

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

**HUF NORTH AMERICA AUTOMOTIVE
PARTS MANUFACTURING, CORP.**

Plaintiff,

v.

Case No. _____

**BRIDGESTONE AMERICAS TIRE OPERATIONS
LLC,**

JURY TRIAL DEMANDED

Defendant.

J. Michael Huget (P39150)
Brian J. Arnold (P81398)
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COMPLAINT FOR DECLARATORY JUDGMENT

Plaintiff Huf North America Automotive Parts Manufacturing, Corp. (“Huf” or “Plaintiff”), by and through its attorneys Honigman Miller Schwartz and Cohn LLP, hereby provides its Complaint for Declaratory Judgment against Defendant Bridgestone Americas Tire Operations LLC (“Bridgestone” or “Defendant”) seeking a declaration that it does not infringe United States Patent Nos. 6,630,885

(“885 patent”; Exhibit A) and 7,161,476 (“476 patent”; Exhibit B) (the “Patents-In-Suit”) and/or that the Patents-In-Suit are invalid.

THE PARTIES

1. Plaintiff is a corporation organized and existing under the laws of Wisconsin with a place of business at 24860 Hathaway Dr., Farmington Hills, MI 48335. Plaintiff develops and produces mechanical and electrical locking systems, tire pressure monitoring systems (“TPMS”) and telematic systems for the automotive industry. Plaintiff sells and offers to sell its TPMS products, identified by Defendant as allegedly infringing the Patents-In-Suit, from its Farmington Hills, MI office.

2. On information and belief, Defendant is a limited liability company organized and existing under the laws of Delaware with a principal place of business at 535 Marriott Dr., Nashville, TN 37214.

JURISDICTION AND VENUE

3. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§1331 and 1338, and the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202, because it is a claim for declaratory judgment arising under the laws of the United States.

4. On July 7, 2016, Defendant, through counsel, sent a letter to Plaintiff accusing it of infringing the Patents-In-Suit and offering to license those patents to Plaintiff (“July 7 Letter”). *See* Ex. C, 2016-7-7 Elliott Ltr. to Supe.

5. In its July 7 Letter, Defendant accused Plaintiff's "direct TPMS sensors—including Huf's TPMS sensors for sale to OEMs and IntelliSens universal for sale to the aftermarket" of infringing multiple claims of the Patents-In-Suit. *Id.*

6. In its July 7 Letter, Defendant accused Plaintiff of infringing at least claim 1 of the '476 patent and claims 12 and 92 of the '885 patent. *Id.*

7. In its July 7 Letter, Defendant also indicated that it litigated these patents to trial against TRW and Schrader, companies that allegedly combined account for more than 60% of the TPMS market. *Id.*

8. The Patents-In-Suit are titled "Electronic Tire Management System" and claims *inter alia* a system for measuring a parameter of a device. Defendant purports to be the owner of the Patents-In-Suit.

9. Upon information and belief, Defendant does not manufacture or sell any products embodying the Patents-In-Suit. Instead, upon information and belief, Defendant monetizes the Patents-In-Suit through litigation.

10. Plaintiff responded to Defendant's letter, through its counsel in this District, indicating that it required time to investigate the allegations in Defendant's letter. Between July and November 2016, counsel for the parties exchanged e-mails about a possible settlement of the dispute.

11. Defendant through its representatives has traveled to this District for purposes relating to the enforcement of the Patents-in-Suit.

12. Presently the parties are at an impasse regarding resolution of this matter.

13. Notwithstanding, Plaintiff continues to sell and offer to sell—within this District and elsewhere—the TPMS products that Defendant has asserted infringe the Patents-In-Suit.

14. Accordingly, the parties have an actual case or controversy concerning whether Plaintiff has infringed any valid and enforceable claim of the Patents-In-Suit.

15. Defendant's statements and actions, as set forth above, show that there is a substantial controversy—between parties having adverse legal interests—of sufficient immediacy and reality to warrant the issuance of a declaratory judgment.

16. This Court has personal jurisdiction over Defendant because, *inter alia*, Defendant has specific contacts with this District including directing correspondence and other communications giving rise to the present action to this District and its representatives have traveled to this District to discuss issues relating to the present action.

17. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b)-(c) because a substantial part of the events giving rise to Plaintiff's claims occurred in this District and because Defendant is subject to personal jurisdiction here.

COUNT I
DECLARATORY JUDGMENT OF NON-INFRINGEMENT

18. Plaintiff reincorporates and re-alleges the allegations of the above paragraphs as if fully set forth herein.

19. Defendant has asserted that Plaintiff infringes the Patents-In-Suit by providing its customers direct TPMS sensors—including Huf’s TPMS sensors for sale to OEMs and IntelliSens universal for sale to the aftermarket.

20. Plaintiff’s TPMS sensors do not infringe any claim of the Patents-In-Suit because they do not satisfy all limitations of any of those claims.

21. By way of example, claim 1 of the ‘476 patent and claim 12 of the ‘885 patent require the microprocessor to “periodically partially awakening to determine, on a second periodic basis, if a received transmission is a valid interrogation signal and, if so, fully awakening and responding to the valid interrogation signal, via the transmitter, by at least transmitting the last stored measured parameter.” Plaintiff’s TPMS sensors do not meet these claim limitations.

22. As another example, claim 92 of the ‘885 patent requires “a microprocessor for causing the tire tag to enter a deep sleep mode in which a minimum number of electrical components are powered to conserve battery power.” Plaintiff’s TPMS sensors do not meet this limitation.

23. As another example, claim 92 of the '885 patent requires "the microprocessor, on a periodic basis, causing the tire tag to enter a lucid sleep mode in which certain of the electrical components are activated to cause the sensor to measure and store the at least one tire parameter." Plaintiff's TPMS sensors do not meet this limitation.

24. As another example, claim 92 of the '885 patent requires "the microprocessor periodically partially awakening and looking for a forward link transmission and, if detected, causing the tire tag to determine whether the forward link transmission is a valid interrogation signal and, if so, causing the tire tag to enter an interrogation mode where the microprocessor activates all necessary electrical components to receive, process and respond to the valid interrogation signal." Plaintiff's TPMS sensors do not meet this limitation.

25. Plaintiff is entitled to a declaratory judgment that it has not infringed and has not and does not infringe, directly or indirectly, the '476 or '885 patents either literally or via the doctrine of equivalents any claim of the Patents-In-Suit.

COUNT II
DECLARATORY JUDGMENT OF INVALIDITY

26. Plaintiff reincorporates and re-alleges the allegations of the above paragraphs as if fully set forth herein.

27. One or more claims of both the Patents-In-Suit are invalid under the United States Patent Act, 35 U.S.C. § 1 et seq., including 35 U.S.C. §§ 101, 102, 103, and/or 112 and/or based on other judicially-created bases for invalidation.

28. As an example, one or more claims of the both the Patents-In-Suit are invalid pursuant to 35 U.S.C. §§ 102 and/or 103 because they are anticipated and/or rendered obvious by the prior art, including at least one or more of U.S. Patent Nos. 5,621,412; 5,784,472; 5,965,808; 5,973,412; 6,018,993; 6,034,597; 6,112,165; 6,124,786; 6,181,241; 6,194,999; 6,445,286; 6,446,502; 6,476,712; 6,633,229; 6,794,993; and 6,828,905; or DE19856861; EP0861160; EP0880687; EP0915764; EP0944485; EP1214206; WO9308035; and WO9308036.

29. By way of example, at least claim 1 of the '476 patent and claims 12 and 92 of the '885 patent are invalid under 35 U.S.C. § 103 over U.S. Patent No. 5,965,808 in view of U.S. Patent No. 5,621,412.

30. One or more claims of the '476 patent and '885 patent are invalid under 35 U.S.C. § 112 because they are indefinite, fail to satisfy the written description requirement, and/or fail to satisfy the enablement requirement.

31. By way of example, claim 1 of the '476 patent and claim 12 of the '885 patent requires "a receiver coupled to the microprocessor, the microprocessor periodically partially awakening to determine, on a second periodic basis, if a received transmission is a valid interrogation signal and, if so, fully awakening and responding to the valid interrogation signal, via the transmitter, by at least

transmitting the last stored measured parameter.” This language of this limitation of a system claim contains several method steps. As such, the claims lack reasonable certainty to those of ordinary skill in the art as to their scope due to whether the steps must be performed to infringe, whether infringement occurs if those steps are not performed, or whether these steps are mere capabilities or functionalities and not required to be performed at all.

32. As another example, Claim 92 requires “the microprocessor, on a periodic basis, causing the tire tag to enter a lucid sleep mode” and “the microprocessor periodically partially awakening and looking for a forward link transmission, and if detected, causing the tire tag to determine whether the forward link transmission is a valid interrogation signal and, if so, causing the tire tag to enter an interrogation mode.” Claim 92 does not provide reasonable certainty to those of ordinary skill in the art about its scope because it is unclear whether the claim is infringed when one creates the apparatus or whether infringement occurs only when the method steps are performed.

33. Plaintiff is entitled to a declaratory judgment that the claims of the Patents-In-Suit are invalid.

JURY DEMAND

Plaintiff demands a jury trial on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment in its favor and grant the following relief:

- a. Declare that Plaintiff does not infringe any claim of the Patents-In-Suit;
- b. Declare that the claims of the Patents-In-Suit are invalid;
- c. Declare that this is an exceptional case and award Plaintiff its reasonable attorneys' fees, costs, and expenses pursuant to 35 U.S.C. § 285 and/or other applicable authority;
- d. Award to Plaintiff its costs and disbursements associated with this action;
and
- e. Award any additional relief as the Court may deem appropriate and just under the circumstances.

Respectfully submitted,

By: /s/ J. Michael Huget

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