

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

_____	:	
INTELLECTUAL VENTURES II LLC,	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No.
	:	
BAYERISCHE MOTOREN WERKE AG,	:	Jury Trial Demanded
BMW OF NORTH AMERICA, LLC,	:	
BMW MANUFACTURING CO., LLC	:	
Defendants.	:	
_____	:	

COMPLAINT FOR PATENT INFRINGEMENT

Intellectual Ventures II LLC (“IV” or “Plaintiff”), brings this action for patent infringement against Defendants Bayerische Motoren Werke AG, BMW of North America, LLC and BMW Manufacturing Co., LLC (“BMW” or “Defendants”), and alleges as follows:

NATURE OF THE ACTION

1. This is an action for patent infringement under the patent laws of the United States, Title 35 of the United States Code. IV seeks remedies for Defendants’ infringement of IV’s U.S. Patent Nos. 7,067,944 (“the ’944 Patent”), and 7,154,200 (“the ’200 Patent”) (collectively, the “Patents-in-Suit”).

THE PARTIES

2. Intellectual Ventures II LLC is a Delaware limited liability company, with a principal place of business at 3150 139th Ave. SE, Bldg. 4, Bellevue, WA 98005.

3. Upon information and belief, Bayerische Motoren Werke AG is a corporation organized and existing under the laws of Germany, with its principal place of business at Petuelring 130, D-80788, Munich, Germany.

4. Upon information and belief, BMW Manufacturing Co., LLC is a Delaware limited liability company headquartered at 1400 Hwy. 101 S., Greer, South Carolina 29651.

5. Upon information and belief, BMW of North America, LLC is a New Jersey corporation headquartered at 300 Chestnut Ridge Rd., Woodcliff Lake, NJ 07677.

JURISDICTION AND VENUE

6. This action arises under the Patent Act, 35 U.S.C. § 1 *et seq.*

7. Subject matter jurisdiction is proper in this Court under 28 U.S.C. §§ 1331 and 1338.

8. Venue in this district is proper under 28 U.S.C. §§ 1400(b) and 1391(b) and (c).

9. This Court has personal jurisdiction over BMW by virtue of, *inter alia*, (i) being incorporated in this jurisdiction; (ii) committing at least a portion of the infringements alleged herein within this district; and (iii) regularly doing business or soliciting business, engaging in other persistent courses of conduct and/or deriving substantial revenue from goods and services provided to individuals in this district.

THE PATENTS

10. United States Patent No. 7,067,944 is entitled “Motor with encapsulated stator and method of making same,” and issued June 27, 2006 to inventors Dennis K. Lieu and Griffith D. Neal. The ’944 Patent issued from United States Patent Application No. 11/035,906 filed on January 14, 2005. The ’944 Patent claims priority to U.S. provisional application serial number 60/172,287 filed on December 17, 1999. A copy of the ’944 Patent is attached hereto as Exhibit 1.

11. United States Patent No. 7,154,200 is entitled “Motor,” and issued December 26, 2006 to inventor Griffith D. Neal. The ’200 Patent issued from United States Patent Application No. 11/439,733 filed on May 23, 2006. The ’200 Patent claims priority to U.S. provisional

application serial number 60/146,446 filed on July 29, 1999. A copy of the '200 Patent is attached as Exhibit 2.

12. IV is the lawful assignee and owner of all right, title and interest in and to the '944 Patent, and the '200 Patent.

INFRINGEMENT OF THE PATENTS-IN-SUIT

13. BMW has infringed and continues to infringe at least two of IV's patents that cover aspects of electric motors, and other products, including, without limitation, the BMW Turbo Actuator (the "Exemplary BMW Product").

14. IV incorporates by reference in its allegations herein certain claim charts comparing exemplary claims of the Patents-in-Suit to the Exemplary BMW Product.

15. Specifically, Exhibits 3-5 are exemplary charts comparing the exemplary claims of the Patents-in-Suit to the Exemplary BMW Product.

16. As set forth in Exhibits 3 through 5, the Exemplary BMW Product practices, in whole or in material part, the technology claimed by the Patents-in-Suit.

COUNT I

(BMW's Infringement of the '944 Patent)

17. Paragraphs 1 through 16 are incorporated by reference as if fully restated herein.

18. IV is the assignee and lawful owner of all right, title, and interest in and to the '944 Patent.

19. The '944 Patent is valid and enforceable.

20. BMW has infringed, and is still infringing, the '944 Patent in at least this District by making, using, offering to sell, selling and/or importing the Exemplary BMW Product that infringes at least claims 3, 9, and 11 of the '944 Patent (the "Exemplary '944 Patent Claims") literally or by the doctrine of equivalents.

21. On information and belief, BMW directly infringes the '944 Patent by designing, manufacturing, and selling the Exemplary BMW Product.

22. Exhibits 3-4 include charts comparing exemplary claims 3, 9, and 11 of the '944 Patent to the Exemplary BMW Product. As set forth in these charts, the Exemplary BMW Product practices, in whole or in material part, the technology claimed by the '944 Patent. Accordingly, the Exemplary BMW Product infringes at least exemplary claims 3, 9, and 11 of the '944 Patent.

23. IV is entitled to recover damages adequate to compensate for BMW's infringement.

COUNT II

(BMW's Infringement of the '200 Patent)

24. Paragraphs 1 through 23 are incorporated by reference as if fully restated herein.

25. IV is the assignee and lawful owner of all right, title and interest in and to the '200 Patent.

26. The '200 Patent is valid and enforceable.

27. BMW has infringed, and is still infringing, the '200 Patent in at least this District by making, using, offering to sell, selling and/or importing the Exemplary BMW Product that infringes at least claims 1, 2, 4, 6, and 7 of the '200 Patent (the "Exemplary '200 Patent Claims") literally or by the doctrine of equivalents.

28. On information and belief, BMW directly infringes the '200 Patent by designing, manufacturing, and selling the Exemplary BMW Product.

29. Exhibit 5 includes a chart comparing exemplary claims 1, 2, 4, 6, and 7 of the '200 Patent to the Exemplary BMW Product. As set forth in this chart, the Exemplary BMW Product practices, in whole or in material part, the technology claimed by the '200 Patent.

Accordingly, the Exemplary BMW Product infringes at least exemplary claims 1, 2, 4, 6, and 7 of the '200 Patent.

30. IV is entitled to recover damages adequate to compensate for BMW's infringement.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests the following relief:

- a) A judgment that the '944 Patent and the '200 Patent are valid and enforceable.
 - b) A judgment that Defendants have infringed one or more claims of the '944 Patent;
 - c) A judgment that Defendants have infringed one or more claims of the '200 Patent;
- and
- g) A judgment that awards Plaintiff all appropriate damages under 35 U.S.C. § 284 for Defendants' past infringement, and any continuing or future infringement of the Patents-in-Suit, up until the date such judgment is entered, including pre or post judgment interest, costs, and disbursements as justified under 35 U.S.C. § 284 and, if necessary, to adequately compensate Plaintiff for Defendants' infringement, an accounting:
 - i. that this case be declared exceptional within the meaning of 35 U.S.C. § 285 and that Plaintiff be awarded its reasonable attorneys' fees against Defendant that it incurs in prosecuting this action;
 - ii. that Plaintiff be awarded costs, and expenses that it incurs in prosecuting this action; and
 - iii. that Plaintiff be awarded such further relief at law or in equity as the Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands trial by jury on all claims and issues so triable.

Dated: March 20, 2017

Respectfully submitted,

Of Counsel:

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