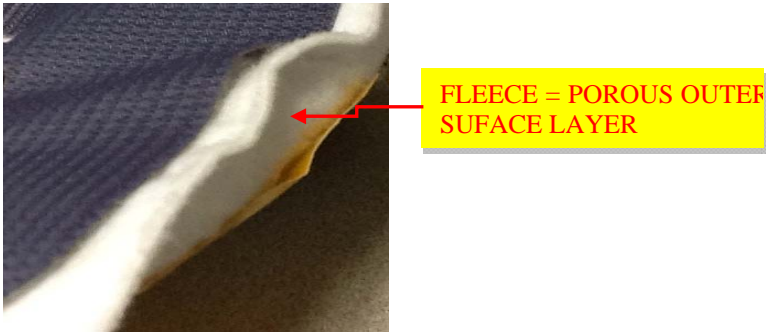
U.S. Patent No. 6,840,576	Corresponding elements of GMX352 Vent FSB, P1LL Heat Vent FSC, P1LL Heat Vent FSB, GMX352 Heat Vent FSC and GMX352 Vent FSC ^{1,2}
<p>a first portion including at least one side having a first width comprising:</p>	
<p>at least two non-porous layers;</p>	
<p>an expanded spacer layer between the two non-porous layers providing an air space; and</p>	
<p>ventilation holes in at least one of the non-porous layers;</p>	


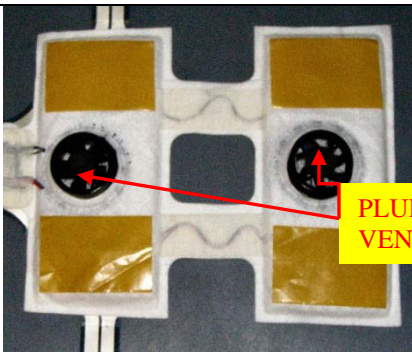
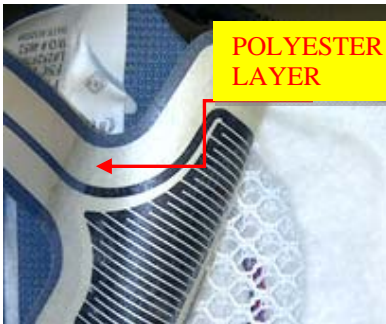

<p>U.S. Patent No. 6,840,576</p>	<p>Corresponding elements of GMX352 Vent FSB, P1LL Heat Vent FSC, P1LL Heat Vent FSB, GMX352 Heat Vent FSC and GMX352 Vent FSC^{1,2}</p>
<p>a tongue extending from the side of the first portion and having a second width less than the first width,</p>	 <p>A second width of the tongue is less than the first width.</p>
<p>the tongue comprising an extension of the at least two non-porous layers and an extension of the expanded spacer layer and</p>	
<p>including an opening in one of the non-porous layers, the opening providing access to the air space within the expanded spacer layer; and</p>	
<p>a fan operatively coupled to the opening in the tongue and having access to the air space of the expanded spacer layer</p>	



U.S. Patent No. 6,840,576	Corresponding elements of GMX352 Vent FSB, P1LL Heat Vent FSC, P1LL Heat Vent FSB, GMX352 Heat Vent FSC and GMX352 Vent FSC ^{1,2}
<p>22. The ventilated seat pad assembly of claim 17, wherein the at least two non-porous layers are coupled together to form an air impermeable bag.</p>	 <p>NON-POROUS LAYERS ON UNDERSIDE OF FELT ARE COUPLED TO FORM AN AIR IMPERMEABLE BAG</p> <p>To the extent the “impermeable bag” limitation is not met literally, it is met under the doctrine of equivalents. Any difference in the enclosure or container formed by the non-porous layers used to contain air within the layers is insubstantial as the enclosure of the accused products performs substantially the same function in substantially the same way to achieve substantially the same result as the claimed seat pad assembly having an air impermeable bag.</p> <p>The layers of the accused products are coupled together to form an enclosure that is insubstantially different from the claimed impermeable bag. The enclosure performs the same function of containing and directing air. The enclosure also contains within it the spacer material. The enclosure contains the air in the same way by preventing a certain amount of air from escaping through the layers or edges and allowing the air to pass through one or more openings. The enclosure achieves the same result as it receives air through an opening and into the spacer material, then the air is directed out of a different opening(s) in the layers.</p>
<p>23. A ventilated seat pad assembly for a vehicle seat comprising:</p>	<p>The preamble is not limiting. To the extent a Court finds this preamble limiting, the limitation is met, as outlined below.</p>  <p>VENTILATED SEAT PAD ASSEMBLY</p>
<p>a first portion comprising: a first non-porous layer;</p>	 <p>FIRST PORTION</p> <p>ADHESIVE FILM ON UNDERSIDE OF FELT = FIRST NON-POROUS LAYER</p>

U.S. Patent No. 6,840,576	Corresponding elements of GMX352 Vent FSB, P1LL Heat Vent FSC, P1LL Heat Vent FSB, GMX352 Heat Vent FSC and GMX352 Vent FSC ^{1,2}
<p>a second non-porous layer;</p>	 <p>PU FILM ON UNDERSIDE OF FELT = SECOND NON-POROUS LAYER</p>
<p>an expanded spacer layer between the first and second non-porous layers providing an air space; and</p>	 <p>EXPANDED SPACER LAYER BETWEEN NON-POROUS LAYERS</p>
<p>ventilation holes in one of the first and second non-porous layers;</p>	 <p>VENTILATION HOLES IN THE FIRST NON-POROUS LAYER</p>

<p>U.S. Patent No. 6,840,576</p>	<p>Corresponding elements of GMX352 Vent FSB, P1LL Heat Vent FSC, P1LL Heat Vent FSB, GMX352 Heat Vent FSC and GMX352 Vent FSC^{1,2}</p>
<p>a tongue extending from the first portion,</p>	 <p>TONGUE EXTENDING FROM FIRST PORTION</p>
<p>the tongue comprising an extension of the first and second non-porous layers and including an opening in one of the non-porous layers, the opening providing access to the air space within the expanded spacer layer; and</p>	 <p>TONGUE COMPRISES AN EXTENSION OF FIRST AND SECOND NON-POROUS LAYERS</p> <p>OPENING IN SECOND NON-POROUS LAYER PROVIDES ACCESS TO AIR SPACE</p>
<p>a fan coupled to the opening in the tongue and having access to the air space of the expanded spacer layer.</p>	 <p>FAN COUPLED TO OPENING IN TONGUE WITH ACCESS TO AIR SPACE</p>

U.S. Patent No. 6,840,576	Corresponding elements of GMX352 Vent FSB, P1LL Heat Vent FSC, P1LL Heat Vent FSB, GMX352 Heat Vent FSC and GMX352 Vent FSC ^{1,2}
<p>27. The ventilated seat pad assembly of claim 23, wherein the first non-porous layer is coupled to the second non-porous layer to form an air impermeable bag.</p>	 <p>To the extent the “impermeable bag” limitation is not met literally, it is met under the doctrine of equivalents. Any difference in the enclosure or container formed by the non-porous layers used to contain air within the layers is insubstantial as the enclosure of the accused products performs substantially the same function in substantially the same way to achieve substantially the same result as the claimed seat pad assembly having an air impermeable bag.</p> <p>The layers of the accused products are coupled together to form an enclosure that is insubstantially different from the claimed impermeable bag. The enclosure performs the same function of containing and directing air. The enclosure also contains within it the spacer material. The enclosure contains the air in the same way by preventing a certain amount of air from escaping through the layers or edges and allowing the air to pass through one or more openings. The enclosure achieves the same result as it receives air through an opening and into the spacer material, then the air is directed out of a different opening(s) in the layers.</p>
<p>28. A ventilated seat pad comprising:</p>	<p>The preamble is not limiting. To the extent a Court finds this preamble limiting, the limitation is met, as outlined below.</p> 
<p>a porous outer surface layer;</p>	

U.S. Patent No. 6,840,576	Corresponding elements of GMX352 Vent FSB, P1LL Heat Vent FSC, P1LL Heat Vent FSB, GMX352 Heat Vent FSC and GMX352 Vent FSC ^{1,2}
<p>a non-porous material including a first inner layer adjacent to the outer surface layer and</p>	 <p>ADHESIVE LAYER ON UNDERSIDE OF FLEECE = FIRST INNER LAYER</p>
<p>including a plurality of ventilated holes; and</p>	 <p>PLURALITY OF VENTILATED HOLES</p>
<p>a lower surface layer;</p>	 <p>POLYESTER SHEET = LOWER SURFACE LAYER</p>
<p>an expanded spacer material between the layers of the non-porous material,</p>	 <p>EXPANDED SPACER MATERIAL BETWEEN FIRST INNER LAYER AND LOWER SURFACE LAYER</p>

<p>U.S. Patent No. 6,840,576</p>	<p>Corresponding elements of GMX352 Vent FSB, P1LL Heat Vent FSC, P1LL Heat Vent FSB, GMX352 Heat Vent FSC and GMX352 Vent FSC^{1,2}</p>
<p>the expanded spacer material being formed of spacer fabric having an upper and a lower layer of netting and a middle layer of threads extending between said upper and lower netting layers; and</p>	 <p>MIDDLE LAYER OF THREADS EXTEND BETWEEN UPPER AND LOWER NETTING LAYERS</p> <p>SPACER FABRIC WITH UPPER AND LOWER LAYER OF NETTING</p>
<p>a tacky layer between the expanded spacer material and a portion of the non-porous material, wherein the tacky layer minimizes movement of the expanded spacer material relative to the non-porous material.</p>	 <p>ADHESIVE LAYER OVER HEATER = TACKY LAYER</p> <p>Expanded spacer material adhered to tacky layer thereby minimizing movement.</p>

Further description of IGB’s indirect infringement:

Induced Infringement
(§271(b))

Element/Factual Basis	Evidence
<p>Lear Corporation sells in and imports into the U.S. ventilated vehicle seats for the GMX352 that infringe Claims 5 and 11; Johnson Controls makes, uses, sells in, and imports into the U.S. ventilated vehicle seats for the GMX352 that infringe Claims 5 and 11; and General Motors uses, sells in and imports into the U.S. ventilated vehicle seats for the GMX 352 that infringe Claims 5 and 11.</p>	<ul style="list-style-type: none"> Deposition transcript of Mike Bevan, Reinold Kosciuw, Maurice Jacobs, Dragan Dosen, Goran Bajic, Dmitri Axakov, Frank Rourke, Tom Fortushniok PX 75-138, 258-295, 364, 368

Element/Factual Basis	Evidence
<p>IGB designed and offered to Lear Corporation, Johnson Controls, and General Motors, climate systems specifically for the infringing GMX352 seats, helped design the infringing seats, and took other action intending to cause the infringing acts.</p>	<ul style="list-style-type: none"> • Deposition transcript of Mike Bevan, Dragan Dosen, Goran Bajic, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 44-49, 200-230, 258-322, 343-368
<p>IGB has been aware of the '576 patent for years.</p>	<ul style="list-style-type: none"> • Gentherm's initial, first amended, and second amended complaints • IGB's response to Gentherm's Interrogatory No. 1 • Deposition transcript of Dragan Dosen, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 363, IGB0049787-88, 369-395
<p>IGB knew that the manufacture, use, sale, and importation by Lear Corporation, Johnson Controls, and General Motors of the seats for the GMX352 would constitute infringement of the '576 patent, at least because IGB has been aware of the '576 patent for years, benchmarked Gentherm's climate systems, and was warned of the risk of infringing Gentherm's patents. IGB proceeded to infringe based on an unmeritorious and reckless belief that an alleged prior inventorship defeats infringement. The evidence also shows that IGB believed there was a high probability that these acts would infringe the '576 patent and IGB took deliberate steps to avoid learning of that infringement, including failing to have IGB's outside patent attorney review drawings and samples of the accused systems and failing to monitor Gentherm's patent applications.</p>	<ul style="list-style-type: none"> • Gentherm's initial, first amended, and second amended complaints • Gentherm's responses to IGB's Interrogatory Nos. 1 and 2 • IGB's responses to Gentherm's Interrogatory Nos. 2, 5, 7, and 8 • Deposition transcript of Dragan Dosen, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 242-257, 314, 318, 363, IGB0049787-88, 366, 369-395

*Induced Infringement through the supply of components from the U.S. for combination abroad
(§271(f)(1))*

Element/Factual Basis	Evidence
<p>IGB supplies climate systems from the U.S. to Lear Corporation and Johnson Controls outside the U.S.</p>	<ul style="list-style-type: none"> • Deposition transcript of Mike Bevan, Reinold Kosciuw, Maurice Jacobs, Dragan Dosen, Goran Bajic, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 75-138, 258-295, 364, 368

Element/Factual Basis	Evidence
The climate systems make up a substantial portion of the infringing ventilated vehicle seats for the GMX352, at least because the systems are an expensive part of the seat and provide a significant selling point for the vehicles.	<ul style="list-style-type: none"> • Deposition transcript of Mike Bevan, Dragan Dosen, Goran Bajic, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 44-49, 200-230, 258-322, 343-368
IGB designed and offered the climate systems specifically for the infringing GMX352 seats, helped design the infringing seats, and took other action intending Lear Corporation and Johnson Controls to assemble the infringing seats.	<ul style="list-style-type: none"> • Deposition transcript of Mike Bevan, Dragan Dosen, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 44-49, 200-230, 258-322, 343-368
IGB has been aware of the '576 patent for years and knows that the ventilated vehicle seats for the GMX352 are covered by Claims 5 and 11 if they were made in the U.S., at least because IGB has been aware of the '576 patent for years, benchmarked Gentherm's climate systems, and was warned of the risk of infringing Gentherm's patents. IGB proceeded to infringe based on an unmeritorious and reckless belief that an alleged prior inventorship defeats infringement. The evidence also shows that IGB took deliberate steps to avoid learning of this infringement, including failing to have IGB's outside patent attorney review drawings and samples of the accused systems and failing to monitor Gentherm's patent applications.	<ul style="list-style-type: none"> • Gentherm's initial, first amended, and second amended complaints • Gentherm's responses to IGB's Interrogatory Nos. 1 and 2 • IGB's response to Gentherm's Interrogatory No. 1, 2, 5, 7, and 8 • Deposition transcript of Dragan Dosen, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 242-257, 314, 318, 363, IGB0049787-88, 366, 369-395

Contributory Infringement
(§271(c))

Element/Factual Basis	Evidence
IGB offers to sell and sells within the U.S. climate systems for ventilated vehicle seats for the GMX352.	<ul style="list-style-type: none"> • Deposition transcript of Mike Bevan, Reinold Kosciuw, Maurice Jacobs, Dragan Dosen, Goran Bajic, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 75-138, 258-295, 364, 368
The climate systems have no substantial, noninfringing uses other than in the ventilated vehicle seats for the GMX352, at least because the systems were designed specifically for the infringing seats.	<ul style="list-style-type: none"> • Deposition transcript of Mike Bevan, Dragan Dosen, Goran Bajic, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 44-49, 200-230, 258-295

Element/Factual Basis	Evidence
<p>The climate systems constitute a material part of the inventive ventilated vehicle seats, at least because the systems are an expensive part of the seat and provide a significant selling point for the vehicles.</p>	<ul style="list-style-type: none"> • Deposition transcript of Mike Bevan, Dragan Dosen, Goran Bajic, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 44-49, 200-230, 258-322, 343-368
<p>IGB has been aware of the '576 patent for years.</p>	<ul style="list-style-type: none"> • Gentherm's initial, first amended, and second amended complaints • IGB's response to Gentherm's Interrogatory No. 1 • Deposition transcript of Dragan Dosen, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 363, IGB0049787-88, 369-395
<p>IGB knows that the ventilated seat seats for the GMX352 are covered by Claims 5 and 11, at least because IGB has been aware of the '576 patent for years, benchmarked Gentherm's climate systems, and was warned of the risk of infringing Gentherm's patents. IGB proceeded to infringe based on an unmeritorious and reckless belief that an alleged prior inventorship defeats infringement. The evidence also shows that IGB knows that the seats may infringe and took deliberate steps to avoid learning of that infringement, including failing to have IGB's outside patent attorney review drawings and samples of the accused systems and failing to monitor Gentherm's patent applications.</p>	<ul style="list-style-type: none"> • Gentherm's initial, first amended, and second amended complaints • Gentherm's responses to IGB's Interrogatory Nos. 1 and 2 • IGB's responses to Gentherm's Interrogatory Nos. 2, 5, 7, and 8 • Deposition transcript of Dragan Dosen, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 242-257, 314, 318, 363, IGB0049787-88, 366, 369-395

Contributory Infringement through the supply of components from the U.S. for combination abroad
(§271(f)(2))

Element/Factual Basis	Evidence
<p>IGB supplies climate systems from the U.S. to Lear Corporation and Johnson Controls outside the U.S.</p>	<ul style="list-style-type: none"> • Deposition transcript of Mike Bevan, Reinold Kosciuw, Maurice Jacobs, Dragan Dosen, Goran Bajic, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 75-138, 258-295, 364, 368

Element/Factual Basis	Evidence
<p>The only substantial use for the climate systems is in ventilated vehicle seats for the GMX352 that would infringe Claims 5 and 11 if made in the U.S., at least because the systems were designed specifically for the infringing seats.</p>	<ul style="list-style-type: none"> • Deposition transcript of Mike Bevan, Dragan Dosen, Goran Bajic, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 44-49, 200-230, 258-322, 343-368
<p>IGB has been aware of the '576 patent for years.</p>	<ul style="list-style-type: none"> • Gentherm's initial, first amended, and second amended complaints • IGB's response to Gentherm's Interrogatory No. 1 • Deposition transcript of Dragan Dosen, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 363, IGB0049787-88, 369-395
<p>IGB knows that the climate systems have no other substantial use other than in the ventilated vehicle seats for the GMX352 and knows that the seats infringe Claims 5 and 11 if made in the U.S., at least because the systems were designed specifically for the infringing seats. IGB proceeded to infringe based on an unmeritorious and reckless belief that an alleged prior inventorship defeats infringement. The evidence also shows that IGB knew the ventilated vehicle seats for the GMX352 may be covered by Claims 5 and 11 or IGB took deliberate steps to avoid learning of that infringement, including failing to have IGB's outside patent attorney review drawings and samples of the accused systems and failing to monitor Gentherm's patent applications.</p>	<ul style="list-style-type: none"> • Gentherm's initial, first amended, and second amended complaints • Gentherm's responses to IGB's Interrogatory Nos. 1 and 2 • IGB's responses to Gentherm's Interrogatory Nos. 2, 5, 7, and 8 • Deposition transcript of Dragan Dosen, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 242-257, 314, 318, 363, IGB0049787-88, 366, 369-395

Element/Factual Basis	Evidence
<p>IGB intends for the climate systems to be used in the ventilated vehicle seats for the GMX352 that would directly infringe if the seats had been used in the U.S., at least because IGB has been aware of the '576 patent for years, benchmarked Gentherm's climate systems, and was warned of the risk of infringing Gentherm's patents. IGB proceeded to infringe based on an unmeritorious and reckless belief that an alleged prior inventorship defeats infringement. The evidence also shows that IGB took deliberate steps to avoid learning of that infringement, including failing to have IGB's outside patent attorney review drawings and samples of the accused systems and failing to monitor Gentherm's patent applications.</p>	<ul style="list-style-type: none"> • Gentherm's initial, first amended, and second amended complaints • Gentherm's responses to IGB's Interrogatory Nos. 1 and 2 • IGB's responses to Gentherm's Interrogatory Nos. 2, 5, 7, and 8 • Deposition transcript of Dragan Dosen, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 242-257, 314, 318, 363, IGB0049787-88, 366, 369-395

27. Additional details regarding IGB's infringement can also be found in Gentherm's Responses to IGB's First Set of Interrogatories (Nos. 1-7), which were served on May 7, 2014, as well as Gentherm's First Supplemental Responses to IGB's First Set of Interrogatories (Nos. 1-7), which were served on May 20, 2014, both of which are incorporated by reference.

28. Gentherm has given IGB notice that it infringes the '576 patent. IGB knows or is willfully blind to the existence of the '576 patent. A letter identifying the '576 patent was sent on December 10, 2012, to a representative of IGB's parent corporation, I.G. Bauerrhin GmbH.

29. Upon information and belief, IGB's infringement of the '576 patent has been and continues to be deliberate and willful.

30. Upon information and belief, IGB's infringement will continue unless enjoined by this Court.

31. Upon information and belief, IGB has derived, received, and will continue to derive and receive gains, profits, and advantages from the aforesaid

acts of infringement in an amount that is not presently known to Gentherm. Due to IGB's infringement of the '576 patent, Gentherm has been damaged and is entitled to monetary relief in an amount to be determined at trial.

32. Unless IGB is enjoined from infringing the '576 patent, Gentherm will continue to suffer irreparable injury for which it has no adequate remedy at law.

THIRD CLAIM FOR RELIEF

(Infringement of U.S. Patent No. 7,052,091)

33. Gentherm repeats, realleges, and incorporates by reference the allegations set forth in Paragraphs 1-33 and 46-102 of this Complaint.

34. This is a claim for patent infringement and arises under the Patent Laws of the United States, Title 35 of the United States Code.

35. Upon information and belief, IGB has in the past infringed and is currently infringing the '091 patent in violation of 35 U.S.C. § 271(a) by manufacturing, using, offering for sale, selling, and importing products or systems for cooling or heating seats. These products or systems, including products or systems labeled "PILL Heat Vent FSC," "PILL Heat Vent FSB," "GMX352 Vent FSC," and "GMX352 Heat Vent FSC," are covered by one or more claims of the '091 patent, including Claims 13, 14, 16, 18, 19, 21-25, 27, 29, 32-35, 37, 39, and 42 of the '091 patent.

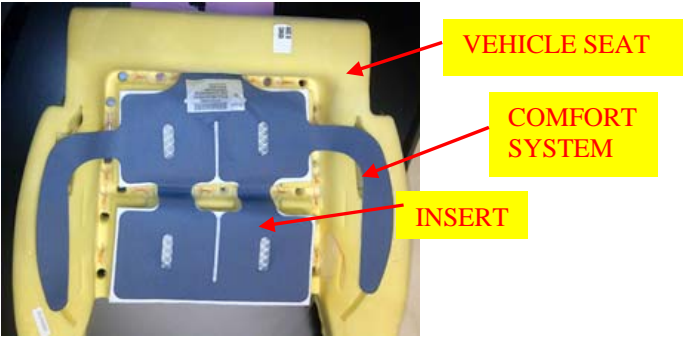
36. Upon information and belief, IGB has actively induced others to infringe the '091 patent in violation of 35 U.S.C. § 271(b). Upon information and belief, IGB has caused, urged, encouraged, and aided others, including its customers, to directly infringe one or more claims of the '091 patent, and has engaged in these acts with knowledge of the '091 patent. Upon information and belief, IGB has caused, urged, encouraged, and aided others, including its customers, to manufacture, use, offer for sale, sell, and import products or systems

used for heating or cooling seats, including products or systems labeled “P1LL Heat Vent FSC,” P1LL Heat Vent FSB,” “GMX352 Vent FSC,” and “GMX352 Heat Vent FSC.” Upon information and belief, IGB has also caused, urged, encouraged, and aided others, including its customers, to manufacture, promote, offer for sale, sell, and import seats or seat assemblies that incorporate such products or systems, including vehicle seats or seat assemblies for recent models of the Cadillac XTS and the Chevrolet Impala. These products, systems, seats, and seat assemblies are covered by one or more claims of the '091 patent, including Claims 13, 14, 16, 18, 19, 21–25, 27, 29, 32–35, 37, 39, and 42 of the '091 patent. Upon information and belief, IGB specifically intended others, including its customers, to directly infringe these claims.

37. Upon information and belief, IGB has contributorily infringed the '091 patent in violation of 35 U.S.C. § 271(c). Upon information and belief, IGB has sold components of seats or seat assemblies, including vehicle seats or seat assemblies for recent models of the Cadillac XTS and the Chevrolet Impala, that are covered by one or more claims of the '091 patent, including Claims 13, 14, 16, 18, 19, 21–25, 27, 29, 32–35, 37, 39, and 42 of the '091 patent. Upon information and belief, these components include products or systems used for heating or cooling seats, including products or systems labeled “P1LL Heat Vent FSC,” P1LL Heat Vent FSB,” “GMX352 Vent FSC,” and “GMX352 Heat Vent FSC.” Upon information and belief, IGB knows that these components are especially made and adapted for use in the infringement of one or more claims of the '091 patent. Due at least to their composition, dimensions, and arrangement of elements, these components, including products or systems labeled “P1LL Heat Vent FSC,” P1LL Heat Vent FSB,” “GMX352 Vent FSC,” and “GMX352 Heat Vent FSC,” are not staple articles or commodities of commerce suitable for substantial noninfringing use.

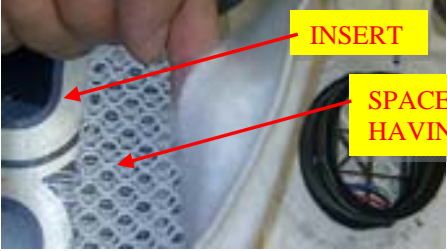
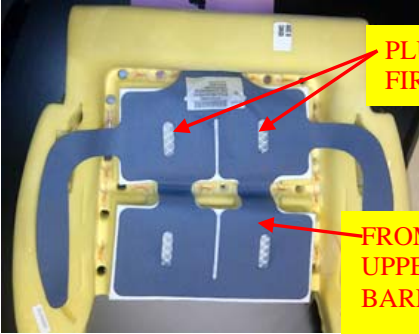
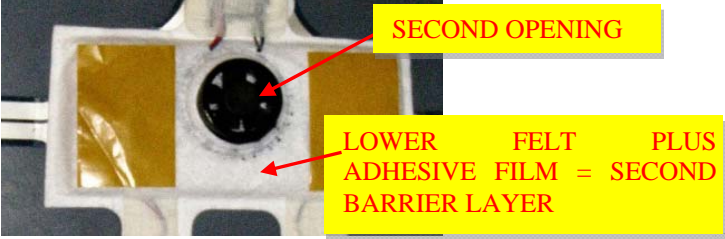
38. Upon information and belief, IGB has also sold components of products or systems used for heating or cooling seats. Upon information and belief, these products or systems, including products or systems labeled “P1LL Heat Vent FSC,” P1LL Heat Vent FSB,” “GMX352 Vent FSC,” and “GMX352 Heat Vent FSC,” are covered by one or more claims of the '091 patent, including Claims 13, 14, 16, 18, 19, 21–25, 27, 29, 32–35, 37, 39, and 42 of the '091 patent. Upon information and belief, IGB knows that these components are especially made and adapted for use in the infringement of one or more claims of the '091 patent. Due at least to their composition, dimensions, and arrangement of elements, these components are not staple articles or commodities of commerce suitable for substantial noninfringing use.

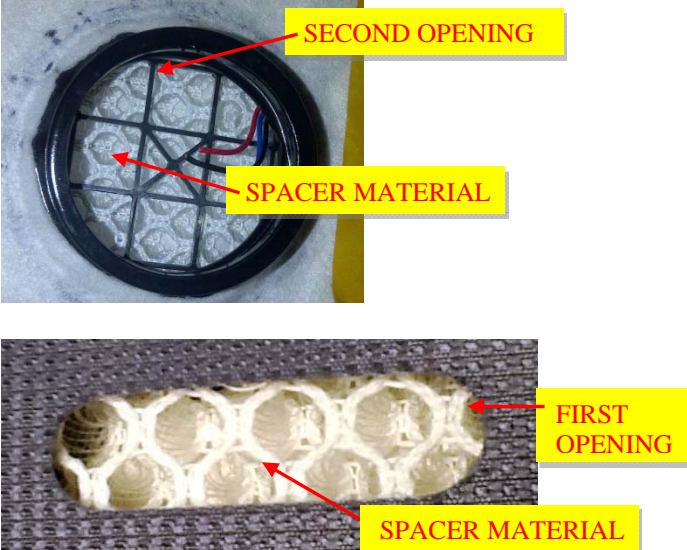
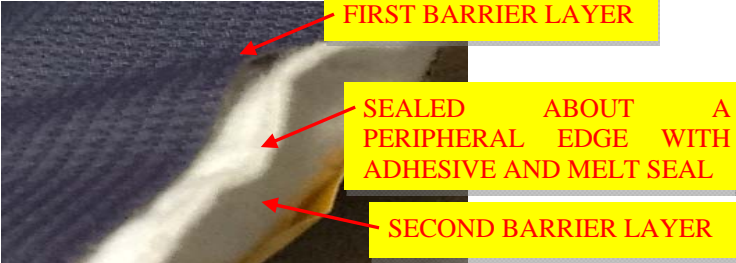
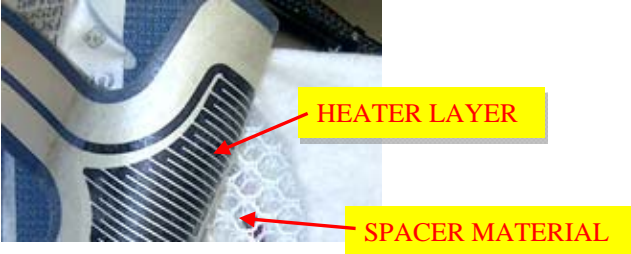
39. Additional details regarding IGB’s infringement follows:



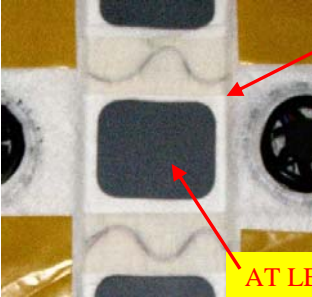

U.S. Pat. No. 7,052,091	Corresponding elements of P1LL Heat Vent FSC, P1LL Heat Vent FSB, GMX352 Heat Vent FSC and GMX352 Vent FSC ^{3,4}
<p>13. A comfort system for a seat of a transportation vehicle, comprising: an insert adapted for use with a vehicle seat,</p>	<p>The preamble is not limiting. To the extent a Court finds this preamble limiting, the limitation is met, as outlined below.</p>  <p>The image shows a yellow vehicle seat with a blue comfort system insert. Three red arrows point from yellow labels to the seat, the insert, and a specific part of the insert.</p> <ul style="list-style-type: none"> VEHICLE SEAT COMFORT SYSTEM INSERT

³ Although this chart only illustrates the features of the P1LL Heat Vent, we note that the other systems share the same features discussed herein and that any differences are noted where necessary.

⁴ The product elements identified in these claim charts are exemplary and do not preclude other elements from meeting the claim limitations.

<p>U.S. Pat. No. 7,052,091</p>	<p>Corresponding elements of P1LL Heat Vent FSC, P1LL Heat Vent FSB, GMX352 Heat Vent FSC and GMX352 Vent FSC^{3,4}</p>
<p>wherein:</p> <p>i. the insert includes a layer of spacer material for providing an open space within the insert;</p>	
<p>ii. the insert includes a first barrier layer with a plurality of first openings and</p>	
<p>a second barrier layer with a second opening,</p>	

U.S. Pat. No. 7,052,091	Corresponding elements of P1LL Heat Vent FSC, P1LL Heat Vent FSB, GMX352 Heat Vent FSC and GMX352 Vent FSC ^{3,4}
<p>the first openings and second opening in fluid communication with the open space and the spacer material located between the first and second barrier layer;</p>	 <p>SECOND OPENING</p> <p>SPACER MATERIAL</p> <p>FIRST OPENING</p> <p>SPACER MATERIAL</p>
<p>iii. the insert is sealed about a peripheral edge of the insert with an adhesive, a melt seal or both that seals the first barrier layer to the second barrier layer forming a peripheral strip about the insert; and</p>	 <p>FIRST BARRIER LAYER</p> <p>SEAL</p> <p>ADHESIVE AND MELT SEAL</p> <p>SECOND BARRIER LAYER</p>
<p>iv. the insert includes a heater layer overlaying the layer of spacer material; and</p>	 <p>HEATER LAYER</p> <p>SPACER MATERIAL</p>

<p>U.S. Pat. No. 7,052,091</p>	<p>Corresponding elements of P1LL Heat Vent FSC, P1LL Heat Vent FSB, GMX352 Heat Vent FSC and GMX352 Vent FSC^{3,4}</p>
<p>an air mover in fluid communication with the first openings, the second opening and the open space for moving air therethrough,</p>	 <p data-bbox="980 386 1414 527">AIR MOVER IN FLUID COMMUNICATION WITH FIRST OPENINGS, SECOND OPENING, AND OPEN SPACE</p>
<p>wherein: i. a tubular structure extends to the air mover for assisting in providing the fluid communication between the air mover and the open space;</p>	 <p data-bbox="948 764 1192 821">AIR MOVER</p> <p data-bbox="987 852 1382 932">TUBULAR STRUCTURE EXTENDING TO AIR MOVER</p>
<p>wherein at least one through-hole extends through a central portion of the insert without being in fluid communication with the open space or the second opening.</p>	 <p data-bbox="922 1075 1300 1220">THROUGH-HOLE NOT IN FLUID COMMUNICATION WITH OPEN SPACE</p> <p data-bbox="846 1293 1279 1339">AT LEAST ONE THROUGH-HOLE</p>
<p>21. A comfort system as in claim 13 wherein the peripheral strip has a width of between about 0.2 cm and about 3.0 cm.</p>	 <p data-bbox="980 1654 1357 1766">PERIPHERAL STRIP HAS WIDTH BETWEEN ABOUT 0.2 CM AND 3.0 CM</p>

40. Additional details regarding IGB's infringement can also be found in Gentherm's Responses to IGB's First Set of Interrogatories (Nos. 1-7), which were served on May 7, 2014, as well as Gentherm's First Supplemental Responses to IGB's First Set of Interrogatories (Nos. 1-7), which were served on May 20, 2014, both of which are incorporated by reference.

41. Gentherm has given IGB notice that it infringes the '091 patent. IGB knows or is willfully blind to the existence of the '091 patent. A letter identifying the Cadillac XTS seat and the '091 patent was sent on December 10, 2012, to a representative of IGB's parent corporation, I.G. Bauherhin GmbH.

42. Upon information and belief, IGB's infringement of the '091 patent has been and continues to be deliberate and willful.

43. Upon information and belief, IGB's infringement will continue unless enjoined by this Court.

44. Upon information and belief, IGB has derived, received, and will continue to derive and receive gains, profits, and advantages from the aforesaid acts of infringement in an amount that is not presently known to Gentherm. Due to IGB's infringement of the '091 patent, Gentherm has been damaged and is entitled to monetary relief in an amount to be determined at trial.

45. Unless IGB is enjoined from infringing the '091 patent, Gentherm will continue to suffer irreparable injury for which it has no adequate remedy at law.

FOURTH CLAIM FOR RELIEF

(Infringement of U.S. Patent No. 7,100,978)

46. Gentherm repeats, realleges, and incorporates by reference the allegations set forth in Paragraphs 1-45 of this Complaint.

47. This is a claim for patent infringement and arises under the Patent Laws of the United States, Title 35 of the United States Code.


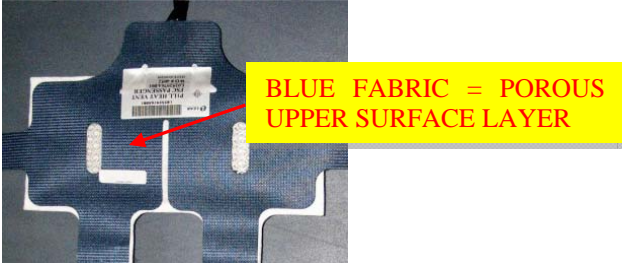
48. Upon information and belief, IGB has in the past infringed and is currently infringing the '978 patent in violation of 35 U.S.C. § 271(a) by manufacturing, using, offering for sale, selling, and importing products or systems for cooling or heating seats. These products or systems, including products or systems labeled "PILL Heat Vent FSC," PILL Heat Vent FSB," "GMX352 Vent FSC," "GMX352 Heat Vent FSC," and "GMX352 Vent FSB," are covered by one or more claims of the '978 patent, including Claims 1, 2, 5-7, 9, 11, and 12 of the '978 patent.

49. Upon information and belief, IGB has actively induced others to infringe the '978 patent in violation of 35 U.S.C. § 271(b). Upon information and belief, IGB has caused, urged, encouraged, and aided others, including its customers, to directly infringe one or more claims of the '978 patent, and has engaged in these acts with knowledge of the '978 patent. Upon information and belief, IGB has caused, urged, encouraged, and aided others, including its customers, to manufacture, use, offer for sale, sell, and import products or systems used for heating or cooling seats, including products or systems labeled "PILL Heat Vent FSC," PILL Heat Vent FSB," "GMX352 Vent FSC," "GMX352 Heat Vent FSC," and "GMX352 Vent FSB." Upon information and belief, IGB has also caused, urged, encouraged, and aided others, including its customers, to manufacture, promote, offer for sale, sell, and import seats or seat assemblies that incorporate such products or systems, including vehicle seats or seat assemblies for recent models of the Cadillac XTS and the Chevrolet Impala. These products, systems, seats, and seat assemblies are covered by one or more claims of the '978 patent, including Claims 1, 2, 5-7, 9, 11, and 12 of the '978 patent. Upon information and belief, IGB specifically intended others, including its customers, to directly infringe these claims.

50. Upon information and belief, IGB has contributorily infringed the '978 patent in violation of 35 U.S.C. § 271(c). Upon information and belief, IGB has sold components of seats or seat assemblies, including vehicle seats or seat assemblies for recent models of the Cadillac XTS and the Chevrolet Impala, that are covered by one or more claims of the '978 patent, including Claims 1, 2, 5–7, 9, 11, and 12 of the '978 patent. Upon information and belief, these components include products or systems used for heating or cooling seats, including products or systems labeled “PILL Heat Vent FSC,” PILL Heat Vent FSB,” “GMX352 Vent FSC,” “GMX352 Heat Vent FSC,” and “GMX352 Vent FSB.” Upon information and belief, IGB knows that these components are especially made and adapted for use in the infringement of one or more claims of the '978 patent. Due at least to their composition, dimensions, and arrangement of elements, these components, including products or systems labeled “PILL Heat Vent FSC,” PILL Heat Vent FSB,” “GMX352 Vent FSC,” “GMX352 Heat Vent FSC,” and “GMX352 Vent FSB,” are not staple articles or commodities of commerce suitable for substantial noninfringing use.





51. Upon information and belief, IGB has also sold components of products or systems used for heating or cooling seats. Upon information and belief, these products or systems, including products or systems labeled “PILL Heat Vent FSC,” PILL Heat Vent FSB,” “GMX352 Vent FSC,” “GMX352 Heat Vent FSC,” and “GMX352 Vent FSB,” are covered by one or more claims of the '978 patent, including Claims 1, 2, 5–7, 9, 11, and 12 of the '978 patent. Upon information and belief, IGB knows that these components are especially made and adapted for use in the infringement of one or more claims of the '978 patent. Due at least to their composition, dimensions, and arrangement of elements, these components are not staple articles or commodities of commerce suitable for substantial noninfringing use.


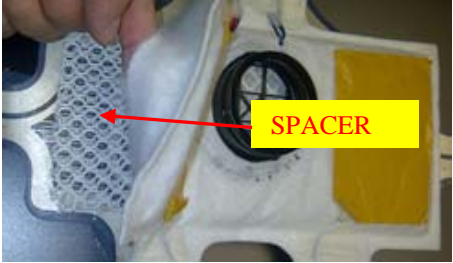

52. Additional details regarding IGB's infringement follows:

U.S. Pat. No. 7,100,978	Corresponding elements of P1LL Heat Vent FSC, P1LL Heat Vent FSB, GMX352 Heat Vent FSC and GMX352 Vent FSC ^{5,6}
1. A ventilated vehicle seat comprising:	<p>The preamble is not limiting. To the extent a Court finds this preamble limiting, IGB infringes indirectly. See below for more details.</p> 
a porous upper surface layer;	

⁵ Although this chart only illustrates the features of the P1LL Heat Vent, we note that the other systems share the same features discussed herein and that any differences are noted where necessary.

⁶ The product elements identified in these claim charts are exemplary and do not preclude other elements from meeting the claim limitations.

<p>U.S. Pat. No. 7,100,978</p>	<p>Corresponding elements of P1LL Heat Vent FSC, P1LL Heat Vent FSB, GMX352 Heat Vent FSC and GMX352 Vent FSC^{5,6}</p>
<p>a resinous film non-porous first layer beneath the upper surface layer and</p>	 <p>POLYESTER SHEET BENEATH BLUE FABRIC = RESINOUS FILM NON-POROUS FIRST LAYER</p>
<p>including ventilation holes;</p>	 <p>VENTILATION HOLES</p>
<p>a non-porous second layer;</p>	 <p>ADHESIVE FILM ON UNDERSIDE OF FELT = NON-POROUS SECOND LAYER</p>
<p>a spacer layer between the non-porous layers for providing cushioning and for ensuring airflow in lateral, longitudinal and perpendicular directions, even when the seat is occupied; and</p>	 <p>SPACER LAYER BETWEEN NON-POROUS LAYERS</p>

<p>U.S. Pat. No. 7,100,978</p>	<p>Corresponding elements of P1LL Heat Vent FSC, P1LL Heat Vent FSB, GMX352 Heat Vent FSC and GMX352 Vent FSC^{5,6}</p>
<p>a tacky layer between the spacer layer and one of the first layer and the second layer;</p> <p>wherein the tacky layer restricts movement of the spacer layer relative to the one of the first layer and the second layer and</p>	 <p>Adhesive restricts the spacer's movement relative to the first layer.</p>
<p>wherein the spacer layer is fixed in position between the first layer and the second layer for preventing slipping of the spacer layer.</p>	 <p>Spacer layer is fixed in position between the first layer and the second layer in part by tacky layer and felt envelope.</p>
<p>2. The ventilated seat of claim 1, wherein the resinous film of the first layer surrounds each of the ventilation holes.</p>	

Further description of IGB's indirect infringement.

Induced Infringement
(§271(b))

Element/Factual Basis	Evidence
<p>Lear Corporation sells in and imports into the U.S. ventilated vehicle seats for the Cadillac XTS and GMX352 that infringe Claims 1 and 2;</p> <p>Johnson Controls makes, uses, sells in, and imports into the U.S. ventilated vehicle seats for the GMX352 that infringe Claims 1 and 2; and</p> <p>General Motors uses, sells in and imports into the U.S. ventilated vehicle seats for the Cadillac XTS and GMX 352 that infringe Claims 1 and 2.</p>	<ul style="list-style-type: none"> • Deposition transcript of Mike Bevan, Reinold Kosciuw, Maurice Jacobs, Dragan Dosen, Goran Bajic, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 75-138, 258-295, 364, 368
<p>IGB designed and offered to Lear Corporation, Johnson Controls, and General Motors, climate systems specifically for the infringing Cadillac XTS and GMX352 seats, helped design the infringing seats, and took other action intending to cause the infringing acts.</p>	<ul style="list-style-type: none"> • Deposition transcript of Mike Bevan, Dragan Dosen, Goran Bajic, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 44-49, 200-230, 258-322, 343-368
<p>IGB has been aware of the '978 patent for years.</p>	<ul style="list-style-type: none"> • Gentherm's initial, first amended, and second amended complaints • IGB's response to Gentherm's Interrogatory No. 1 • Deposition transcript of Dragan Dosen, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 363, IGB0049787-88, 369-395

Element/Factual Basis	Evidence
<p>IGB knew that the manufacture, use, sale, and importation by Lear Corporation, Johnson Controls, and General Motors of the seats for the Cadillac XTS and GMX352 would constitute infringement of the '978 patent, at least because IGB has been aware of the '978 patent for years, benchmarked Gentherm's climate systems, and was warned of the risk of infringing Gentherm's patents. IGB proceeded to infringe based on an unmeritorious and reckless belief that an alleged prior inventorship defeats infringement. The evidence also shows that IGB believed there was a high probability that these acts would infringe the '978 patent and IGB took deliberate steps to avoid learning of that infringement, including failing to have IGB's outside patent attorney review drawings and samples of the accused systems and failing to monitor Gentherm's patent applications.</p>	<ul style="list-style-type: none"> • Gentherm's initial, first amended, and second amended complaints • Gentherm's responses to IGB's Interrogatory Nos. 1 and 2 • IGB's responses to Gentherm's Interrogatory Nos. 2, 5, 7, and 8 • Deposition transcript of Dragan Dosen, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 242-257, 314, 318, 363, IGB0049787-88, 366, 369-395

Induced Infringement through the supply of components from the U.S. for combination abroad (§271(f)(1))

Element/Factual Basis	Evidence
<p>IGB supplies climate systems from the U.S. to Lear Corporation and Johnson Controls outside the U.S.</p>	<ul style="list-style-type: none"> • Deposition transcript of Mike Bevan, Reinold Kosciuw, Maurice Jacobs, Dragan Dosen, Goran Bajic, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 75-138, 258-295, 364, 368
<p>The climate systems make up a substantial portion of the infringing ventilated vehicle seats for the Cadillac XTS and GMX352, at least because the systems are an expensive part of the seat and provide a significant selling point for the vehicles.</p>	<ul style="list-style-type: none"> • Deposition transcript of Mike Bevan, Dragan Dosen, Goran Bajic, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 44-49, 200-230, 258-322, 343-368
<p>IGB designed and offered the climate systems specifically for the infringing Cadillac XTS and GMX352 seats, helped design the infringing seats, and took other action intending Lear Corporation and Johnson Controls to assemble the infringing seats.</p>	<ul style="list-style-type: none"> • Deposition transcript of Mike Bevan, Dragan Dosen, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 44-49, 200-230, 258-322, 343-368

Element/Factual Basis	Evidence
<p>IGB has been aware of the '978 patent for years and knows that the ventilated vehicle seats for the Cadillac XTS and GMX352 are covered by Claims 1 and 2 if they were made in the U.S., at least because IGB has been aware of the '978 patent for years, benchmarked Gentherm's climate systems, and was warned of the risk of infringing Gentherm's patents. IGB proceeded to infringe based on an unmeritorious and reckless belief that an alleged prior inventorship defeats infringement. The evidence also shows that IGB took deliberate steps to avoid learning of this infringement, including failing to have IGB's outside patent attorney review drawings and samples of the accused systems and failing to monitor Gentherm's patent applications.</p>	<ul style="list-style-type: none"> • Gentherm's initial, first amended, and second amended complaints • Gentherm's responses to IGB's Interrogatory Nos. 1 and 2 • IGB's response to Gentherm's Interrogatory No. 1, 2, 5, 7, and 8 • Deposition transcript of Dragan Dosen, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 242-257, 314, 318, 363, IGB0049787-88, 366, 369-395

Contributory Infringement
(§271(c))

Element/Factual Basis	Evidence
<p>IGB offers to sell and sells within the U.S. climate systems for ventilated vehicle seats for the Cadillac XTS and GMX352.</p>	<ul style="list-style-type: none"> • Deposition transcript of Mike Bevan, Reinold Kosciuw, Maurice Jacobs, Dragan Dosen, Goran Bajic, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 75-138, 258-295, 364, 368
<p>The climate systems have no substantial, noninfringing uses other than in the ventilated vehicle seats for the Cadillac XTS and GMX352, at least because the systems were designed specifically for the infringing seats.</p>	<ul style="list-style-type: none"> • Deposition transcript of Mike Bevan, Dragan Dosen, Goran Bajic, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 44-49, 200-230, 258-295
<p>The climate systems constitute a material part of the inventive ventilated vehicle seats, at least because the systems are an expensive part of the seat and provide a significant selling point for the vehicles.</p>	<ul style="list-style-type: none"> • Deposition transcript of Mike Bevan, Dragan Dosen, Goran Bajic, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 44-49, 200-230, 258-322, 343-368

Element/Factual Basis	Evidence
<p>IGB has been aware of the '978 patent for years.</p>	<ul style="list-style-type: none"> • Gentherm's initial, first amended, and second amended complaints • IGB's response to Gentherm's Interrogatory No. 1 • Deposition transcript of Dragan Dosen, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 363, IGB0049787-88, 369-395
<p>IGB knows that the ventilated vehicle seats for the Cadillac XTS and GMX352 are covered by Claims 1 and 2, at least because IGB has been aware of the '978 patent for years, benchmarked Gentherm's climate systems, and was warned of the risk of infringing Gentherm's patents. IGB proceeded to infringe based on an unmeritorious and reckless belief that an alleged prior inventorship defeats infringement. The evidence also shows that IGB knows that the seats may infringe and took deliberate steps to avoid learning of that infringement, including failing to have IGB's outside patent attorney review drawings and samples of the accused systems and failing to monitor Gentherm's patent applications.</p>	<ul style="list-style-type: none"> • Gentherm's initial, first amended, and second amended complaints • Gentherm's responses to IGB's Interrogatory Nos. 1 and 2 • IGB's responses to Gentherm's Interrogatory Nos. 2, 5, 7, and 8 • Deposition transcript of Dragan Dosen, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 242-257, 314, 318, 363, IGB0049787-88, 366, 369-395

Contributory Infringement through the supply of components from the U.S. for combination abroad
(§271(f)(2))

Element/Factual Basis	Evidence
<p>IGB supplies climate systems from the U.S. to Lear Corporation and Johnson Controls outside the U.S.</p>	<ul style="list-style-type: none"> • Deposition transcript of Mike Bevan, Reinold Kosciuw, Maurice Jacobs, Dragan Dosen, Goran Bajic, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 75-138, 258-295, 364, 368
<p>The only substantial use for the climate systems is in ventilated vehicle seats for the Cadillac XTS and GMX352 that would infringe Claims 1 and 2 if made in the U.S., at least because the systems were designed specifically for the infringing seats.</p>	<ul style="list-style-type: none"> • Deposition transcript of Mike Bevan, Dragan Dosen, Goran Bajic, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 44-49, 200-230, 258-322, 343-368

Element/Factual Basis	Evidence
<p>IGB has been aware of the '978 patent for years.</p>	<ul style="list-style-type: none"> • Gentherm's initial, first amended, and second amended complaints • IGB's response to Gentherm's Interrogatory No. 1 • Deposition transcript of Dragan Dosen, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 363, IGB0049787-88, 369-395
<p>IGB knows that the climate systems have no other substantial use other than in the ventilated vehicle seats for the Cadillac XTS and GMX352 and knows that the seats infringe Claims 1 and 2 if made in the U.S, at least because the systems were designed specifically for the infringing seats. IGB proceeded to infringe based on an unmeritorious and reckless belief that an alleged prior inventorship defeats infringement. The evidence also shows that IGB knew the ventilated vehicle seats for the Cadillac XTS and GMX352 may be covered by Claims 1 and 2 and IGB took deliberate steps to avoid learning of that infringement, including failing to have IGB's outside patent attorney review drawings and samples of the accused systems and failing to monitor Gentherm's patent applications.</p>	<ul style="list-style-type: none"> • Gentherm's initial, first amended, and second amended complaints • Gentherm's responses to IGB's Interrogatory Nos. 1 and 2 • IGB's responses to Gentherm's Interrogatory Nos. 2, 5, 7, and 8 • Deposition transcript of Dragan Dosen, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 242-257, 314, 318, 363, IGB0049787-88, 366, 369-395
<p>IGB intends for the climate systems to be used in the ventilated vehicle seats for the Cadillac XTS and GMX352 that would directly infringe if the seats had been used in the U.S., at least because IGB has been aware of the '978 patent for years, benchmarked Gentherm's climate systems, and was warned of the risk of infringing Gentherm's patents. IGB proceeded to infringe based on an unmeritorious and reckless belief that an alleged prior inventorship defeats infringement. The evidence also shows that IGB took deliberate steps to avoid learning of that infringement, including failing to have IGB's outside patent attorney review drawings and samples of the accused systems and failing to monitor Gentherm's patent applications.</p>	<ul style="list-style-type: none"> • Gentherm's initial, first amended, and second amended complaints • Gentherm's responses to IGB's Interrogatory Nos. 1 and 2 • IGB's responses to Gentherm's Interrogatory Nos. 2, 5, 7, and 8 • Deposition transcript of Dragan Dosen, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 242-257, 314, 318, 363, IGB0049787-88, 366, 369-395

53. Additional details regarding IGB's infringement can also be found in Gentherm's Responses to IGB's First Set of Interrogatories (Nos. 1-7), which were served on May 7, 2014, as well as Gentherm's First Supplemental Responses to IGB's First Set of Interrogatories (Nos. 1-7), which were served on May 20, 2014, both of which are incorporated by reference.

54. Gentherm has given IGB notice that it infringes the '978 patent. IGB knows or is willfully blind to the existence of the '978 patent. A letter identifying the Cadillac XTS seat and U.S. Patent No. 6,840,576, which is in the same patent family as the '978 patent, was sent on December 10, 2012, to a representative of IGB's parent corporation, I.G. Bauerrhin GmbH.

55. Upon information and belief, IGB's infringement of the '978 patent has been and continues to be deliberate and willful.

56. Upon information and belief, IGB's infringement will continue unless enjoined by this Court.

57. Upon information and belief, IGB has derived, received, and will continue to derive and receive gains, profits, and advantages from the aforesaid acts of infringement in an amount that is not presently known to Gentherm. Due to IGB's infringement of the '978 patent, Gentherm has been damaged and is entitled to monetary relief in an amount to be determined at trial.

58. Unless IGB is enjoined from infringing the '978 patent, Gentherm will continue to suffer irreparable injury for which it has no adequate remedy at law.

SIXTH CLAIM FOR RELIEF

(Infringement of U.S. Patent No. 7,229,129)

59. Gentherm repeats, realleges, and incorporates by reference the allegations set forth in Paragraphs 1-58 of this Complaint.

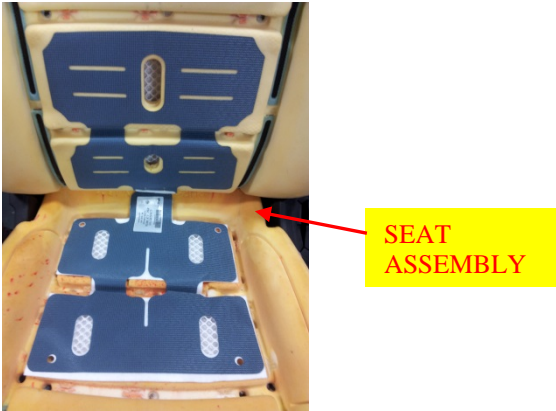
60. This is a claim for patent infringement and arises under the Patent Laws of the United States, Title 35 of the United States Code.

61. Upon information and belief, beginning at least as early as the filing of this Complaint, IGB has actively induced others to infringe the '129 patent in violation of 35 U.S.C. § 271(b). Upon information and belief, IGB has caused, urged, encouraged, and aided others, including its customers, to directly infringe one or more claims of the '129 patent, and has engaged in these acts with knowledge of the '129 patent. Upon information and belief, IGB has caused, urged, encouraged, and aided others, including its customers, to manufacture, use, offer for sale, sell, and import products or systems used for heating or cooling seats, including products or systems labeled "GMX352 Vent FSB." Upon information and belief, IGB has also caused, urged, encouraged, and aided others, including its customers, to manufacture, promote, offer for sale, sell, and import seats or seat assemblies that incorporate such products or systems, including vehicle seats or seat assemblies for recent models of the Chevrolet Impala. These seats and seat assemblies are covered by one or more claims of the '129 patent, including Claims 8 and 9 of the '129 patent. Upon information and belief, IGB specifically intends others, including its customers, to directly infringe these claims.

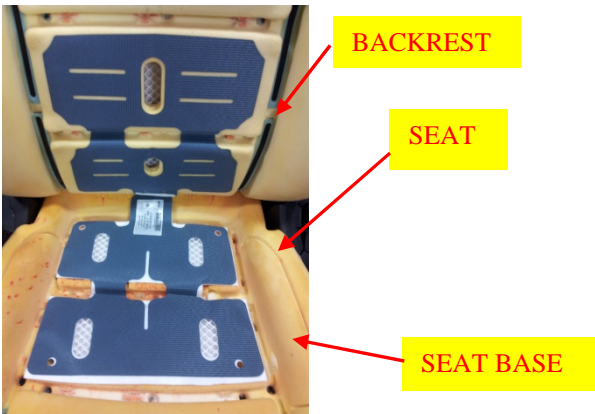
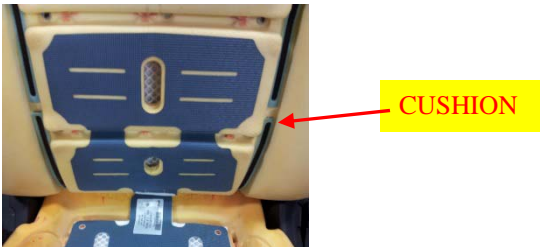


62. Upon information and belief, beginning at least as early as the filing of this Complaint, IGB has contributorily infringed the '129 patent in violation of 35 U.S.C. § 271(c). Upon information and belief, IGB has sold components of seats or seat assemblies, including vehicle seats or seat assemblies for recent models of the Chevrolet Impala, that are covered by one or more claims of the '129 patent, including Claims 8 and 9 of the '129 patent. Upon information and belief, these components include products or systems used for heating or cooling seats, including products or systems labeled "GMX352 Vent FSB." Upon information


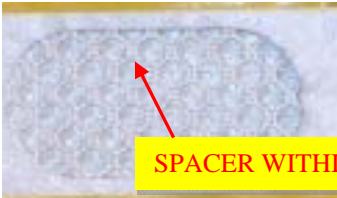


and belief, IGB knows that these components are especially made and adapted for use in the infringement of one or more claims of the '129 patent. Due at least to their composition, dimensions, and arrangement of elements, these components, including products or systems labeled “GMX352 Vent FSB,” are not staple articles or commodities of commerce suitable for substantial noninfringing use.

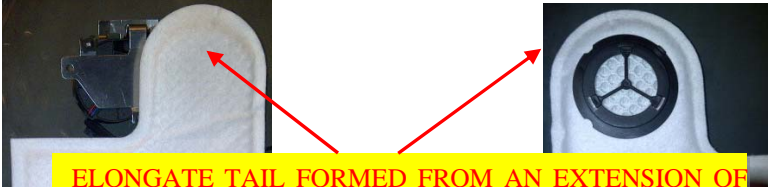


63. Additional details regarding IGB’s infringement follows:

U.S. Patent No. 7,229,129	Corresponding Elements of GMX352 Vent FSB ⁷
<p>8. A ventilated seat assembly comprising:</p>	<p>The preamble is not limiting. To the extent a Court finds this preamble limiting, IGB infringes indirectly. See below for more details.</p> <div style="text-align: center;">  </div>

⁷ The product elements identified in these claim charts are exemplary and do not preclude other elements from meeting the claim limitations.

U.S. Patent No. 7,229,129	Corresponding Elements of GMX352 Vent FSB ⁷
<p>a seat having a seat base and a backrest,</p>	<p>IGB infringes indirectly. See below for more details.</p>  <p>BACKREST</p> <p>SEAT</p> <p>SEAT BASE</p>
<p>at least one of the seat base and the backrest comprising: a cushion;</p>	<p>IGB infringes indirectly. See below for more details.</p>  <p>CUSHION</p>
<p>a generally enclosed bag including a top portion and an air-impermeable bottom portion,</p>	 <p>ENCLOSED BAG INCLUDING A TOP PORTION AND AN AIR-IMPERMEABLE BOTTOM PORTION</p>  <p>PU FILM ON UNDERSIDE OF FELT = AIR-IMPERMEABLE BOTTOM PORTION</p>

U.S. Patent No. 7,229,129	Corresponding Elements of GMX352 Vent FSB ⁷
<p>the top portion of the bag including a plurality of holes for providing air movement through the bag;</p>	 <p>PLURALITY OF HOLES IN TOP PORTION</p>
<p>a spacer located within the bag;</p>	 <p>SPACER WITHIN THE BAG</p>
<p>an air mover spaced apart from the bag;</p>	 <p>AIR MOVER SPACED APART FROM BAG</p>
<p>an elongate tail extending between the bag and the air mover,</p>	 <p>ELONGATE TAIL EXTENDING BETWEEN BAG AND AIR MOVER</p>

U.S. Patent No. 7,229,129	Corresponding Elements of GMX352 Vent FSB ⁷
<p>the elongate tail being formed from an extension of the top portion of the bag and an extension of the bottom portion of the bag and</p>	 <p data-bbox="699 457 1386 537">ELONGATE TAIL FORMED FROM AN EXTENSION OF THE TOP AND BOTTOM PORTIONS OF THE BAG</p>
<p>including an opening coupled to the air mover; and</p>	 <p data-bbox="886 648 1190 728">OPENING COUPLED TO AIR MOVER</p>
<p>a trim cover extending around at least a portion of the cushion and the bag.</p>	<p data-bbox="646 890 1328 926">IGB infringes indirectly. See below for more details.</p>  <p data-bbox="1045 1041 1378 1152">TRIM COVER (SHOWN PULLED BACK FROM CUSHION)</p>

Further description of IGB's indirect infringement.

Induced Infringement
(§271(b))

Element/Factual Basis	Evidence
<p>Lear Corporation sells in and imports into the U.S. ventilated seat assemblies, which include a seat base, a backrest, a cushion, and a trim cover, for the GMX352 that infringe Claim 8;</p> <p>Johnson Controls makes, uses, sells in, and imports into the U.S. ventilated seat assemblies, which include a seat base, a backrest, a cushion, and a trim cover, for the GMX352 that infringe Claim 8; and</p> <p>General Motors uses, sells in and imports into the U.S. ventilated seat assemblies, which include a seat base, a backrest, a cushion, and a trim cover, for the GMX 352 that infringe Claim 8.</p>	<ul style="list-style-type: none"> • Deposition transcript of Mike Bevan, Reinold Kosciuw, Maurice Jacobs, Dragan Dosen, Goran Bajic, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 75-138, 258-295, 364, 368
<p>IGB designed and offered to Lear Corporation, Johnson Controls, and General Motors, climate systems specifically for the infringing GMX352 ventilated seat assemblies, helped design the infringing assemblies, and took other action intending to cause the infringing acts.</p>	<ul style="list-style-type: none"> • Deposition transcript of Mike Bevan, Dragan Dosen, Goran Bajic, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 44-49, 200-230, 258-322, 343-368
<p>IGB has been aware of the '129 patent for years.</p>	<ul style="list-style-type: none"> • Gentherm's initial, first amended, and second amended complaints • IGB's response to Gentherm's Interrogatory No. 1 • Deposition transcript of Dragan Dosen, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 363, IGB0049787-88, 369-395

Element/Factual Basis	Evidence
<p>IGB knew that the manufacture, use, sale, and importation by Lear Corporation, Johnson Controls, and General Motors of the ventilated seat assemblies for the GMX352 would constitute infringement of the '129 patent, at least because IGB has been aware of the '129 patent for years, benchmarked Gentherm's climate systems, and was warned of the risk of infringing Gentherm's patents. IGB proceeded to infringe based on an unmeritorious and reckless belief that an alleged prior inventorship defeats infringement. The evidence also shows that IGB believed there was a high probability that these acts would infringe the '129 patent and IGB took deliberate steps to avoid learning of that infringement, including failing to have IGB's outside patent attorney review drawings and samples of the accused systems and failing to monitor Gentherm's patent applications.</p>	<ul style="list-style-type: none"> • Gentherm's initial, first amended, and second amended complaints • Gentherm's responses to IGB's Interrogatory Nos. 1 and 2 • IGB's responses to Gentherm's Interrogatory Nos. 2, 5, 7, and 8 • Deposition transcript of Dragan Dosen, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 242-257, 314, 318, 363, IGB0049787-88, 366, 369-395

Induced Infringement through the supply of components from the U.S. for combination abroad (§271(f)(1))

Element/Factual Basis	Evidence
<p>IGB supplies climate systems from the U.S. to Lear Corporation and Johnson Controls outside the U.S.</p>	<ul style="list-style-type: none"> • Deposition transcript of Mike Bevan, Reinold Kosciuw, Maurice Jacobs, Dragan Dosen, Goran Bajic, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 75-138, 258-295, 364, 368
<p>The climate systems make up a substantial portion of the infringing ventilated seat assemblies, which include a seat base, a backrest, a cushion, and a trim cover, for the GMX352, at least because the systems are an expensive part of the seat and provide a significant selling point for the vehicles.</p>	<ul style="list-style-type: none"> • Deposition transcript of Mike Bevan, Dragan Dosen, Goran Bajic, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 44-49, 200-230, 258-322, 343-368
<p>IGB designed and offered the climate systems specifically for the infringing GMX352 ventilated seat assemblies, helped design the infringing ventilated seat assemblies, and took other action intending Lear Corporation and Johnson Controls to assemble the infringing seats.</p>	<ul style="list-style-type: none"> • Deposition transcript of Mike Bevan, Dragan Dosen, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 44-49, 200-230, 258-322, 343-368

Element/Factual Basis	Evidence
<p>IGB has been aware of the '129 patent for years and knows that the ventilated seat assemblies for the GMX352 are covered by Claim 8 if they were made in the U.S., at least because IGB has been aware of the '129 patent for years, benchmarked Gentherm's climate systems, and was warned of the risk of infringing Gentherm's patents. IGB proceeded to infringe based on an unmeritorious and reckless belief that an alleged prior inventorship defeats infringement. The evidence also shows that IGB took deliberate steps to avoid learning of this infringement, including failing to have IGB's outside patent attorney review drawings and samples of the accused systems and failing to monitor Gentherm's patent applications.</p>	<ul style="list-style-type: none"> • Gentherm's initial, first amended, and second amended complaints • Gentherm's responses to IGB's Interrogatory Nos. 1 and 2 • IGB's response to Gentherm's Interrogatory No. 1, 2, 5, 7, and 8 • Deposition transcript of Dragan Dosen, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 242-257, 314, 318, 363, IGB0049787-88, 366, 369-395

Contributory Infringement
(§271(c))

Element/Factual Basis	Evidence
<p>IGB offers to sell and sells within the U.S. climate systems for ventilated seat assemblies, which include a seat base, a backrest, a cushion, and a trim cover, for the GMX352.</p>	<ul style="list-style-type: none"> • Deposition transcript of Mike Bevan, Reinold Kosciuw, Maurice Jacobs, Dragan Dosen, Goran Bajic, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 75-138, 258-295, 364, 368
<p>The climate systems have no substantial, noninfringing uses other than in the ventilated seat assemblies for the GMX352, at least because the systems were designed specifically for the infringing ventilated seat assemblies.</p>	<ul style="list-style-type: none"> • Deposition transcript of Mike Bevan, Dragan Dosen, Goran Bajic, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 44-49, 200-230, 258-295
<p>The climate systems constitute a material part of the inventive ventilated seat assemblies, at least because the systems are an expensive part of the assemblies and provide a significant selling point for the vehicles.</p>	<ul style="list-style-type: none"> • Deposition transcript of Mike Bevan, Dragan Dosen, Goran Bajic, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 44-49, 200-230, 258-322, 343-368

Element/Factual Basis	Evidence
<p>IGB has been aware of the '129 patent for years.</p>	<ul style="list-style-type: none"> • Gentherm’s initial, first amended, and second amended complaints • IGB’s response to Gentherm’s Interrogatory No. 1 • Deposition transcript of Dragan Dosen, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 363, IGB0049787-88, 369-395
<p>IGB knows that the ventilated seat assemblies for the GMX352 are covered by Claim 8, at least because IGB has been aware of the '129 patent for years, benchmarked Gentherm’s climate systems, and was warned of the risk of infringing Gentherm’s patents. IGB proceeded to infringe based on an unmeritorious and reckless belief that an alleged prior inventorship defeats infringement. The evidence also shows that IGB knows that the assemblies may infringe and took deliberate steps to avoid learning of that infringement, including failing to have IGB’s outside patent attorney review drawings and samples of the accused systems and failing to monitor Gentherm’s patent applications.</p>	<ul style="list-style-type: none"> • Gentherm’s initial, first amended, and second amended complaints • Gentherm’s responses to IGB’s Interrogatory Nos. 1 and 2 • IGB’s responses to Gentherm’s Interrogatory Nos. 2, 5, 7, and 8 • Deposition transcript of Dragan Dosen, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 242-257, 314, 318, 363, IGB0049787-88, 366, 369-395

Contributory Infringement through the supply of components from the U.S. for combination abroad
(§271(f)(2))

Element/Factual Basis	Evidence
<p>IGB supplies climate systems from the U.S. to Lear Corporation and Johnson Controls outside the U.S.</p>	<ul style="list-style-type: none"> • Deposition transcript of Mike Bevan, Reinold Kosciuw, Maurice Jacobs, Dragan Dosen, Goran Bajic, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 75-138, 258-295, 364, 368
<p>The only substantial use for the climate systems is in ventilated seat assemblies, which include a seat base, a backrest, a cushion, and a trim cover, for the GMX352 that would infringe Claim 8 if made in the U.S., at least because the systems were designed specifically for the infringing assemblies.</p>	<ul style="list-style-type: none"> • Deposition transcript of Mike Bevan, Dragan Dosen, Goran Bajic, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 44-49, 200-230, 258-322, 343-368

Element/Factual Basis	Evidence
<p>IGB has been aware of the '129 patent for years.</p>	<ul style="list-style-type: none"> • Gentherm's initial, first amended, and second amended complaints • IGB's response to Gentherm's Interrogatory No. 1 • Deposition transcript of Dragan Dosen, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 363, IGB0049787-88, 369-395
<p>IGB knows that the climate systems have no other substantial use other than in the ventilated seat assemblies for the GMX352 and knows that the assemblies infringe Claim 8 if made in the U.S., at least because the systems were designed specifically for the infringing assemblies. IGB proceeded to infringe based on an unmeritorious and reckless belief that an alleged prior inventorship defeats infringement. The evidence also shows that IGB knew the ventilated seat assemblies for the GMX352 may be covered by Claim 8 or IGB took deliberate steps to avoid learning of that infringement, including failing to have IGB's outside patent attorney review drawings and samples of the accused systems and failing to monitor Gentherm's patent applications.</p>	<ul style="list-style-type: none"> • Gentherm's initial, first amended, and second amended complaints • Gentherm's responses to IGB's Interrogatory Nos. 1 and 2 • IGB's responses to Gentherm's Interrogatory Nos. 2, 5, 7, and 8 • Deposition transcript of Dragan Dosen, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 242-257, 314, 318, 363, IGB0049787-88, 366, 369-395
<p>IGB intends for the climate systems to be used in the ventilated seat assemblies for the GMX352 that would directly infringe if the assemblies had been used in the U.S., at least because IGB has been aware of the '129 patent for years, benchmarked Gentherm's climate systems, and was warned of the risk of infringing Gentherm's patents. IGB proceeded to infringe based on an unmeritorious and reckless belief that an alleged prior inventorship defeats infringement. The evidence also shows that IGB took deliberate steps to avoid learning of that infringement, including failing to have IGB's outside patent attorney review drawings and samples of the accused systems and failing to monitor Gentherm's patent applications.</p>	<ul style="list-style-type: none"> • Gentherm's initial, first amended, and second amended complaints • Gentherm's responses to IGB's Interrogatory Nos. 1 and 2 • IGB's responses to Gentherm's Interrogatory Nos. 2, 5, 7, and 8 • Deposition transcript of Dragan Dosen, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 242-257, 314, 318, 363, IGB0049787-88, 366, 369-395

64. Additional details regarding IGB's infringement can also be found in Gentherm's Responses to IGB's First Set of Interrogatories (Nos. 1-7), which were served on May 7, 2014, as well as Gentherm's First Supplemental Responses to IGB's First Set of Interrogatories (Nos. 1-7), which were served on May 20, 2014, both of which are incorporated by reference.

65. Upon information and belief, IGB's infringement will continue unless enjoined by this Court.

66. Upon information and belief, IGB has derived, received, and will continue to derive and receive gains, profits, and advantages from the aforesaid acts of infringement in an amount that is not presently known to Gentherm. Due to IGB's infringement of the '129 patent, Gentherm has been damaged and is entitled to monetary relief in an amount to be determined at trial.

67. Unless IGB is enjoined from infringing the '129 patent, Gentherm will continue to suffer irreparable injury for which it has no adequate remedy at law.

EIGHTH CLAIM FOR RELIEF

(Infringement of U.S. Patent No. 7,637,573)

68. Gentherm repeats, realleges, and incorporates by reference the allegations set forth in Paragraphs 1-67 of this Complaint.

69. This is a claim for patent infringement and arises under the Patent Laws of the United States, Title 35 of the United States Code.


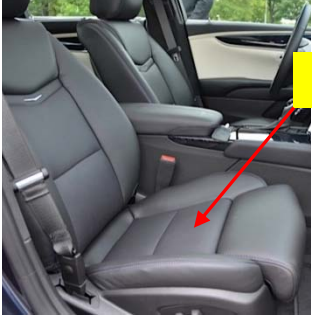
70. Upon information and belief, IGB has actively induced others to infringe the '573 patent in violation of 35 U.S.C. § 271(b). Upon information and belief, IGB has caused, urged, encouraged, and aided others, including its customers, to directly infringe one or more claims of the '573 patent, and has engaged in these acts with knowledge of the '573 patent. Upon information and

belief, IGB has caused, urged, encouraged, and aided others, including its customers, to manufacture, use, offer for sale, sell, and import products or systems used for heating or cooling seats, including products or systems labeled “PILL Heat Vent FSC,” PILL Heat Vent FSB,” “GMX352 Vent FSC,” “GMX352 Heat Vent FSC,” and “GMX352 Vent FSB.” Upon information and belief, IGB has also caused, urged, encouraged, and aided others, including its customers, to manufacture, promote, offer for sale, sell, and import seats or seat assemblies that incorporate such products or systems, including vehicle seats or seat assemblies for recent models of the Cadillac XTS and Chevrolet Impala. These seats and seat assemblies are covered by one or more claims of the ’573 patent, including Claims 1 and 3 of the ’573 patent. Upon information and belief, IGB specifically intended others, including its customers, to directly infringe these claims.

71. Upon information and belief, IGB has contributorily infringed the ’573 patent in violation of 35 U.S.C. § 271(c). Upon information and belief, IGB has sold components of seats or seat assemblies, including vehicle seats or seat assemblies for recent models of the Cadillac XTS and Chevrolet Impala, that are covered by one or more claims of the ’573 patent, including Claims 1 and 3 of the ’573 patent. Upon information and belief, these components include products or systems used for heating or cooling seats, including products or systems labeled “PILL Heat Vent FSC,” PILL Heat Vent FSB,” “GMX352 Vent FSC,” “GMX352 Heat Vent FSC,” and “GMX352 Vent FSB.” Upon information and belief, IGB knows that these components are especially made and adapted for use in the infringement of one or more claims of the ’573 patent. Due at least to their composition, dimensions, and arrangement of elements, these components, including products or systems labeled “PILL Heat Vent FSC,” PILL Heat Vent FSB,” “GMX352 Vent FSC,” “GMX352 Heat Vent FSC,” and “GMX352 Vent

FSB,” are not staple articles or commodities of commerce suitable for substantial noninfringing use.





72. Additional details regarding IGB’s infringement follows:




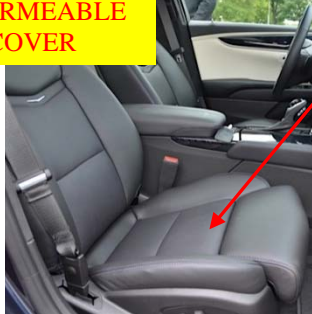




U.S. Patent No. 7,637,573	Corresponding Elements of GMX352 Vent FSB ⁸	Corresponding elements of P1LL Heat Vent FSC, P1LL Heat Vent FSB, GMX352 Heat Vent FSC and GMX352 Vent FSC ^{9,10}
<p>1. A comfort system for a seat, comprising:</p>	<p>The preamble is not limiting. To the extent a Court finds this preamble limiting, IGB indirectly infringes. See below for more details.</p> 	<p>The preamble is not limiting. To the extent a Court finds this preamble limiting, IGB indirectly infringes. See below for more details.</p> 


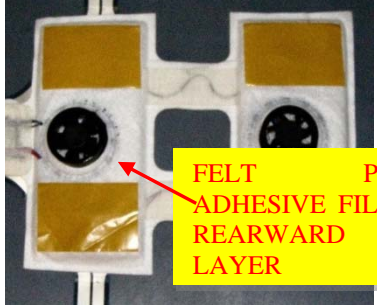
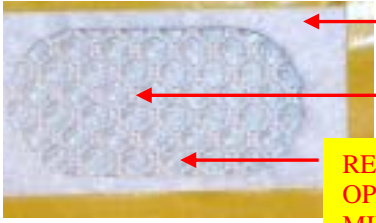

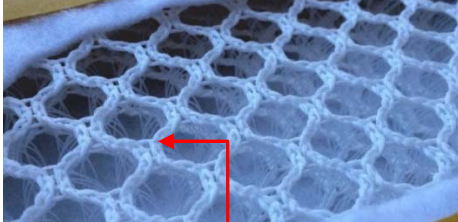

⁸ The product elements identified in these claim charts are exemplary and do not preclude other elements from meeting the claim limitations.

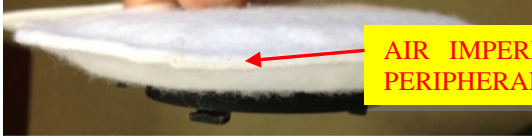
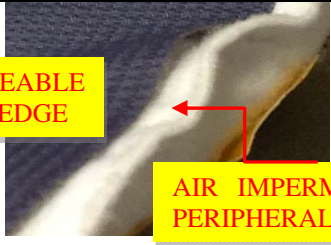
⁹ Although this chart only illustrates the features of the P1LL Heat Vent, we note that the other systems share the same features discussed herein and that any differences are noted where necessary.




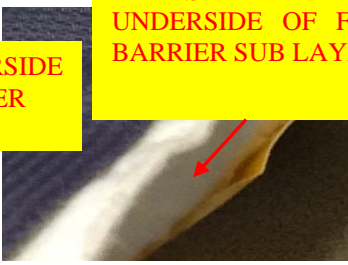
¹⁰ The product elements identified in these claim charts are exemplary and do not preclude other elements from meeting the claim limitations.

U.S. Patent No. 7,637,573	Corresponding Elements of GMX352 Vent FSB ⁸	Corresponding elements of P1LL Heat Vent FSC, P1LL Heat Vent FSB, GMX352 Heat Vent FSC and GMX352 Vent FSC ⁹⁻¹⁰
<p>a seat cushion;</p>	<p>IGB indirectly infringes. See below for more details.</p> 	<p>IGB indirectly infringes. See below for more details.</p> 
<p>a seat cover disposed over the seat cushion;</p>	<p>IGB indirectly infringes. See below for more details.</p> 	<p>IGB indirectly infringes. See below for more details.</p> 

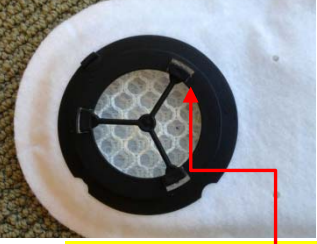


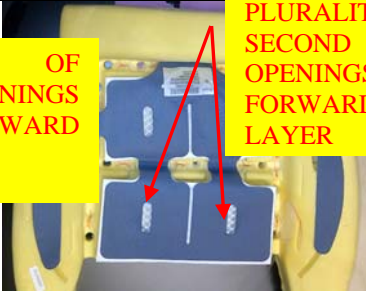
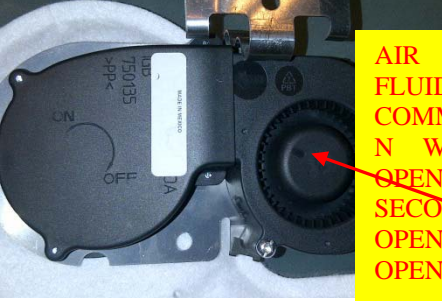

U.S. Patent No. 7,637,573	Corresponding Elements of GMX352 Vent FSB ⁸	Corresponding elements of P1LL Heat Vent FSC, P1LL Heat Vent FSB, GMX352 Heat Vent FSC and GMX352 Vent FSC ⁹⁻¹⁰
<p>wherein the seat cushion is formed of a foam and the seat cover allows air to flow therethrough;</p>	<p>IGB indirectly infringes. See below for more details.</p>  <p>FOAM SEAT CUSHION</p>  <p>AIR-PERMEABLE SEAT COVER</p>	<p>IGB indirectly infringes. See below for more details.</p>  <p>FOAM SEAT CUSHION</p>  <p>AIR-PERMEABLE SEAT COVER</p>
<p>an insert located beneath the seat cover;</p>	 <p>INSERT</p>	 <p>INSERT</p>
<p>the insert including: a forward layer;</p>	 <p>FELT PLUS ADHESIVE FILM = FORWARD LAYER</p>	 <p>BLUE FABRIC TO POLYESTER SHEET = FORWARD LAYER</p>

U.S. Patent No. 7,637,573	Corresponding Elements of GMX352 Vent FSB ⁸	Corresponding elements of P1LL Heat Vent FSC, P1LL Heat Vent FSB, GMX352 Heat Vent FSC and GMX352 Vent FSC ⁹⁻¹⁰
a rearward layer;	 <p data-bbox="634 569 954 642">FELT PLUS PU FILM = REARWARD LAYER</p>	 <p data-bbox="1187 516 1458 642">FELT PLUS ADHESIVE FILM = REARWARD LAYER</p>
a middle layer therebetween,	 <p data-bbox="862 701 1133 743">FORWARD LAYER</p> <p data-bbox="862 785 992 827">MIDDLE</p> <p data-bbox="789 858 1133 984">REARWARD LAYER ON OPPOSITE SIDE OF MIDDLE LAYER</p>	 <p data-bbox="1300 711 1490 753">FORWARD</p> <p data-bbox="1300 795 1430 837">MIDDLE</p> <p data-bbox="1162 848 1458 890">REARWARD LAYER</p>
the middle layer including an interwoven polymeric strand spacer material with opposing honeycomb structures forming an open space within the insert; and	 <p data-bbox="529 1293 987 1461">INTERWOVEN POLYMERIC STRAND SPACER MATERIAL WITH OPPOSING HONEYCOMB STRUCTURES FORMING AN OPEN SPACE</p>	 <p data-bbox="1065 1293 1425 1503">INTERWOVEN POLYMERIC STRAND SPACER MATERIAL WITH OPPOSING HONEYCOMB STRUCTURES FORMING AN OPEN SPACE</p>

U.S. Patent No. 7,637,573	Corresponding Elements of GMX352 Vent FSB ⁸	Corresponding elements of P1LL Heat Vent FSC, P1LL Heat Vent FSB, GMX352 Heat Vent FSC and GMX352 Vent FSC ^{9,10}
<p>an air impermeable peripheral edge;</p>	 <p>To the extent the “air impermeable peripheral edge” limitation is not met literally, it is met under the doctrine of equivalents. Any difference in the enclosure or container formed by the layers used to contain air within the layers is insubstantial as the enclosure of the accused products performs substantially the same function in substantially the same way to achieve substantially the same result as the claimed comfort systems having an air impermeable peripheral edge.</p> <p>The layers of the accused products are coupled together to form an enclosure that is insubstantially different from the claimed air impermeable peripheral edge. The enclosure performs the same function of containing and directing air. The enclosure also contains within it the spacer material. The enclosure contains the air in the same way by preventing a certain amount of air from escaping through the layers or edges and allowing the air to pass through one or more openings. The enclosure achieves the same result as it receives air through an opening and into the spacer material, then the air is directed out of a different opening(s) in the layers.</p>	 <p>To the extent the “air impermeable peripheral edge” limitation is not met literally, it is met under the doctrine of equivalents. Any difference in the enclosure or container formed by the layers used to contain air within the layers is insubstantial as the enclosure of the accused products performs substantially the same function in substantially the same way to achieve substantially the same result as the claimed comfort systems having an air impermeable peripheral edge.</p> <p>The layers of the accused products are coupled together to form an enclosure that is insubstantially different from the claimed air impermeable peripheral edge. The enclosure performs the same function of containing and directing air. The enclosure also contains within it the spacer material. The enclosure contains the air in the same way by preventing a certain amount of air from escaping through the layers or edges and allowing the air to pass through one or more openings. The enclosure achieves the same result as it receives air through an opening and into the spacer material, then the air is directed out of a different opening(s) in the layers.</p>

U.S. Patent No. 7,637,573	Corresponding Elements of GMX352 Vent FSB ⁸	Corresponding elements of P1LL Heat Vent FSC, P1LL Heat Vent FSB, GMX352 Heat Vent FSC and GMX352 Vent FSC ⁹⁻¹⁰
<p>wherein both the forward layer and the rearward layer including a barrier sub-layer that is substantially impermeable to air,</p>	 <p>PU FILM ON UNDERSIDE OF FELT = BARRIER SUB LAYER</p>  <p>ADHESIVE FILM ON UNDERSIDE OF FELT = BARRIER SUB LAYER</p>	 <p>POLYESTER SHEET = BARRIER SUB LAYER</p>  <p>ADHESIVE FILM ON UNDERSIDE OF FELT = BARRIER SUB LAYER</p>

U.S. Patent No. 7,637,573	Corresponding Elements of GMX352 Vent FSB ⁸	Corresponding elements of P1LL Heat Vent FSC, P1LL Heat Vent FSB, GMX352 Heat Vent FSC and GMX352 Vent FSC ^{9,10}
<p>further wherein the barrier sub-layer of the forward layer is adhered to the barrier sub-layer of the rearward layer for creating the air impermeable peripheral edge and an air tight seal about the middle layer, and</p>	<div data-bbox="464 384 992 520" data-label="Image"> </div> <div data-bbox="542 548 980 663" data-label="Caption"> <p>AIR IMPERMEABLE PERIPHERAL EDGE CREATED BY ADHERING BARRIER SUB-</p> </div> <p>To the extent the “air impermeable peripheral edge and an air tight seal about the middle layer” limitation is not met literally, it is met under the doctrine of equivalents. Any difference in the enclosure or container formed by the layers used to contain air within the layers is insubstantial as the enclosure of the accused products performs substantially the same function in substantially the same way to achieve substantially the same result as the claimed comfort systems having an air impermeable peripheral edge and an air tight seal about the middle layer.</p> <p>The layers of the accused products are coupled together to form an enclosure that is insubstantially different from the claimed air impermeable peripheral edge and an airtight seal about the middle layer. The enclosure performs the same function of containing and directing air. The enclosure also contains within it the spacer material. The enclosure contains the air in the same way by preventing a certain amount of air from escaping through the layers or edges and allowing the air to pass through one or more openings. The enclosure achieves the same result as it receives air through an opening and into the spacer material, then the air is directed out of a different opening(s) in the layers.</p>	<div data-bbox="1016 352 1474 611" data-label="Image"> <div data-bbox="1175 365 1474 611" data-label="Caption"> <p>AIR IMPERMEABLE PERIPHERAL EDGE CREATED BY ADHERING BARRIER SUB-LAYERS</p> </div> </div> <p>To the extent the “air impermeable peripheral edge and an air tight seal about the middle layer” limitation is not met literally, it is met under the doctrine of equivalents. Any difference in the enclosure or container formed by the layers used to contain air within the layers is insubstantial as the enclosure of the accused products performs substantially the same function in substantially the same way to achieve substantially the same result as the claimed comfort systems having an air impermeable peripheral edge and an air tight seal about the middle layer.</p> <p>The layers of the accused products are coupled together to form an enclosure that is insubstantially different from the claimed air impermeable peripheral edge and an airtight seal about the middle layer. The enclosure performs the same function of containing and directing air. The enclosure also contains within it the spacer material. The enclosure contains the air in the same way by preventing a certain amount of air from escaping through the layers or edges and allowing the air to pass through one or more openings. The enclosure achieves the same result as it receives air through an opening and into the spacer material, then the air is directed out of a different opening(s) in the layers.</p>

U.S. Patent No. 7,637,573	Corresponding Elements of GMX352 Vent FSB ⁸	Corresponding elements of P1LL Heat Vent FSC, P1LL Heat Vent FSB, GMX352 Heat Vent FSC and GMX352 Vent FSC ⁹⁻¹⁰
<p>the insert includes at least one first opening in the rearward layer, the at least one first opening including an attachment component adapted to receive a blower housing, and</p>	 <p>AT LEAST ONE FIRST OPENING IN REARWARD LAYER INCLUDING AN ATTACHMENT COMPONENT</p>	 <p>AT LEAST ONE FIRST OPENING IN REARWARD LAYER INCLUDING AN ATTACHMENT COMPONENT</p>
<p>a plurality of second openings in the forward layer; and</p>	 <p>PLURALITY OF SECOND OPENINGS IN FORWARD LAYER</p>	 <p>PLURALITY OF SECOND OPENINGS IN FORWARD LAYER</p>
<p>an air mover in fluid communication with the first opening, the second openings and the open space.</p>	 <p>AIR MOVER IN FLUID COMMUNICATION WITH FIRST OPENING, SECOND OPENINGS AND OPEN SPACE</p>	 <p>AIR MOVER IN FLUID COMMUNICATION WITH FIRST OPENING, SECOND OPENINGS AND OPEN SPACE</p>

Further description of IGB's indirect infringement.

Induced Infringement
(§271(b))

Element/Factual Basis	Evidence
<p>Lear Corporation sells in and imports into the U.S. comfort systems for seats, which include a seat cushion formed of foam and a seat cover that allows air to flow, for the Cadillac XTS and GMX352 that infringe Claim 1;</p> <p>Johnson Controls makes, uses, sells in, and imports into the U.S. comfort systems for seats, which include a seat cushion formed of foam and a seat cover that allows air to flow, for the GMX352 that infringe Claim 1; and</p> <p>General Motors uses, sells in and imports into the U.S. comfort systems for seats, which include a seat cushion formed of foam and a seat cover that allows air to flow, for the Cadillac XTS and GMX 352 that infringe Claim 1.</p>	<ul style="list-style-type: none"> • Deposition transcript of Mike Bevan, Reinold Kosciuw, Maurice Jacobs, Dragan Dosen, Goran Bajic, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 75-138, 258-295, 364, 368
<p>IGB designed and offered to Lear Corporation, Johnson Controls, and General Motors, climate systems specifically for the infringing Cadillac XTS and GMX352 comfort systems, helped design the infringing seats, and took other action intending to cause the infringing acts.</p>	<ul style="list-style-type: none"> • Deposition transcript of Mike Bevan, Dragan Dosen, Goran Bajic, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 44-49, 200-230, 258-322, 343-368
<p>IGB has been aware of the '573 patent for years.</p>	<ul style="list-style-type: none"> • Gentherm's initial, first amended, and second amended complaints • IGB's response to Gentherm's Interrogatory No. 1 • Deposition transcript of Dragan Dosen, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 363, IGB0049787-88, 369-395

Element/Factual Basis	Evidence
<p>IGB knew that the manufacture, use, sale, and importation by Lear Corporation, Johnson Controls, and General Motors of the comfort systems for the Cadillac XTS and GMX352 would constitute infringement of the '573 patent, at least because IGB has been aware of the '573 patent for years, benchmarked Gentherm's climate systems, and was warned of the risk of infringing Gentherm's patents. IGB proceeded to infringe based on an unmeritorious and reckless belief that an alleged prior inventorship defeats infringement. The evidence also shows that IGB believed there was a high probability that these acts would infringe the '573 patent and IGB took deliberate steps to avoid learning of that infringement, including failing to have IGB's outside patent attorney review drawings and samples of the accused systems and failing to monitor Gentherm's patent applications.</p>	<ul style="list-style-type: none"> • Gentherm's initial, first amended, and second amended complaints • Gentherm's responses to IGB's Interrogatory Nos. 1 and 2 • IGB's responses to Gentherm's Interrogatory Nos. 2, 5, 7, and 8 • Deposition transcript of Dragan Dosen, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 242-257, 314, 318, 363, IGB0049787-88, 366, 369-395

Induced Infringement through the supply of components from the U.S. for combination abroad (§271(f)(1))

Element/Factual Basis	Evidence
<p>IGB supplies climate systems from the U.S. to Lear Corporation and Johnson Controls outside the U.S.</p>	<ul style="list-style-type: none"> • Deposition transcript of Mike Bevan, Reinold Kosciuw, Maurice Jacobs, Dragan Dosen, Goran Bajic, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 75-138, 258-295, 364, 368
<p>The climate systems make up a substantial portion of the infringing comfort systems for seats, which include a seat cushion formed of foam and a seat cover that allows air to flow, for the Cadillac XTS and GMX352, at least because the systems are an expensive part of the seat and provide a significant selling point for the vehicles.</p>	<ul style="list-style-type: none"> • Deposition transcript of Mike Bevan, Dragan Dosen, Goran Bajic, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 44-49, 200-230, 258-322, 343-368

Element/Factual Basis	Evidence
<p>IGB designed and offered the climate systems specifically for the infringing Cadillac XTS and GMX352 comfort systems, helped design the infringing comfort systems, and took other action intending Lear Corporation and Johnson Controls to assemble the infringing comfort systems.</p>	<ul style="list-style-type: none"> • Deposition transcript of Mike Bevan, Dragan Dosen, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 44-49, 200-230, 258-322, 343-368
<p>IGB has been aware of the '573 patent for years and knows that the comfort systems for the Cadillac XTS and GMX352 are covered by Claim 1 if they were made in the U.S., at least because IGB has been aware of the '573 patent for years, benchmarked Gentherm's climate systems, and was warned of the risk of infringing Gentherm's patents. IGB proceeded to infringe based on an unmeritorious and reckless belief that an alleged prior inventorship defeats infringement. The evidence also shows that IGB took deliberate steps to avoid learning of this infringement, including failing to have IGB's outside patent attorney review drawings and samples of the accused systems and failing to monitor Gentherm's patent applications.</p>	<ul style="list-style-type: none"> • Gentherm's initial, first amended, and second amended complaints • Gentherm's responses to IGB's Interrogatory Nos. 1 and 2 • IGB's response to Gentherm's Interrogatory No. 1, 2, 5, 7, and 8 • Deposition transcript of Dragan Dosen, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 242-257, 314, 318, 363, IGB0049787-88, 366, 369-395

Contributory Infringement
(§271(c))

Element/Factual Basis	Evidence
<p>IGB offers to sell and sells within the U.S. climate systems for comfort systems for seats, which include a seat cushion formed of foam and a seat cover that allows air to flow, for the Cadillac XTS and GMX352.</p>	<ul style="list-style-type: none"> • Deposition transcript of Mike Bevan, Reinold Kosciuw, Maurice Jacobs, Dragan Dosen, Goran Bajic, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 75-138, 258-295, 364, 368
<p>The climate systems have no substantial, noninfringing uses other than in comfort systems for the Cadillac XTS and GMX352, at least because the systems were designed specifically for the infringing comfort systems.</p>	<ul style="list-style-type: none"> • Deposition transcript of Mike Bevan, Dragan Dosen, Goran Bajic, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 44-49, 200-230, 258-295

Element/Factual Basis	Evidence
<p>The climate systems constitute a material part of the inventive comfort systems, at least because the climate systems are an expensive part of the comfort systems and provide a significant selling point for the vehicles.</p>	<ul style="list-style-type: none"> • Deposition transcript of Mike Bevan, Dragan Dosen, Goran Bajic, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 44-49, 200-230, 258-322, 343-368
<p>IGB has been aware of the '573 patent for years.</p>	<ul style="list-style-type: none"> • Gentherm's initial, first amended, and second amended complaints • IGB's response to Gentherm's Interrogatory No. 1 • Deposition transcript of Dragan Dosen, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 363, IGB0049787-88, 369-395
<p>IGB knows that the comfort systems for the Cadillac XTS and GMX352 are covered by Claim 1, at least because IGB has been aware of the '573 patent for years, benchmarked Gentherm's climate systems, and was warned of the risk of infringing Gentherm's patents. IGB proceeded to infringe based on an unmeritorious and reckless belief that an alleged prior inventorship defeats infringement. The evidence also shows that IGB knows that the comfort systems may infringe and took deliberate steps to avoid learning of that infringement, including failing to have IGB's outside patent attorney review drawings and samples of the accused systems and failing to monitor Gentherm's patent applications.</p>	<ul style="list-style-type: none"> • Gentherm's initial, first amended, and second amended complaints • Gentherm's responses to IGB's Interrogatory Nos. 1 and 2 • IGB's responses to Gentherm's Interrogatory Nos. 2, 5, 7, and 8 • Deposition transcript of Dragan Dosen, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 242-257, 314, 318, 363, IGB0049787-88, 366, 369-395

Contributory Infringement through the supply of components from the U.S. for combination abroad
(§271(f)(2))

Element/Factual Basis	Evidence
<p>IGB supplies climate systems from the U.S. to Lear Corporation and Johnson Controls outside the U.S.</p>	<ul style="list-style-type: none"> • Deposition transcript of Mike Bevan, Reinold Kosciuw, Maurice Jacobs, Dragan Dosen, Goran Bajic, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 75-138, 258-295, 364, 368

Element/Factual Basis	Evidence
<p>The only substantial use for the climate systems is in comfort systems for seats, which include a seat cushion formed of foam and a seat cover that allows air to flow, for the Cadillac XTS and GMX352 that would infringe Claim 1 if made in the U.S., at least because the systems were designed specifically for the infringing comfort systems.</p>	<ul style="list-style-type: none"> • Deposition transcript of Mike Bevan, Dragan Dosen, Goran Bajic, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 44-49, 200-230, 258-322, 343-368
<p>IGB has been aware of the '573 patent for years.</p>	<ul style="list-style-type: none"> • Gentherm's initial, first amended, and second amended complaints • IGB's response to Gentherm's Interrogatory No. 1 • Deposition transcript of Dragan Dosen, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 363, IGB0049787-88, 369-395
<p>IGB knows that the climate systems have no other substantial use other than in the comfort systems for the Cadillac XTS and GMX352 and knows that the comfort systems infringe Claim 1 if made in the U.S, at least because the climate systems were designed specifically for the infringing comfort systems. IGB proceeded to infringe based on an unmeritorious and reckless belief that an alleged prior inventorship defeats infringement. The evidence also shows that IGB knew the comfort systems for the Cadillac XTS and GMX352 may be covered by Claim 1 and IGB took deliberate steps to avoid learning of that infringement, including failing to have IGB's outside patent attorney review drawings and samples of the accused systems and failing to monitor Gentherm's patent applications.</p>	<ul style="list-style-type: none"> • Gentherm's initial, first amended, and second amended complaints • Gentherm's responses to IGB's Interrogatory Nos. 1 and 2 • IGB's responses to Gentherm's Interrogatory Nos. 2, 5, 7, and 8 • Deposition transcript of Dragan Dosen, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 242-257, 314, 318, 363, IGB0049787-88, 366, 369-395

Element/Factual Basis	Evidence
<p>IGB intends for the climate systems to be used in the comfort systems for the Cadillac XTS and GMX352 that would directly infringe if the seats had been used in the U.S., at least because IGB has been aware of the '573 patent for years, benchmarked Gentherm's climate systems, and was warned of the risk of infringing Gentherm's patents. IGB proceeded to infringe based on an unmeritorious and reckless belief that an alleged prior inventorship defeats infringement. The evidence also shows that IGB took deliberate steps to avoid learning of that infringement, including failing to have IGB's outside patent attorney review drawings and samples of the accused systems and failing to monitor Gentherm's patent applications.</p>	<ul style="list-style-type: none"> • Gentherm's initial, first amended, and second amended complaints • Gentherm's responses to IGB's Interrogatory Nos. 1 and 2 • IGB's responses to Gentherm's Interrogatory Nos. 2, 5, 7, and 8 • Deposition transcript of Dragan Dosen, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 242-257, 314, 318, 363, IGB0049787-88, 366, 369-395

73. Additional details regarding IGB's infringement can also be found in Gentherm's Responses to IGB's First Set of Interrogatories (Nos. 1-7), which were served on May 7, 2014, as well as Gentherm's First Supplemental Responses to IGB's First Set of Interrogatories (Nos. 1-7), which were served on May 20, 2014, both of which are incorporated by reference.

74. Gentherm has given IGB notice that it infringes the '573 patent. IGB knows or is willfully blind to the existence of the '573 patent. A letter identifying the '091 patent, which is in the same patent family as the '573 patent, was sent on December 10, 2012, to a representative of IGB's parent corporation, I.G. Bauerrhin GmbH.

75. Upon information and belief, IGB's infringement of the '573 patent has been and continues to be deliberate and willful.

76. Upon information and belief, IGB's infringement will continue unless enjoined by this Court.

77. Upon information and belief, IGB has derived, received, and will continue to derive and receive gains, profits, and advantages from the aforesaid acts of infringement in an amount that is not presently known to Gentherm. Due to IGB's infringement of the '573 patent, Gentherm has been damaged and is entitled to monetary relief in an amount to be determined at trial.

78. Unless IGB is enjoined from infringing the '573 patent, Gentherm will continue to suffer irreparable injury for which it has no adequate remedy at law.

TENTH CLAIM FOR RELIEF

(Infringement of U.S. Patent No. 7,775,602)

79. Gentherm repeats, realleges, and incorporates by reference the allegations set forth in Paragraphs 1-78 of this Complaint.


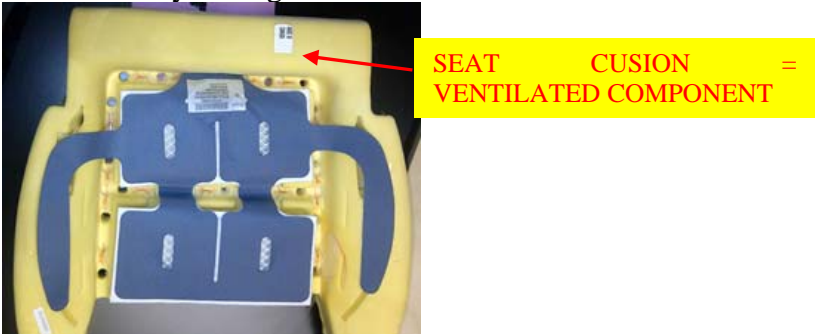
80. This is a claim for patent infringement and arises under the Patent Laws of the United States, Title 35 of the United States Code.

81. Upon information and belief, IGB has actively induced others to infringe the '602 patent in violation of 35 U.S.C. § 271(b). Upon information and belief, IGB has caused, urged, encouraged, and aided others, including its customers, to directly infringe one or more claims of the '602 patent, and has engaged in these acts with knowledge of the '602 patent. Upon information and belief, IGB has caused, urged, encouraged, and aided others, including its customers, to manufacture, use, offer for sale, sell, and import products or systems used for heating or cooling seats, including products or systems labeled "PILL Heat Vent FSC," "PILL Heat Vent FSB," "GMX352 Vent FSC," and "GMX352 Heat Vent FSC." Upon information and belief, IGB has also caused, urged, encouraged, and aided others, including its customers, to manufacture, promote, offer for sale, sell, and import seats or seat assemblies that incorporate such products or systems, including vehicle seats or seat assemblies for recent models of

the Cadillac XTS and the Chevrolet Impala. These seats and seat assemblies are covered by one or more claims of the '602 patent, including Claims 1, 3, 5–13, 15–22, 24, 25, and 27–36 of the '602 patent. Upon information and belief, IGB specifically intended others, including its customers, to directly infringe these claims.

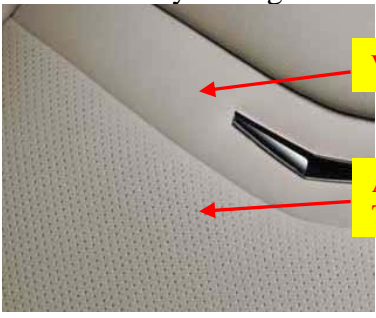
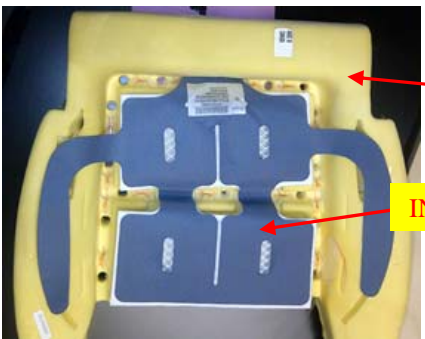
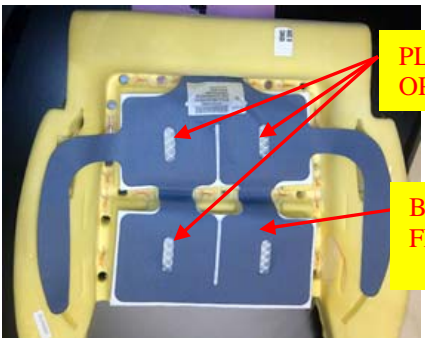
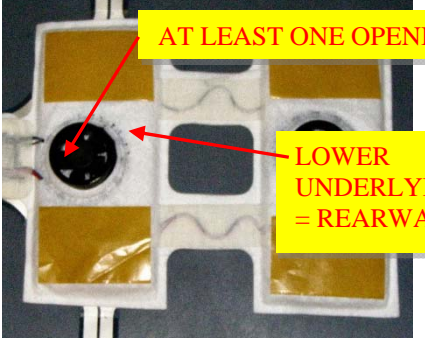
82. Upon information and belief, IGB has contributorily infringed the '602 patent in violation of 35 U.S.C. § 271(c). Upon information and belief, IGB has sold components of seats or seat assemblies, including vehicle seats or seat assemblies for recent models of the Cadillac XTS and the Chevrolet Impala, that are covered by one or more claims of the '602 patent, including Claims 1, 3, 5–13, 15–22, 24, 25, and 27–36 of the '602 patent. Upon information and belief, these components include products or systems used for heating or cooling seats, including products or systems labeled “P1LL Heat Vent FSC,” P1LL Heat Vent FSB,” “GMX352 Vent FSC,” and “GMX352 Heat Vent FSC.” Upon information and belief, IGB knows that these components are especially made and adapted for use in the infringement of one or more claims of the '602 patent. Due at least to their composition, dimensions, and arrangement of elements, these components, including products or systems labeled “P1LL Heat Vent FSC,” P1LL Heat Vent FSB,” “GMX352 Vent FSC,” and “GMX352 Heat Vent FSC,” are not staple articles or commodities of commerce suitable for substantial noninfringing use.

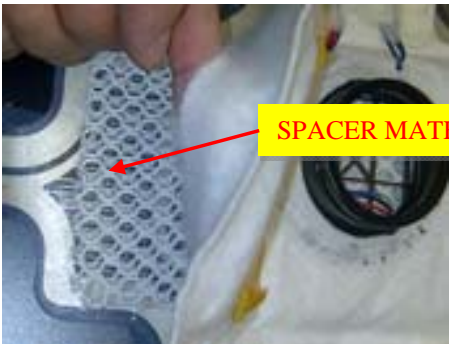


83. Additional details regarding IGB's infringement follows:




<p>U.S. Patent No. 7,775,602</p>	<p>Corresponding elements of P1LL Heat Vent FSC, P1LL Heat Vent FSB, GMX352 Heat Vent FSC and GMX352 Vent FSC^{11,12}</p>
<p>15. A seating system, comprising: a seat having a seat cushion and a seat backrest cushion,</p>	<p>The preamble is not limiting. To the extent a Court finds this preamble limiting, IGB indirectly infringes. See below for more details.</p> 
<p>at least one of which is a ventilated component,</p>	<p>IGB indirectly infringes. See below for more details.</p> 

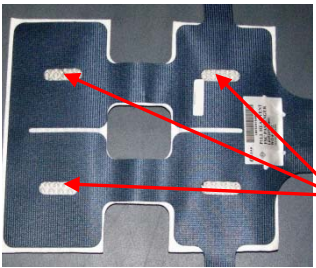
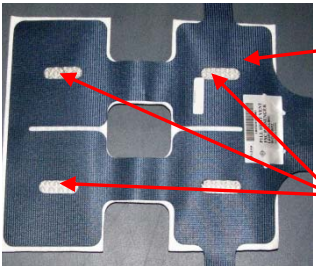
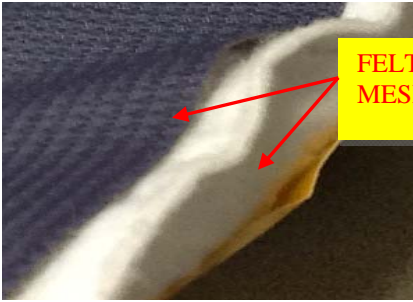
¹¹ Although this chart only illustrates the features of the P1LL Heat Vent, we note that the other systems share the same features discussed herein and that any differences are noted where necessary.

¹² The product elements identified in these claim charts are exemplary and do not preclude other elements from meeting the claim limitations.

<p>U.S. Patent No. 7,775,602</p>	<p>Corresponding elements of P1LL Heat Vent FSC, P1LL Heat Vent FSB, GMX352 Heat Vent FSC and GMX352 Vent FSC^{11,12}</p>
<p>each of the ventilated components having an air-permeable trim surface at an occupant contact area of the seat;</p>	<p>IGB indirectly infringes. See below for more details.</p>  <p>VENTILATED SEAT</p> <p>AIR-PERMEABLE TRIM SURFACE</p>
<p>an insert located beneath the trim surface of each ventilated component,</p>	 <p>SEAT</p> <p>INSERT</p>
<p>the insert including the following:</p> <p>i. a forward layer including a plurality of openings in fluid communication with the air-permeable trim surface;</p>	 <p>PLURALITY OF OPENINGS</p> <p>BLUE FABRIC TO UPPER FELT = FORWARD LAYER</p>
<p>ii. a rearward layer comprising a first material and including at least one opening;</p>	 <p>AT LEAST ONE OPENING</p> <p>LOWER FELT PLUS UNDERLYING ADHESIVE FILM = REARWARD LAYER</p>

<p>U.S. Patent No. 7,775,602</p>	<p>Corresponding elements of P1LL Heat Vent FSC, P1LL Heat Vent FSB, GMX352 Heat Vent FSC and GMX352 Vent FSC^{11:12}</p>
<p>iii. a spacer material sandwiched between the forward layer and the rearward layer, creating an open space within the insert;</p>	
<p>iv. an air mover disposed on an outside of the insert, attached to an inner surface of the rearward layer at the at least one opening with an outwardly extending annular flange wall, and in fluid communication with the spacer material; and</p>	
<p>v. a heater layer</p>	

<p>U.S. Patent No. 7,775,602</p>	<p>Corresponding elements of P1LL Heat Vent FSC, P1LL Heat Vent FSB, GMX352 Heat Vent FSC and GMX352 Vent FSC^{11,12}</p>
<p>wherein the seat cushion or seat backrest cushion includes a through-hole that receives the air mover upon assembly of the insert to the ventilated component.</p>	<p>IGB indirectly infringes. See below for more details.</p> 
<p>16. The seating system as in claim 15 wherein the heater layer comprises positive temperature coefficient materials.</p>	
<p>17. The seating system as in claim 16 wherein the heater layer comprises a substrate layer comprised of a polymeric film.</p>	

<p>U.S. Patent No. 7,775,602</p>	<p>Corresponding elements of P1LL Heat Vent FSC, P1LL Heat Vent FSB, GMX352 Heat Vent FSC and GMX352 Vent FSC^{11,12}</p>
<p>18. The seating system as in claim 17 wherein the polymeric film includes one or more openings for allowing air to flow therethrough.</p>	 <p data-bbox="943 533 1403 646">POLYESTER SHEET INCLUDES ONE OR MORE OPENINGS FOR AIR FLOW</p>
<p>21. The seating system as in claim 15 wherein the heater includes one or more openings for allowing air to flow therethrough.</p>	 <p data-bbox="997 722 1216 779">HEATER</p> <p data-bbox="943 869 1167 953">ONE OR MORE OPENINGS</p>
<p>22. The seating system as in claim 15 wherein the forward layer, the rearward layer, or both comprises a fleece, mesh, or gauze material.</p>	 <p data-bbox="943 1079 1370 1184">FELT AND BLUE FABRIC ARE MESH OR GAUZE</p>

Further description of IGB's indirect infringement.

Induced Infringement
(§271(b))

Element/Factual Basis	Evidence
<p>Lear Corporation sells in and imports into the U.S. seating systems, which include a seat with a ventilated seat cushion and a ventilated seat backrest cushion each with a permeable trim surface and a through-hole that receives the air mover, for the Cadillac XTS and GMX352 that infringe Claims 15, 18, 21, and 22;</p> <p>Johnson Controls makes, uses, sells in, and imports into the U.S. seating systems, which include a seat with a ventilated seat cushion and a ventilated seat backrest cushion each with a permeable trim surface and a through-hole that receives the air mover, for the GMX352 that infringe Claims 15, 18, 21, and 22; and</p> <p>General Motors uses, sells in and imports into the U.S. seating systems, which include a seat with a ventilated seat cushion and a ventilated seat backrest cushion each with a permeable trim surface and a through-hole that receives the air mover, for the Cadillac XTS and GMX 352 that infringe Claims 15, 18, 21, and 22.</p>	<ul style="list-style-type: none"> • Deposition transcript of Mike Bevan, Reinold Kosciuw, Maurice Jacobs, Dragan Dosen, Goran Bajic, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 75-138, 258-295, 364, 368
<p>IGB designed and offered to Lear Corporation, Johnson Controls, and General Motors, climate systems specifically for the infringing Cadillac XTS and GMX352 seat systems, helped design the infringing seat systems, and took other action intending to cause the infringing acts.</p>	<ul style="list-style-type: none"> • Deposition transcript of Mike Bevan, Dragan Dosen, Goran Bajic, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 44-49, 200-230, 258-322, 343-368

Element/Factual Basis	Evidence
<p>IGB has been aware of the '602 patent for years.</p>	<ul style="list-style-type: none"> • Gentherm's initial, first amended, and second amended complaints • IGB's response to Gentherm's Interrogatory No. 1 • Deposition transcript of Dragan Dosen, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 363, 369-395 • IGB0049787-88; IGB0049904-06; IGB0049910-13
<p>IGB knew that the manufacture, use, sale, and importation by Lear Corporation, Johnson Controls, and General Motors of the seat systems for the Cadillac XTS and GMX352 would constitute infringement of the '602 patent, at least because IGB has been aware of the '602 patent for years, benchmarked Gentherm's climate systems, and was warned of the risk of infringing Gentherm's patents. IGB proceeded to infringe based on an unmeritorious and reckless belief that an alleged prior inventorship defeats infringement. The evidence also shows that IGB believed there was a high probability that these acts would infringe the '602 patent and IGB took deliberate steps to avoid learning of that infringement, including failing to have IGB's outside patent attorney review drawings and samples of the accused systems and failing to monitor Gentherm's patent applications.</p>	<ul style="list-style-type: none"> • Gentherm's initial, first amended, and second amended complaints • Gentherm's responses to IGB's Interrogatory Nos. 1 and 2 • IGB's responses to Gentherm's Interrogatory Nos. 2, 5, 7, and 8 • Deposition transcript of Dragan Dosen, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 242-257, 314, 318, 363, 366, 369-395 • IGB0049787-88; IGB0049904-06; IGB0049910-13

Induced Infringement through the supply of components from the U.S. for combination abroad (§271(f)(1))

Element/Factual Basis	Evidence
<p>IGB supplies climate systems from the U.S. to Lear Corporation and Johnson Controls outside the U.S.</p>	<ul style="list-style-type: none"> • Deposition transcript of Mike Bevan, Reinold Kosciuw, Maurice Jacobs, Dragan Dosen, Goran Bajic, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 75-138, 258-295, 364, 368

Element/Factual Basis	Evidence
<p>The climate systems make up a substantial portion of the infringing seating systems, which include a seat with a ventilated seat cushion and a ventilated seat backrest cushion each with a permeable trim surface and a through-hole that receives the air mover, for the Cadillac XTS and GMX352, at least because the climate systems are an expensive part of the seating systems and provide a significant selling point for the vehicles.</p>	<ul style="list-style-type: none"> • Deposition transcript of Mike Bevan, Dragan Dosen, Goran Bajic, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 44-49, 200-230, 258-322, 343-368
<p>IGB designed and offered the climate systems specifically for the infringing Cadillac XTS and GMX352 seating systems, helped design the infringing seat systems, and took other action intending Lear Corporation and Johnson Controls to assemble the infringing seating systems.</p>	<ul style="list-style-type: none"> • Deposition transcript of Mike Bevan, Dragan Dosen, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 44-49, 200-230, 258-322, 343-368
<p>IGB has been aware of the '602 patent for years and knows that the seating systems for the Cadillac XTS and GMX352 are covered by Claims 15, 18, 21, and 22 if they were made in the U.S., at least because IGB has been aware of the '602 patent for years, benchmarked Gentherm's climate systems, and was warned of the risk of infringing Gentherm's patents. IGB proceeded to infringe based on an unmeritorious and reckless belief that an alleged prior inventorship defeats infringement. The evidence also shows that IGB took deliberate steps to avoid learning of this infringement, including failing to have IGB's outside patent attorney review drawings and samples of the accused systems and failing to monitor Gentherm's patent applications.</p>	<ul style="list-style-type: none"> • Gentherm's initial, first amended, and second amended complaints • Gentherm's responses to IGB's Interrogatory Nos. 1 and 2 • IGB's response to Gentherm's Interrogatory No. 1, 2, 5, 7, and 8 • Deposition transcript of Dragan Dosen, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 242-257, 314, 318, 363, 366, 369-395 • IGB0049787-88; IGB0049904-06; IGB0049910-13

Contributory Infringement
(§271(c))

Element/Factual Basis	Evidence
IGB offers to sell and sells within the U.S. climate systems for seating systems, which include a seat with a ventilated seat cushion and a ventilated seat backrest cushion each with a permeable trim surface and a through-hole that receives the air mover, for the Cadillac XTS and GMX352.	<ul style="list-style-type: none"> • Deposition transcript of Mike Bevan, Reinold Kosciuw, Maurice Jacobs, Dragan Dosen, Goran Bajic, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 75-138, 258-295, 364, 368
The climate systems have no substantial, noninfringing uses other than in the seating systems for the Cadillac XTS and GMX352, at least because the climate systems were designed specifically for the infringing seating systems.	<ul style="list-style-type: none"> • Deposition transcript of Mike Bevan, Dragan Dosen, Goran Bajic, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 44-49, 200-230, 258-295
The climate systems constitute a material part of the inventive seating systems, at least because the climate systems are an expensive part of the seating systems and provide a significant selling point for the vehicles.	<ul style="list-style-type: none"> • Deposition transcript of Mike Bevan, Dragan Dosen, Goran Bajic, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 44-49, 200-230, 258-322, 343-368
IGB has been aware of the '602 patent for years.	<ul style="list-style-type: none"> • Gentherm's initial, first amended, and second amended complaints • IGB's response to Gentherm's Interrogatory No. 1 • Deposition transcript of Dragan Dosen, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 363, IGB0049787-88, 369-395

Element/Factual Basis	Evidence
<p>IGB knows that the seating systems for the Cadillac XTS and GMX352 are covered by Claims 15, 18, 21, and 22, at least because IGB has been aware of the '602 patent for years, benchmarked Gentherm's climate systems, and was warned of the risk of infringing Gentherm's patents. IGB proceeded to infringe based on an unmeritorious and reckless belief that an alleged prior inventorship defeats infringement. The evidence also shows that IGB knows that the seating systems may infringe and took deliberate steps to avoid learning of that infringement, including failing to have IGB's outside patent attorney review drawings and samples of the accused systems and failing to monitor Gentherm's patent applications.</p>	<ul style="list-style-type: none"> • Gentherm's initial, first amended, and second amended complaints • Gentherm's responses to IGB's Interrogatory Nos. 1 and 2 • IGB's responses to Gentherm's Interrogatory Nos. 2, 5, 7, and 8 • Deposition transcript of Dragan Dosen, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 242-257, 314, 318, 363, 366, 369-395 • IGB0049787-88; IGB0049904-06; IGB0049910-13

Contributory Infringement through the supply of components from the U.S. for combination abroad
(§271(f)(2))

Element/Factual Basis	Evidence
<p>IGB supplies climate systems from the U.S. to Lear Corporation and Johnson Controls outside the U.S.</p>	<ul style="list-style-type: none"> • Deposition transcript of Mike Bevan, Reinold Kosciuw, Maurice Jacobs, Dragan Dosen, Goran Bajic, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 75-138, 258-295, 364, 368
<p>The only substantial use for the climate systems is in seating systems, which include a seat with a ventilated seat cushion and a ventilated seat backrest cushion each with a permeable trim surface and a through-hole that receives the air mover, for the Cadillac XTS and GMX352 that would infringe Claims 15, 18, 21, and 22 if made in the U.S., at least because the climate systems were designed specifically for the infringing seat systems.</p>	<ul style="list-style-type: none"> • Deposition transcript of Mike Bevan, Dragan Dosen, Goran Bajic, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 44-49, 200-230, 258-322, 343-368

Element/Factual Basis	Evidence
<p>IGB has been aware of the '602 patent for years.</p>	<ul style="list-style-type: none"> • Gentherm's initial, first amended, and second amended complaints • IGB's response to Gentherm's Interrogatory No. 1 • Deposition transcript of Dragan Dosen, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 363, 369-395 • IGB0049787-88; IGB0049904-06; IGB0049910-13
<p>IGB knows that the climate systems have no other substantial use other than in the seating systems for the Cadillac XTS and GMX352 and knows that the seating systems infringe Claims 15, 18, 21, and 22 if made in the U.S, at least because the climate systems were designed specifically for the infringing seating systems. IGB proceeded to infringe based on an unmeritorious and reckless belief that an alleged prior inventorship defeats infringement. The evidence also shows that IGB knew the seating systems for the Cadillac XTS and GMX352 may be covered by Claims 15, 18, 21, and 22 and IGB took deliberate steps to avoid learning of that infringement, including failing to have IGB's outside patent attorney review drawings and samples of the accused systems and failing to monitor Gentherm's patent applications.</p>	<ul style="list-style-type: none"> • Gentherm's initial, first amended, and second amended complaints • Gentherm's responses to IGB's Interrogatory Nos. 1 and 2 • IGB's responses to Gentherm's Interrogatory Nos. 2, 5, 7, and 8 • Deposition transcript of Dragan Dosen, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 242-257, 314, 318, 363, 366, 369-395 • IGB0049787-88; IGB0049904-06; IGB0049910-13

Element/Factual Basis	Evidence
<p>IGB intends for the climate systems to be used in the seating systems for the Cadillac XTS and GMX352 that would directly infringe if the seat systems had been used in the U.S., at least because IGB has been aware of the '602 patent for years, benchmarked Gentherm's climate systems, and was warned of the risk of infringing Gentherm's patents. IGB proceeded to infringe based on an unmeritorious and reckless belief that an alleged prior inventorship defeats infringement. The evidence also shows that IGB took deliberate steps to avoid learning of that infringement, including failing to have IGB's outside patent attorney review drawings and samples of the accused systems and failing to monitor Gentherm's patent applications.</p>	<ul style="list-style-type: none"> • Gentherm's initial, first amended, and second amended complaints • Gentherm's responses to IGB's Interrogatory Nos. 1 and 2 • IGB's responses to Gentherm's Interrogatory Nos. 2, 5, 7, and 8 • Deposition transcript of Dragan Dosen, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 242-257, 314, 318, 363, 366, 369-395 • IGB0049787-88; IGB0049904-06; IGB0049910-13

84. Additional details regarding IGB's infringement can also be found in Gentherm's Responses to IGB's First Set of Interrogatories (Nos. 1-7), which were served on May 7, 2014, as well as Gentherm's First Supplemental Responses to IGB's First Set of Interrogatories (Nos. 1-7), which were served on May 20, 2014, both of which are incorporated by reference.

85. Gentherm has given IGB notice that it infringes the '602 patent. IGB knows or is willfully blind to the existence of the '602 patent. A letter identifying the Cadillac XTS seat and the '932 patent, which is in the same patent family as the '602 patent, was sent on December 10, 2012, to a representative of IGB's parent corporation, I.G. Bauerrhin GmbH.

86. Upon information and belief, IGB's infringement of the '602 patent has been and continues to be deliberate and willful.

87. Upon information and belief, IGB's infringement will continue unless enjoined by this Court.

88. Upon information and belief, IGB has derived, received, and will continue to derive and receive gains, profits, and advantages from the aforesaid acts of infringement in an amount that is not presently known to Gentherm. Due to IGB's infringement of the '602 patent, Gentherm has been damaged and is entitled to monetary relief in an amount to be determined at trial.

89. Unless IGB is enjoined from infringing the '602 patent, Gentherm will continue to suffer irreparable injury for which it has no adequate remedy at law.

ELEVENTH CLAIM FOR RELIEF

(Infringement of U.S. Patent No. 8,360,517)

90. Gentherm repeats, realleges, and incorporates by reference the allegations set forth in Paragraphs 1-89 of this Complaint.

91. This is a claim for patent infringement and arises under the Patent Laws of the United States, Title 35 of the United States Code.

92. Upon information and belief, IGB has in the past infringed and is currently infringing the '517 patent in violation of 35 U.S.C. § 271(a) by manufacturing, using, offering for sale, selling, and importing products or systems for cooling or heating seats. These products or systems, including products or systems labeled "PILL Heat Vent FSC," "PILL Heat Vent FSB," "GMX352 Vent FSC," and "GMX352 Heat Vent FSC," are covered by one or more claims of the '517 patent, including Claims 10–15 of the '517 patent.


93. Upon information and belief, IGB has actively induced others to infringe the '517 patent in violation of 35 U.S.C. § 271(b). Upon information and belief, IGB has caused, urged, encouraged, and aided others, including its customers, to directly infringe one or more claims of the '517 patent, and has engaged in these acts with knowledge of the '517 patent. Upon information and belief, IGB has caused, urged, encouraged, and aided others, including its

customers, to manufacture, use, offer for sale, sell, and import products or systems used for heating or cooling seats, including products or systems labeled “PILL Heat Vent FSC,” PILL Heat Vent FSB,” “GMX352 Vent FSC,” and “GMX352 Heat Vent FSC.” Upon information and belief, IGB has also caused, urged, encouraged, and aided others, including its customers, to manufacture, promote, offer for sale, sell, and import seats or seat assemblies that incorporate such products or systems, including vehicle seats or seat assemblies for recent models of the Cadillac XTS and the Chevrolet Impala. These products, systems, seats, and seat assemblies are covered by one or more claims of the ’517 patent, including Claims 10–17, 19, and 20 of the ’517 patent. Upon information and belief, IGB specifically intended others, including its customers, to directly infringe these claims.

94. Upon information and belief, IGB has contributorily infringed the ’517 patent in violation of 35 U.S.C. § 271(c). Upon information and belief, IGB has sold components of seats or seat assemblies, including vehicle seats or seat assemblies for recent models of the Cadillac XTS and the Chevrolet Impala, that are covered by one or more claims of the ’517 patent, including Claims 10–17, 19, and 20 of the ’517 patent. Upon information and belief, these components include products or systems used for heating or cooling seats, including products or systems labeled “PILL Heat Vent FSC,” PILL Heat Vent FSB,” “GMX352 Vent FSC,” and “GMX352 Heat Vent FSC.” Upon information and belief, IGB knows that these components are especially made and adapted for use in the infringement of one or more claims of the ’517 patent. Due at least to their composition, dimensions, and arrangement of elements, these components, including products or systems labeled “PILL Heat Vent FSC,” PILL Heat Vent FSB,” “GMX352 Vent FSC,” and “GMX352 Heat Vent FSC,” are not staple articles or commodities of commerce suitable for substantial noninfringing use.





95. Upon information and belief, IGB has also sold components of products or systems used for heating or cooling seats. Upon information and belief, these products or systems, including products or systems labeled “P1LL Heat Vent FSC,” P1LL Heat Vent FSB,” “GMX352 Vent FSC,” and “GMX352 Heat Vent FSC,” are covered by one or more claims of the ’517 patent, including Claims 10–15 of the ’517 patent. Upon information and belief, IGB knows that these components are especially made and adapted for use in the infringement of one or more claims of the ’517 patent. Due at least to their composition, dimensions, and arrangement of elements, these components are not staple articles or commodities of commerce suitable for substantial noninfringing use.

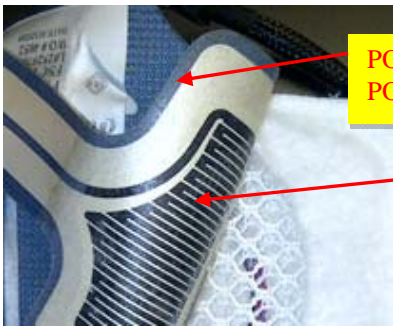
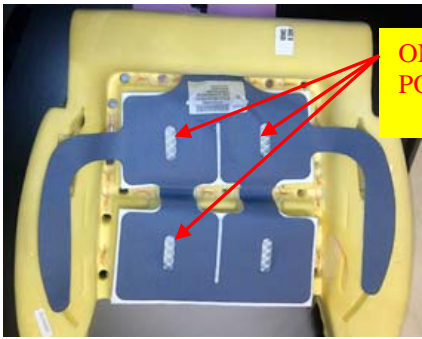

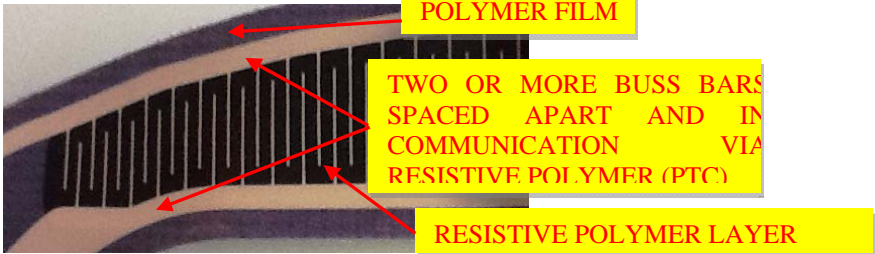
96. Additional details regarding IGB’s infringement follows:




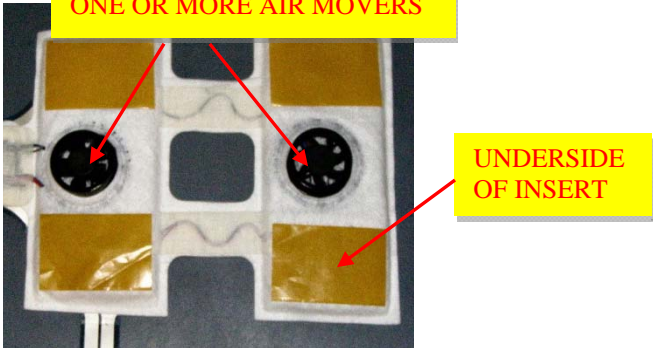
U.S. Patent No. 8,360,517	Corresponding elements of P1LL Heat Vent FSC, P1LL Heat Vent FSB, GMX352 Heat Vent FSC and GMX352 Vent FSC ^{13,14}
10. An insert comprising:	<p>The preamble is not limiting. To the extent a Court finds this preamble limiting, the limitation is met, as outlined below.</p> 

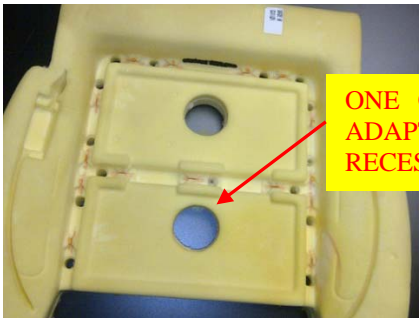
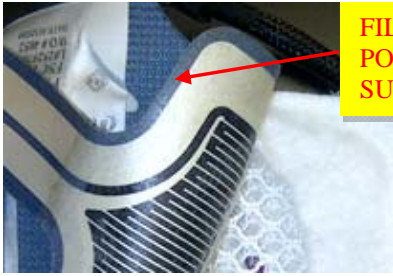
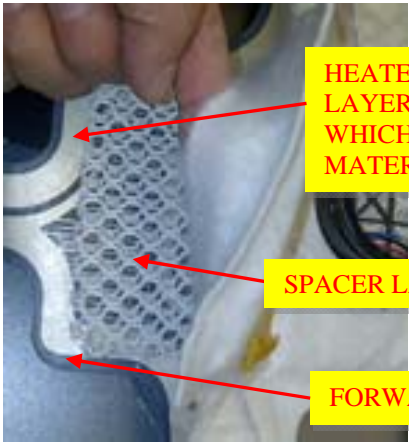
¹³ Although this chart only illustrates the features of the P1LL Heat Vent, we note that the other systems share the same features discussed herein and that any differences are noted where necessary.





¹⁴ The product elements identified in these claim charts are exemplary and do not preclude other elements from meeting the claim limitations.

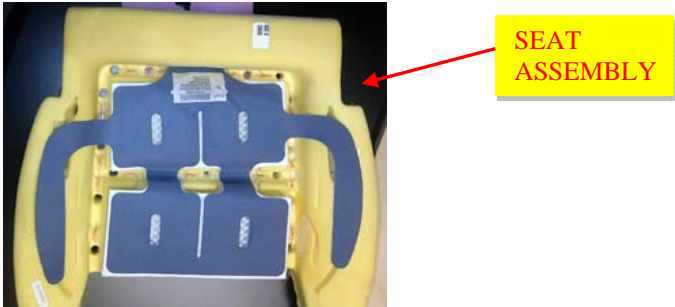
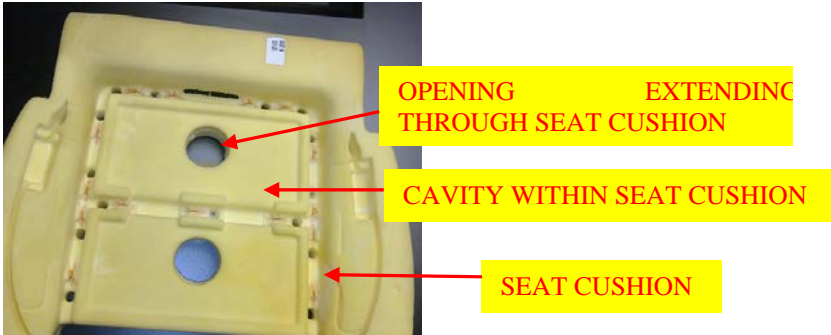
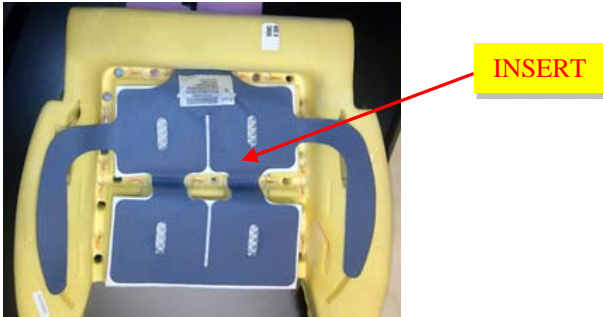
U.S. Patent No. 8,360,517	Corresponding elements of P1LL Heat Vent FSC, P1LL Heat Vent FSB, GMX352 Heat Vent FSC and GMX352 Vent FSC ^{13,14}
<p>i. a forward layer including:</p> <p>a. a mesh gauze protective layer or a fleece protective layer and</p>	 <p>UPPER FELT AND POLYESTER SHEET = FORWARD LAYER</p> <p>Upper felt is a mesh gauze protective layer. Alternatively, the forward layer is the blue fabric to the upper felt, and the blue fabric is a mesh gauze protective layer.</p>
<p>b. a film that overlies the mesh gauze protective layer or the fleece protective layer;</p>	 <p>POLYESTER SHEET = FILM THAT OVERLIES THE UPPER FELT</p>
<p>ii. a rearward layer;</p>	 <p>LOWER FELT AND UNDERLYING ADHESIVE FILM = REARWARD LAYER</p>
<p>iii. a spacer material located between the forward layer and the rearward layer creating an open space within the insert;</p>	 <p>SPACER MATERIAL LOCATED BETWEEN FORWARD AND REARWARD LAYERS, CREATING AN OPEN SPACE</p>

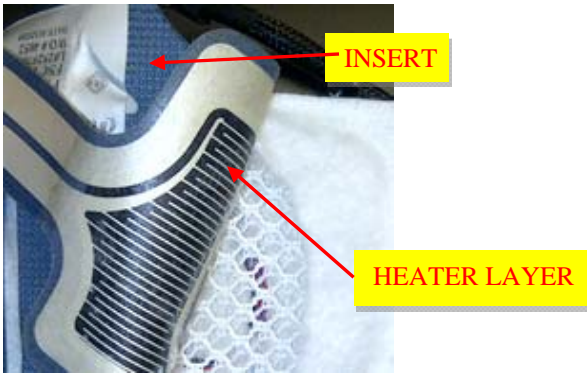
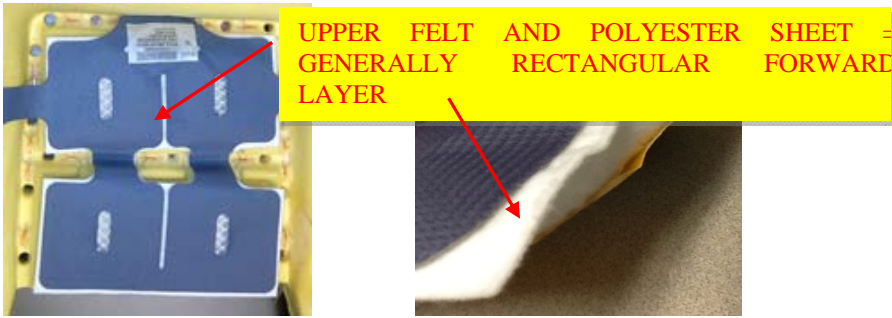

U.S. Patent No. 8,360,517	Corresponding elements of P1LL Heat Vent FSC, P1LL Heat Vent FSB, GMX352 Heat Vent FSC and GMX352 Vent FSC ^{13,14}
iv. a heater comprising: a. a polymer film	 <p>POLYESTER SHEET POLYMER FILM</p> <p>HEATER</p>
having one or more openings for allowing air flow therethrough,	 <p>ONE OR MORE OPENINGS IN POLYESTER SHEET</p>
b. a resistive polymer layer disposed on the polymer film, and	 <p>RESISTIVE POLYMER LAYER (PTC)</p>
c. two or more buss bars disposed on the polymer film that are spaced apart and electrically in communication with each other through the resistive polymer layer; and	 <p>POLYMER FILM</p> <p>TWO OR MORE BUSS BARS SPACED APART AND IN COMMUNICATION VIA RESISTIVE POLYMER (PTC)</p> <p>RESISTIVE POLYMER LAYER</p>

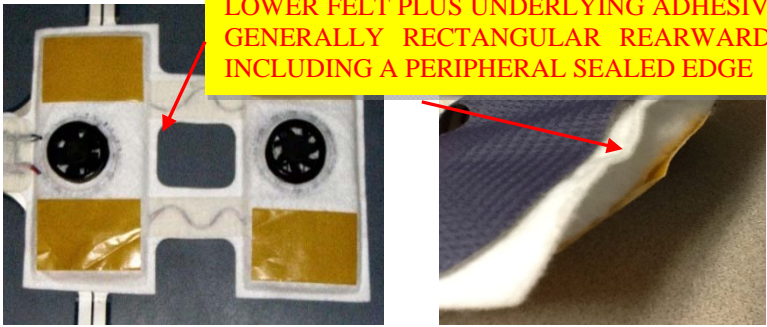


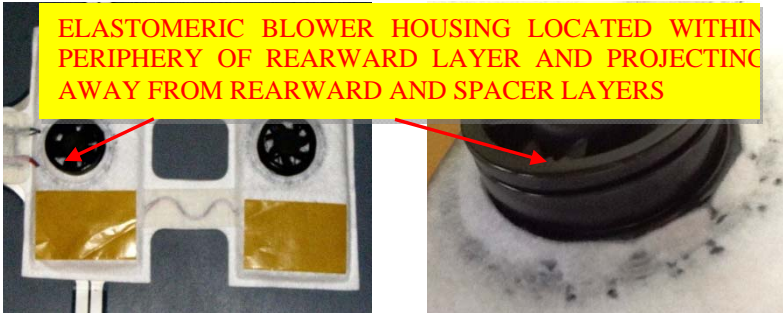
U.S. Patent No. 8,360,517	Corresponding elements of P1LL Heat Vent FSC, P1LL Heat Vent FSB, GMX352 Heat Vent FSC and GMX352 Vent FSC ^{13,14}
<p>v. one or more air movers projecting from the rearward layer and</p>	 <p>ONE OR MORE AIR MOVERS PROJECTING FROM REARWARD LAYER</p>
<p>being in fluid communication with the open space within the insert,</p>	 <p>AIR MOVER IN FLUID COMMUNICATION WITH OPEN SPACE WITHIN INSERT</p>
<p>the one or more air movers including a flange that attaches the one or more air movers to the insert, at least in part, by the flange being fitted between the spacer material and the rearward layer, and</p>	 <p>FLANGE OF AIR MOVER INSERTED UNDER REARWARD LAYER AND SECURED BETWEEN REARWARD LAYER AND SPACER LAYER</p>
<p>the one or more air movers are located underneath the insert and</p>	 <p>ONE OR MORE AIR MOVERS</p> <p>UNDERSIDE OF INSERT</p>

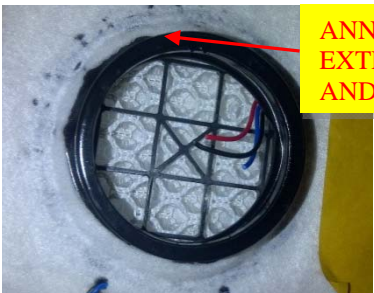


U.S. Patent No. 8,360,517	Corresponding elements of P1LL Heat Vent FSC, P1LL Heat Vent FSB, GMX352 Heat Vent FSC and GMX352 Vent FSC ^{13,14}
<p>being adapted to fit within a recess in a cushion;</p>	 <p>ONE OR MORE AIR MOVERS ADAPTED TO FIT WITHIN RECESS IN A CUSHION</p>
<p>wherein the film in the forward layer is the polymer film and serves as a substrate for the heater;</p>	 <p>FILM OF FORWARD LAYER IS THE POLYESTER SHEET AND SERVES AS SUBSTRATE FOR HEATER</p>
<p>wherein the heater is attached to the forward layer and the spacer material;</p>	 <p>HEATER ATTACHED TO FORWARD LAYER AND INCLUDES ADHESIVE WHICH ALSO ATTACHES SPACER MATERIAL</p> <p>SPACER LAYER</p> <p>FORWARD LAYER</p>

U.S. Patent No. 8,360,517	Corresponding elements of P1LL Heat Vent FSC, P1LL Heat Vent FSB, GMX352 Heat Vent FSC and GMX352 Vent FSC ^{13,14}
<p>wherein the forward layer, the rearward layer, or both include one or more openings in fluid communication with the open space within the insert.</p>	 <p>ONE OR MORE OPENINGS IN FORWARD LAYER IN FLUID COMMUNICATION WITH OPEN SPACE</p>
<p>11. The insert as in claim 10, wherein the two or more buss bars are silver, and the resistive layer is a positive temperature coefficient material.</p>	 <p>TWO OR MORE SILVER BUSS BARS AND RESISTIVE LAYER IS A PTC INK</p>
<p>12. The seat assembly as in claim 11, wherein the polymer film is polyethylene.</p>	 <p>POLYESTER SHEET COMPRISED OF POLYETHYLENE</p>
<p>13. The insert as in claim 12, wherein spacer material is not affixed to the forward layer, the rearward layer, or both.</p>	 <p>SPACER MATERIAL NOT AFFIXED TO REARWARD LAYER</p>

<p>U.S. Patent No. 8,360,517</p>	<p>Corresponding elements of P1LL Heat Vent FSC, P1LL Heat Vent FSB, GMX352 Heat Vent FSC and GMX352 Vent FSC^{13,14}</p>
<p>16. A seat assembly comprising</p>	<p>The preamble is not limiting. To the extent a Court finds this preamble limiting, IGB indirectly infringes. See below for more details.</p> 
<p>a. a seat cushion comprising:</p> <ul style="list-style-type: none"> i. a cavity and ii. an opening extending through the seat cushion; 	<p>IGB indirectly infringes. See below for more details.</p> 
<p>b. an insert for placement in the cavity of the seat cushion,</p>	

U.S. Patent No. 8,360,517	Corresponding elements of P1LL Heat Vent FSC, P1LL Heat Vent FSB, GMX352 Heat Vent FSC and GMX352 Vent FSC ^{13,14}
<p>the insert comprising:</p> <p>i. a heater layer;</p>	 <p>INSERT</p> <p>HEATER LAYER</p>
<p>ii. a generally rectangular forward layer including a mesh gauze protective layer or fleece protective layer, and</p>	 <p>UPPER FELT AND POLYESTER SHEET = GENERALLY RECTANGULAR FORWARD LAYER</p> <p>Upper felt is a mesh gauze protective layer. Alternatively, the generally rectangular forward layer is the blue fabric to the upper felt, and the blue fabric is a mesh gauze protective layer..</p>
<p>a film that overlies the protective layer and also serves as a substrate for the heater layer;</p>	 <p>POLYESTER SHEET = FILM THAT OVERLIES PROTECTIVE LAYER AND ALSO SERVES AS A SUBSTRATE</p>

U.S. Patent No. 8,360,517	Corresponding elements of P1LL Heat Vent FSC, P1LL Heat Vent FSB, GMX352 Heat Vent FSC and GMX352 Vent FSC ^{13,14}
<p>iii. a generally rectangular rearward layer including a peripheral sealed edge for overlapping the seat cushion when the insert is disposed in the cavity of the seat cushion;</p>	 <p>LOWER FELT PLUS UNDERLYING ADHESIVE FILM = GENERALLY RECTANGULAR REARWARD LAYER INCLUDING A PERIPHERAL SEALED EDGE</p>
<p>iv. a spacer layer sealingly enclosed between the forward layer and the rearward layer,</p>	 <p>SPACER LAYER SEALINGLY ENCLOSED BETWEEN FORWARD LAYER AND REARWARD LAYER</p>
<p>the film of the forward layer being adheredly attached directly to each of the protective layer and the spacer layer; and</p>	 <p>POLYESTER SHEET IS ADHERED DIRECTLY TO UPPER FELT AND THE SPACER LAYER</p>
<p>c. an elastomeric blower housing located within the periphery of the rearward layer and projecting away from the rearward layer and spacer layer,</p>	 <p>ELASTOMERIC BLOWER HOUSING LOCATED WITHIN PERIPHERY OF REARWARD LAYER AND PROJECTING AWAY FROM REARWARD AND SPACER LAYERS</p>

U.S. Patent No. 8,360,517	Corresponding elements of P1LL Heat Vent FSC, P1LL Heat Vent FSB, GMX352 Heat Vent FSC and GMX352 Vent FSC ^{13,14}
<p>having an annular flange that extends between the spacer layer and the rearward layer for resting on the seat cushion about the opening extending through the seat cushion, and</p>	 <p>ANNULAR FLANGE OF HOUSING EXTENDS BETWEEN SPACER LAYER AND REARWARD LAYER</p>
<p>holding a blower suspended within the opening;</p>	 <p>BLOWER IS SUSPENDED WITHIN OPENING</p>
<p>wherein the heater layer includes a conductive layer disposed on the film and a resistive layer disposed on the film, the conductive layer and the resistive layer being in electrical communication so that the resistive layer creates heat upon application of power.</p>	 <p>CONDUCTIVE LAYER AND RESISTIVE LAYER (PTC) DISPOSED ON POLYESTER SHEET AND IN ELECTRICAL COMMUNICATION TO CREATE HEAT UPON APPLICATION OF POWER</p>

Further description of IGB's indirect infringement.

Induced Infringement
(§271(b))

Element/Factual Basis	Evidence
<p>Lear Corporation sells in and imports into the U.S. seat assemblies, which include a seat cushion with a cavity and opening extending through the cushion and an insert, for the Cadillac XTS and GMX352 that infringe Claim 16;</p> <p>Johnson Controls makes, uses, sells in, and imports into the U.S. seat assemblies, which include a seat cushion with a cavity and opening extending through the cushion and an insert, for the GMX352 that infringe Claim 16; and</p> <p>General Motors uses, sells in and imports into the U.S. seat assemblies, which include a seat cushion with a cavity and opening extending through the cushion and an insert, for the Cadillac XTS and GMX 352 that infringe Claim 16.</p>	<ul style="list-style-type: none"> • Deposition transcript of Mike Bevan, Reinold Kosciuw, Maurice Jacobs, Dragan Dosen, Goran Bajic, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 75-138, 258-295, 364, 368
<p>IGB designed and offered to Lear Corporation, Johnson Controls, and General Motors, climate systems specifically for the infringing Cadillac XTS and GMX352 seat assemblies, helped design the infringing seat assemblies, and took other action intending to cause the infringing acts.</p>	<ul style="list-style-type: none"> • Deposition transcript of Mike Bevan, Dragan Dosen, Goran Bajic, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 44-49, 200-230, 258-322, 343-368
<p>IGB has been aware of the '517 patent for years.</p>	<ul style="list-style-type: none"> • Gentherm's initial, first amended, and second amended complaints • IGB's response to Gentherm's Interrogatory No. 1 • Deposition transcript of Dragan Dosen, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 363, 369-395 • IGB0049787-88; IGB0049904-06; IGB0049910-13

Element/Factual Basis	Evidence
<p>IGB knew that the manufacture, use, sale, and importation by Lear Corporation, Johnson Controls, and General Motors of the seat assemblies for the Cadillac XTS and GMX352 would constitute infringement of the '517 patent, at least because IGB has been aware of the '517 patent for years, benchmarked Gentherm's climate systems, and was warned of the risk of infringing Gentherm's patents. IGB proceeded to infringe based on an unmeritorious and reckless belief that an alleged prior inventorship defeats infringement. The evidence also shows that IGB believed there was a high probability that these acts would infringe the '517 patent and IGB took deliberate steps to avoid learning of that infringement, including failing to have IGB's outside patent attorney review drawings and samples of the accused systems and failing to monitor Gentherm's patent applications.</p>	<ul style="list-style-type: none"> • Gentherm's initial, first amended, and second amended complaints • Gentherm's responses to IGB's Interrogatory Nos. 1 and 2 • IGB's responses to Gentherm's Interrogatory Nos. 2, 5, 7, and 8 • Deposition transcript of Dragan Dosen, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 242-257, 314, 318, 363, 366, 369-395 • IGB0049787-88; IGB0049904-06; IGB0049910-13

Induced Infringement through the supply of components from the U.S. for combination abroad (§271(f)(1))

Element/Factual Basis	Evidence
<p>IGB supplies climate systems from the U.S. to Lear Corporation and Johnson Controls outside the U.S.</p>	<ul style="list-style-type: none"> • Deposition transcript of Mike Bevan, Reinold Kosciuw, Maurice Jacobs, Dragan Dosen, Goran Bajic, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 75-138, 258-295, 364, 368
<p>The climate systems make up a substantial portion of the infringing seat assemblies, which include a seat cushion with a cavity and opening extending through the cushion and an insert, for the Cadillac XTS and GMX352, at least because the systems are an expensive part of the seat assemblies and provide a significant selling point for the vehicles.</p>	<ul style="list-style-type: none"> • Deposition transcript of Mike Bevan, Dragan Dosen, Goran Bajic, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 44-49, 200-230, 258-322, 343-368

Element/Factual Basis	Evidence
<p>IGB designed and offered the climate systems specifically for the infringing Cadillac XTS and GMX352 seat assemblies, helped design the infringing seat assemblies, and took other action intending Lear Corporation and Johnson Controls to assemble the infringing seat assemblies.</p>	<ul style="list-style-type: none"> • Deposition transcript of Mike Bevan, Dragan Dosen, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 44-49, 200-230, 258-322, 343-368
<p>IGB has been aware of the '517 patent for years and knows that the seat assemblies for the Cadillac XTS and GMX352 are covered by Claim 16 if they were made in the U.S., at least because IGB has been aware of the '517 patent for years, benchmarked Gentherm's climate systems, and was warned of the risk of infringing Gentherm's patents. IGB proceeded to infringe based on an unmeritorious and reckless belief that an alleged prior inventorship defeats infringement. The evidence also shows that IGB took deliberate steps to avoid learning of this infringement, including failing to have IGB's outside patent attorney review drawings and samples of the accused systems and failing to monitor Gentherm's patent applications.</p>	<ul style="list-style-type: none"> • Gentherm's initial, first amended, and second amended complaints • Gentherm's responses to IGB's Interrogatory Nos. 1 and 2 • IGB's response to Gentherm's Interrogatory No. 1, 2, 5, 7, and 8 • Deposition transcript of Dragan Dosen, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 242-257, 314, 318, 363, 366, 369-395 • IGB0049787-88; IGB0049904-06; IGB0049910-13

Contributory Infringement
(§271(c))

Element/Factual Basis	Evidence
<p>IGB offers to sell and sells within the U.S. climate systems for seat assemblies, which include a seat cushion with a cavity and opening extending through the cushion and an insert, for the Cadillac XTS and GMX352.</p>	<ul style="list-style-type: none"> • Deposition transcript of Mike Bevan, Reinold Kosciuw, Maurice Jacobs, Dragan Dosen, Goran Bajic, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 75-138, 258-295, 364, 368
<p>The climate systems have no substantial, noninfringing uses other than in the seat assemblies for the Cadillac XTS and GMX352, at least because the systems were designed specifically for the infringing seats.</p>	<ul style="list-style-type: none"> • Deposition transcript of Mike Bevan, Dragan Dosen, Goran Bajic, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 44-49, 200-230, 258-295

Element/Factual Basis	Evidence
<p>The climate systems constitute a material part of the inventive seat assemblies, at least because the systems are an expensive part of the assemblies and provide a significant selling point for the vehicles.</p>	<ul style="list-style-type: none"> • Deposition transcript of Mike Bevan, Dragan Dosen, Goran Bajic, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 44-49, 200-230, 258-322, 343-368
<p>IGB has been aware of the '517 patent for years.</p>	<ul style="list-style-type: none"> • Gentherm's initial, first amended, and second amended complaints • IGB's response to Gentherm's Interrogatory No. 1 • Deposition transcript of Dragan Dosen, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 363, 369-395 • IGB0049787-88; IGB0049904-06; IGB0049910-13
<p>IGB knows that the seat assemblies for the Cadillac XTS and GMX352 are covered by Claim 16, at least because IGB has been aware of the '517 patent for years, benchmarked Gentherm's climate systems, and was warned of the risk of infringing Gentherm's patents. IGB proceeded to infringe based on an unmeritorious and reckless belief that an alleged prior inventorship defeats infringement. The evidence also shows that IGB knows that the seat assemblies may infringe and took deliberate steps to avoid learning of that infringement, including failing to have IGB's outside patent attorney review drawings and samples of the accused systems and failing to monitor Gentherm's patent applications.</p>	<ul style="list-style-type: none"> • Gentherm's initial, first amended, and second amended complaints • Gentherm's responses to IGB's Interrogatory Nos. 1 and 2 • IGB's responses to Gentherm's Interrogatory Nos. 2, 5, 7, and 8 • Deposition transcript of Dragan Dosen, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 242-257, 314, 318, 363, 366, 369-395 • IGB0049787-88; IGB0049904-06; IGB0049910-13

Contributory Infringement through the supply of components from the U.S. for combination abroad
(§271(f)(2))

Element/Factual Basis	Evidence
<p>IGB supplies climate systems from the U.S. to Lear Corporation and Johnson Controls outside the U.S.</p>	<ul style="list-style-type: none"> • Deposition transcript of Mike Bevan, Reinold Kosciuw, Maurice Jacobs, Dragan Dosen, Goran Bajic, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 75-138, 258-295, 364, 368

Element/Factual Basis	Evidence
<p>The only substantial use for the climate systems is in seat assemblies, which include a seat cushion with a cavity and opening extending through the cushion and an insert, for the Cadillac XTS and GMX352 that would infringe Claim 16 if made in the U.S., at least because the systems were designed specifically for the infringing assemblies.</p>	<ul style="list-style-type: none"> • Deposition transcript of Mike Bevan, Dragan Dosen, Goran Bajic, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 44-49, 200-230, 258-322, 343-368
<p>IGB has been aware of the '517 patent for years.</p>	<ul style="list-style-type: none"> • Gentherm's initial, first amended, and second amended complaints • IGB's response to Gentherm's Interrogatory No. 1 • Deposition transcript of Dragan Dosen, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 363, 369-395 • IGB0049787-88; IGB0049904-06; IGB0049910-13
<p>IGB knows that the climate systems have no other substantial use other than in the seat assemblies for the Cadillac XTS and GMX352 and knows that the assemblies infringe Claim 16 if made in the U.S, at least because the systems were designed specifically for the infringing seats. IGB proceeded to infringe based on an unmeritorious and reckless belief that an alleged prior inventorship defeats infringement. The evidence also shows that IGB knew the seat assemblies for the Cadillac XTS and GMX352 may be covered by Claim 16 and IGB took deliberate steps to avoid learning of that infringement, including failing to have IGB's outside patent attorney review drawings and samples of the accused systems and failing to monitor Gentherm's patent applications.</p>	<ul style="list-style-type: none"> • Gentherm's initial, first amended, and second amended complaints • Gentherm's responses to IGB's Interrogatory Nos. 1 and 2 • IGB's responses to Gentherm's Interrogatory Nos. 2, 5, 7, and 8 • Deposition transcript of Dragan Dosen, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 242-257, 314, 318, 363, 366, 369-395 • IGB0049787-88; IGB0049904-06; IGB0049910-13

Element/Factual Basis	Evidence
<p>IGB intends for the climate systems to be used in the seat assemblies for the Cadillac XTS and GMX352 that would directly infringe if the assemblies had been used in the U.S., at least because IGB has been aware of the '517 patent for years, benchmarked Gentherm's climate systems, and was warned of the risk of infringing Gentherm's patents. IGB proceeded to infringe based on an unmeritorious and reckless belief that an alleged prior inventorship defeats infringement. The evidence also shows that IGB took deliberate steps to avoid learning of that infringement, including failing to have IGB's outside patent attorney review drawings and samples of the accused systems and failing to monitor Gentherm's patent applications.</p>	<ul style="list-style-type: none"> • Gentherm's initial, first amended, and second amended complaints • Gentherm's responses to IGB's Interrogatory Nos. 1 and 2 • IGB's responses to Gentherm's Interrogatory Nos. 2, 5, 7, and 8 • Deposition transcript of Dragan Dosen, Dmitri Axakov, Frank Rourke, Tom Fortushniok • PX 242-257, 314, 318, 363, 366, 369-395 • IGB0049787-88; IGB0049904-06; IGB0049910-13

97. Additional details regarding IGB's infringement can also be found in Gentherm's Responses to IGB's First Set of Interrogatories (Nos. 1-7), which were served on May 7, 2014, as well as Gentherm's First Supplemental Responses to IGB's First Set of Interrogatories (Nos. 1-7), which were served on May 20, 2014, both of which are incorporated by reference.

98. Gentherm has given IGB notice that it infringes the '517 patent. IGB knows or is willfully blind to the existence of the '517 patent. A letter identifying the Cadillac XTS seat and the '932 patent, which is in the same patent family as the '517 patent, was sent on December 10, 2012, to a representative of IGB's parent corporation, I.G. Bauerrhin GmbH.

99. Upon information and belief, IGB's infringement of the '517 patent has been and continues to be deliberate and willful.

100. Upon information and belief, IGB's infringement will continue unless enjoined by this Court.

101. Upon information and belief, IGB has derived, received, and will continue to derive and receive gains, profits, and advantages from the aforesaid acts of infringement in an amount that is not presently known to Gentherm. Due to IGB's infringement of the '517 patent, Gentherm has been damaged and is entitled to monetary relief in an amount to be determined at trial.

102. Unless IGB is enjoined from infringing the '517 patent, Gentherm will continue to suffer irreparable injury for which it has no adequate remedy at law.

PRAYER FOR RELIEF

WHEREFORE, Gentherm prays for the following relief:

A. An Order adjudging IGB to have infringed the '576, '091, '978, '129, '573, '602, and '517 patents;

B. A permanent injunction enjoining IGB, as well as its officers, agents, servants, employees, and attorneys and those persons in active concert or participation with IGB, from infringing the '576, '091, '978, '129, '573, '602, and '517 patents;

C. An accounting of all gains, profits, and advantages derived by IGB's infringement of the '576, '091, '978, '129, '573, '602, and '517 patents, and for damages adequate to compensate Gentherm for IGB's infringement of the '576, '091, '978, '129, '573, '602, and '517 patents;

D. An Order adjudging IGB to have willfully infringed the '576, '091, '978, '129, '573, '602, and '517 patents, and declaring this to be an exceptional case;

E. An Order trebling damages and/or for exemplary damages because of IGB's intentional and willful infringement;

F. An award of pre-judgment and post-judgment interest and costs of this action against IGB;

G. An award to Gentherm of its attorneys' fees incurred in connection with this action; and

H. Such other and further relief as the Court may deem just and proper

DEMAND FOR JURY TRIAL

Pursuant to Federal Rule of Civil Procedure 38(b), Gentherm hereby demands a trial by jury on all issues so triable.

Respectfully submitted,

Date: April 8, 2016

/s/ Jared C. Bunker

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CERTIFICATE OF SERVICE

I hereby certify that on April 8, 2016, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

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