

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Hutchinson Sealing Systems, Inc.,

Plaintiff,

v.

Cooper-Standard Automotive Inc.,

Defendant.

Case No. 3:15-cv-1745

Judge Zouhary

Jury Trial Demanded

SECOND AMENDED COMPLAINT FOR PATENT INFRINGEMENT

NOW COMES Plaintiff Hutchinson Sealing Systems, Inc. (“Hutchinson”), for its second amended complaint against Defendant Cooper-Standard Automotive Inc. (“Cooper”), alleges as follows:

THE PARTIES

1. Plaintiff Hutchinson is a corporation organized under the laws of Delaware and maintains its principal place of business at 1060 Centre Road, Auburn Hills, MI 48326.
2. Hutchinson is in the business of manufacturing, marketing, and distributing door and window seals.
3. Defendant Cooper is a corporation existing under the laws of Ohio and maintains its principal place of business at 39550 Orchard Hill Place, Novi, MI 48375.
4. Cooper is in the business of manufacturing, marketing, and distributing automotive systems and components, including sealing and trim systems and components.
5. On information and belief, Cooper conducts business in the State of Ohio, including in this district, by manufacturing, marketing, and distributing automotive systems and

components, including sealing and trim systems and components. On information and belief, Cooper causes these products to enter into the stream of commerce in the State of Ohio, including in this district.

JURISDICTION AND VENUE

6. This action arises under the patent laws of the United States, 35 U.S.C. §§ 1 *et seq.*, for infringement by Cooper of United States patents owned by Hutchinson. The Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338(a).

7. The Court has personal jurisdiction over Cooper because Cooper has substantial contacts with this jurisdiction sufficient to subject it to personal jurisdiction in this district. Cooper is incorporated in this State and maintains a place of business at 1175 North Main Street, Bowling Green, Ohio 43402.

8. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1400(b) and 1391(b)-(d) because Cooper is subject to personal jurisdiction in this district.

CLAIM NO. 1

(Infringement of U.S. Patent No. 5,846,463)

9. Hutchinson repeats and realleges the allegations contained in Paragraphs 1 through 8 as if fully set forth herein.

10. Hutchinson owns U.S. Patent No. 5,846,463 entitled “ENCAPSULATED FIXED WINDOW MODULE FOR A MOTOR VEHICLE” (“the ’463 patent”), which was issued on December 8, 1998. The ’463 patent is directed to a window module that has a fixed pane window which is encapsulated by a molded trim piece and a method of making the same. A copy of the ’463 patent is attached as Exhibit A.

11. Hutchinson has not licensed any of its rights in the ’463 patent to Cooper.

12. On information and belief, Cooper directly infringes the '463 patent under 35 U.S.C. § 271(a) and/or (g) by practicing one or more methods claimed in the '463 patent and/or importing into the United States or offering to sell, selling, or using within the United States a product made by a method claimed in one or more claims of the '463 patent. Such methods include those used to manufacture window modules for the Ford Explorer and Lincoln MKX vehicles.

13. Based on information presently available, Hutchinson asserts that claims 1-20 of the '463 patent are infringed by Cooper's window modules for the 2011-2016 Ford Explorers (U502) and 2015-2016 Lincoln MKX (U540) vehicles, and Cooper's reasonably similar products.

14. Hutchinson believes that Cooper's reasonably similar window modules made in a single molding step by encapsulating a window pane, division post, and header trim strip likewise infringe claims 1-20 of the '463 patent.

15. Hutchinson gave Cooper written notice of its infringement at least as early as March 12, 2013. Hutchinson representatives also engaged in face-to-face meetings with Cooper representatives where the infringing activities were explained in detail to Cooper. Nonetheless, Cooper has continued to infringe. On information and belief, Cooper's infringement has been with knowledge of the '463 patent and without any valid defense and is, has been, and continues to be willful and deliberate.

16. The infringing acts of Cooper have been the actual and proximate cause of damage to Hutchinson. Hutchinson has sustained substantial damages as a result of Cooper's infringement of the '463 patent.

17. Hutchinson has no adequate remedy at law.

18. Cooper's acts have caused Hutchinson irreparable harm, loss, and injury.

CLAIM NO. 2

(Infringement of U.S. Patent No. 7,121,046)

19. Hutchinson repeats and realleges the allegations contained in Paragraphs 1 through 8 as if fully set forth herein.

20. Hutchinson owns U.S. Patent No. 7,121,046 entitled "SEALING GASKET FOR MOUNTING AROUND A MOTOR VEHICLE DOOR THAT PRESENTS AT LEAST ONE CORNER HAVING A SMALL RADIUS OF CURVATURE" ("the '046 patent"), which was issued on October 17, 2006. The '046 patent is directed to a sealing gasket for mounting around a motor vehicle door. A copy of the '046 patent is attached as Exhibit B.

21. Hutchinson has not licensed any of its rights in the '046 patent to Cooper.

22. On information and belief, Cooper directly infringes the '046 patent under 35 U.S.C. §§ 271(a), (b), and/or (c) by making, using, offering to sell, and/or selling in the United States, or importing into the United States, products covered by one or more claims of the '046 patent, including sealing gaskets for the Jaguar XH, Land Rover Range Rover, Range Rover Sport, and Volvo XC90 vehicles.

23. In particular, Hutchinson asserts that Cooper infringes claims 1-3 and 5-10 of the '046 patent. Cooper's direct infringement is under 35 U.S.C. § 271(a). As set forth below, Cooper also indirectly infringes under 35 U.S.C. § 271(b) and/or 35 U.S.C. § 271(c).

24. Based on information presently available, Hutchinson asserts that claims 1-3 and 5-10 of the '046 patent are infringed by Cooper's sealing gaskets for the 2009-2016 Jaguar XJ (X351), 2012-2016 Land Rover Range Rover (L405), 2013-2016 Land Rover Range Rover Sport (L494), and 2014-2016 Volvo XC90 (V526) vehicles, and Cooper's reasonably similar products

(“Accused Cooper ’046 Patent Products”).

25. Hutchinson believes that Cooper’s reasonably similar sealing gaskets for mounting on a motor vehicle door presenting at least one corner with a small radius of curvature that have the claimed geometries, likewise infringe claims 1-3 and 5-10 of the ’046 patent.

26. Cooper directly infringes claims 1-3 and 5-10 of the ’046 patent under 35 U.S.C. § 271(a) by manufacturing within the United States, importing into the United States, or offering to sell, selling, or using within the United States the Accused Cooper ’046 Patent Products.

27. Cooper also indirectly infringes claims 1-3 and 5-10 of the ’046 patent by knowingly and actively inducing motor vehicle manufacturers to directly infringe claims 1-3 and 5-10 of the ’046 patent. Cooper has known of Jaguar’s, Land Rover’s, and Volvo’s direct infringement at least as early as March 2013 when Hutchinson gave Cooper written notice of its infringement. Hutchinson representatives also engaged in face-to-face meetings with Cooper representatives where the infringing activities were explained in detail to Cooper. Nonetheless, Cooper has continued to infringe. Cooper’s infringement has been with knowledge of the ’046 patent and without any valid defense.

28. Cooper actively induces Jaguar’s, Land Rover’s, and Volvo’s direct infringement under § 271(a) by manufacturing, offering to sell, and selling the Accused Cooper ’046 Patent Products and knowing these and other motor vehicle manufacturers will import motor vehicles embodying the Accused Cooper ’046 Patent Products into the United States. Cooper knows the motor vehicle manufacturers offer to sell, sell, and use motor vehicles embodying the Accused Cooper ’046 Patent Products within the United States, and Cooper knows that the motor vehicle manufacturers’ actions constitute direct infringement.

29. Cooper’s sealing gaskets are imprinted by Cooper with the motor vehicle

manufacturer name and/or motor vehicle model number. The Jaguar XJ sealing gasket is imprinted with the manufacturer name “Jaguar” by Cooper. The Land Rover Range Rover sealing gasket is imprinted with “JLR L405” by Cooper, where “JLR” stands for the manufacturer Jaguar Land Rover and “L405” stands for the motor vehicle model number. The Land Rover Range Rover Sport sealing gasket is imprinted with “JLR L494” by Cooper, where “JLR” stands for the manufacturer Jaguar Land Rover and “L494” stands for the motor vehicle model number.

30. Hutchinson asserts that each element of claims 1-3 and 5-10 of the '046 patent is literally present in at least one of the Accused Cooper '046 Patent Products. To the extent one or more elements are found not to be literally present, based on, for example, claim constructions, Hutchinson contends that element is present under the doctrine of equivalents.

31. Hutchinson gave Cooper written notice of its infringement at least as early as March 12, 2013. Hutchinson representatives also engaged in face-to-face meetings with Cooper representatives where the infringing activities were explained in detail to Cooper. Nonetheless, Cooper has continued to infringe. On information and belief, Cooper's infringement has been with knowledge of the '046 patent and without any valid defense and is, has been, and continues to be willful and deliberate.

32. The infringing acts of Cooper have been the actual and proximate cause of damage to Hutchinson. Hutchinson has sustained substantial damages and will continue to sustain damages as a result of Cooper's infringement of the '046 patent.

33. Hutchinson has no adequate remedy at law.

34. Cooper has caused Hutchinson irreparable harm. Unless enjoined, Defendant's acts will continue to cause Hutchinson irreparable harm, loss, and injury.

JURY DEMAND

35. Hutchinson demands a trial by jury.

PRAYER FOR RELIEF / REQUEST FOR REMEDIES

WHEREFORE, Plaintiff Hutchinson requests that this Court enter judgment in its favor and against the Defendant comprising:

a. finding that Defendant Cooper has infringed and is infringing the '463 and '046 patents in violation of 35 U.S.C. § 271;

b. finding that the infringement by Cooper is willful and that this case is exceptional under 35 U.S.C. § 285;

c. requiring Cooper to pay damages pursuant to 35 U.S.C. § 284 in an amount to be determined at trial;

d. ordering Cooper to pay damages for any post-trial, pre-judgment infringement in an amount determined by the Court;

e. ordering Cooper to pay pre-judgment interest to Hutchinson on all amounts awarded and post-judgment interest until paid at the maximum lawful rate;

f. ordering Cooper to pay costs, disbursements and attorneys' fees to Hutchinson as provided by 35 U.S.C. § 285;

g. awarding enhanced damages against Cooper in accordance with 35 U.S.C. § 285;

h. requiring that Cooper, its officers, agents, servants, employees, attorneys and all persons acting in concert or participation with it who receive actual notice of the Court's order, be preliminarily and permanently enjoined from:

(1) directly or indirectly making, using, selling, offering to sell in or importing into, the United States any product or any product prepared by a method that

embodies the invention claimed in one or more of the claims of the '046 patent;
and/or,

(2) attempting, causing, or assisting any of the above-described acts;

i. retaining jurisdiction of this action for the purpose of enabling Hutchinson to apply to the Court at any time for such further orders and interpretation or execution of that order entered in this action; for the modification of any such order; for the enforcement or compliance therewith; and for the punishment of any violations thereof; and

j. awarding Hutchinson such other relief as the Court deems just and equitable.

Respectfully submitted,

Dated: October 12, 2016

/s/ Sunjeev S. Sikand

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CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of October 2016, a copy of the foregoing Second Amended Complaint for Patent Infringement was served on all counsel via the Court's electronic filing system.

/s/ Sunjeev S. Sikand

Sunjeev S. Sikand