

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

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|-----------------------------------|---|----------------------------|
| CONTI TEMIC | : | |
| MICROELECTRONIC GMBH and | : | |
| ADC AUTOMOTIVE DISTANCE | : | |
| CONTROL SYSTEMS GMBH, | : | |
| Plaintiffs, | : | |
| | : | |
| v. | : | Civil Action No. |
| | : | |
| ARIGNA TECHNOLOGY LIMITED, | : | JURY TRIAL DEMANDED |
| Defendant. | : | |

COMPLAINT

Plaintiffs Conti Temic microelectronic GmbH and ADC Automotive Distance Control Systems GmbH (“Plaintiffs”), by and through their undersigned counsel, file this Complaint and Jury Demand against Defendant Arigna Technology Limited (“Defendant”), and allege as follows:

NATURE OF THE ACTION

1. This is an action for declaratory judgment of noninfringement and invalidity of a United States Patent pursuant to the Declaratory Judgment Act, 28 U.S.C. §§ 2201-2202, and the Patent Laws of the United States, 35 U.S.C. §§ 1 *et seq.*

2. Plaintiffs seek declaratory judgment that none of the claims of U.S. Patent No. 7,397,318 (the “’318 Patent”) are infringed by Plaintiffs’ radar sensor modules. Plaintiffs further seek declaratory judgment that each of the claims of the ‘318 Patent is invalid under one or more subsections of the Patent Laws of the United States, 35 U.S.C. §§ 1 *et seq.*

3. Plaintiffs seek this relief because Defendant has sued customers of Plaintiffs alleging that they have infringed the ‘318 Patent by using, selling, and/or offering for sale Plaintiffs’ radar sensor modules. Defendant’s lawsuit has placed a cloud over Plaintiffs’ continuing manufacture and sale of its radar sensor modules, and has caused Plaintiffs’

customers to seek indemnification and/or defense from Plaintiffs, thereby creating an actual and justiciable controversy between Plaintiffs and Defendant.

THE PARTIES

4. Plaintiff Conti Temic microelectronic GmbH is a company organized and existing under the laws of Germany, and maintains its principal place of business at Ringlerstr. 17, 85057 Ingolstadt, Germany.

5. Plaintiff ADC Automotive Distance Control Systems GmbH is a company organized and existing under the laws of Germany, and maintains its principal place of business at Peter-Dornier-Strasse 10, D-88131 Lindau, Germany. Plaintiff ADC is a wholly-owned subsidiary of Plaintiff Conti Temic.

6. On information and belief, Defendant Arigna Technology Limited is a company organized and existing under the laws of Ireland, and having a principle place of business at The Hyde Building, Carrickmines, Suite 23, Dublin 18, Ireland.

JURISDICTION AND VENUE

7. The Court has subject matter jurisdiction over this action pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202; 28 U.S.C. §§ 1331 and 1338; and the Patent Laws of the United States, 35 U.S.C. §§ 1 *et seq.*

8. The Court has personal jurisdiction over Defendant pursuant to 35 U.S.C. § 293, which provides that, in cases involving a “patentee not residing in the United States,” this Court “shall have the same jurisdiction to take any action respecting the patent or rights thereunder that it would have if the patentee were personally within the jurisdiction of the court.”

9. Upon information and belief, Defendant is the owner of all rights, title, and interest in and to the ‘318 Patent, and is the owner of record of the ‘318 Patent at the United States Patent and Trademark Office. Upon information and belief, Defendant is an Irish resident

and citizen, and as such, is a “patentee not residing in the United States” under 35 U.S.C.

§ 293. Upon information and belief, Defendant has not filed with the United States Patent and Trademark Office “a written designation stating the name and address of a person residing within the United States on whom may be served process or notice of proceedings affecting the patent or rights thereunder.” 35 U.S.C. § 293. Thus, Defendant is subject to this Court’s personal jurisdiction under 35 U.S.C. § 293.

10. Venue is proper in this judicial district under 28 U.S.C. § 1391(b)(3) because Defendant is subject to this Court’s personal jurisdiction under 35 U.S.C. § 293. Venue is also proper under 28 U.S.C. § 1391(c)(3) because a defendant that does not reside in the United States may be sued in any judicial district.

BACKGROUND

THE ‘318 PATENT

11. The ‘318 Patent bears the title “Voltage-Controlled Oscillator,” and states that it issued on July 8, 2008. The ‘318 Patent identifies Takayuki Matsuzuka as the sole inventor. A copy of the ‘318 Patent is attached as **Exhibit A**.

12. The ‘318 Patent lists “Mitsubishi Electric Corporation” as the assignee. The United States Patent and Trademark Office Assignment Database contains a record of an assignment of the ‘318 Patent from Mitsubishi Electric Corporation to Defendant executed February 13, 2020, and recorded March 6, 2020 at Reel/frame 052042/0651.

13. The ‘318 Patent issued with two claims. Claims 1 and 2 are both independent claims.

DEFENDANT’S LAWSUIT AGAINST PLAINTIFFS’ CUSTOMERS

14. Plaintiffs manufacture and sell radar sensor modules, including Plaintiffs’ ARS4-Series radar sensor modules, to customers for subsequent installation and use in

automobiles. Plaintiffs' ARS4-Series radar sensor modules incorporate oscillators manufactured and sold by NXP USA, Inc. under the name NXP MR2001.

15. On March 9, 2021, Defendant filed an amended complaint for patent infringement against Volkswagen AG; Volkswagen Group of America, Inc.; Bayerische Motoren Werke AG; BMW of North America, LLC; Daimler AG; Mercedes-Benz USA, LLC; Nissan Motor Company, Ltd.; Nissan North America, Inc.; Tesla, Inc.; Tesla Motors TX, Inc.; Toyota Motor Corporation; Toyota Motor North America, Inc.; General Motors Company; and General Motors LLC (collectively, the "Customers" or "Plaintiffs' Customers") in the United States District Court for the Eastern District of Texas (Civil Action No. 2:21-cv-00054-JRG) alleging infringement of the '318 Patent. A copy of the amended complaint is attached as **Exhibit B**.

16. Defendant alleges in its amended complaint that it "is the owner of all rights, title, and interest in and to" the '318 Patent. *See Exhibit B* at ¶ 1.

17. Defendant's allegations of infringement of the '318 Patent are based on the alleged sale or offer for sale by each of the Customers of automotive vehicles that incorporate Plaintiffs' ARS4-Series radar sensor modules containing NXP MR2001 oscillators. *See Exhibit B* at ¶ 118.

18. Defendant generally alleges that each of the Customers "designs, manufactures, assembles, imports, offers for sale, and/or sells automotive vehicles and components thereof that incorporate the NXP MR2001, which infringes at least independent claim 2 of the '318 Patent." *See e.g. Exhibit B* at ¶ 133.

19. On information and belief, in connection with its lawsuit against the Customers, Defendant served infringement contentions on the Customers on July 1, 2021.

20. On information and belief, Defendant's infringement contentions allege that the

Customers' vehicles infringe claims 1 and 2 of the '318 Patent due to their inclusion of Plaintiffs' ARS4-Series radar sensor modules containing the NXP MR2001.

21. On information and belief, Defendant has not identified or accused any product other than Plaintiffs' ARS4-Series radar sensor modules containing the NXP MR2001 as infringing the '318 Patent.

22. Plaintiffs have agreements with the Customers relating to the manufacture and supply of Plaintiffs' ARS4-Series radar sensor modules for use in the Customers' vehicles. Those agreements contain provisions relating to indemnification and defense, and the Customers have sought indemnification and defense from Plaintiffs against Defendant's claims based on the agreements. Pursuant to the agreements, Plaintiffs are obligated to indemnify and defend the Customers against Defendant's claims.

23. Plaintiffs continue to manufacture, offer for sale, and sell their ARS4-Series radar sensor modules, and therefore, have a reasonable apprehension that Defendant may file an action against Plaintiffs and allege that Plaintiffs have infringed or are infringing the '318 Patent by making, using, offering for sale, and/or selling Plaintiffs' ARS4-Series radar sensor modules.

24. Plaintiffs' ARS4-Series radar sensor modules do not infringe and have not infringed, either directly or indirectly, any claim of the '318 Patent. In view of Defendant's allegations that Plaintiffs' ARS4-Series radar sensor modules infringe the '318 Patent, and its patent infringement claims against Plaintiffs' Customers based upon their sale of vehicles containing Plaintiffs' ARS4-Series radar sensor modules, a substantial controversy exists between the parties which is of sufficient immediacy and reality to warrant declaratory relief.

FIRST CAUSE OF ACTION
(Declaratory Judgment of Non-Infringement)

25. Plaintiffs reallege and incorporate paragraphs 1 to 24 as if fully set forth herein.

26. An actual controversy exists with respect to the '318 Patent due at least to Defendant's assertion that Plaintiffs' Customers infringe claims 1 and 2 of the '318 Patent through their sale of vehicles containing Plaintiffs' ARS4-Series radar sensor modules containing the NXP MR2001. Defendant's wrongful assertion of the '318 Patent against Plaintiffs' ARS4-Series radar sensor modules has caused and will continue to cause Plaintiffs irreparable injury and damage.

27. On information and belief, Defendant's infringement allegations are premised on circuit diagrams which Defendant alleges show the circuit structure of Plaintiffs' ARS4-Series radar sensor modules, including the NXP MR2001.

28. On information and belief, the circuit diagrams on which Defendant relies to allege infringement are incorrect because they include one or more connections and/or circuit components that are not present in the NXP MR2001, and/or because they omit one or more connections and/or circuit components which are present in the NXP MR2001.

29. On information and belief, the circuit diagrams on which Defendant relies to allege infringement were not produced from an accurate teardown or inspection of an actual one of Plaintiffs' ARS4-Series radar sensor modules.

30. On information and belief, the circuit diagrams on which Defendant relies to allege infringement were not produced from an accurate teardown or inspection of an actual NXP MR2001.

31. On information and belief, Defendant has not performed any teardown or circuit inspection of an actual one of Plaintiffs' ARS4-Series radar sensor modules.

32. On information and belief, Defendant has not performed any teardown or circuit inspection of an actual NXP MR2001.

33. Plaintiffs' ARS4-Series radar sensor modules do not include "a temperature

compensation bias generation circuit which generates the temperature compensation bias and supplies the temperature compensation bias generated to the temperature compensation bias circuit,” as required by claims 1 and 2 of the ‘318 Patent.

34. Plaintiffs’ ARS4-Series radar sensor modules do not include “a temperature compensation bias generation circuit...having: a transistor having a collector or drain connected to the temperature compensation bias circuit, a base or a gate, and an emitter or a source; a first resistor having a first end connected to the collector or drain of the transistor and having a second end that is grounded; a second resistor having a first end connected to the base or gate of the transistor; a base or gate bias application terminal connected to the other end of the second resistor; a third resistor having a first end connected to the emitter or source of the transistor; and an emitter or source bias application terminal connected to the other end of the third resistor,” as required by claim 1 of the ‘318 Patent.

35. Plaintiffs’ ARS4-Series radar sensor modules also do not include “a temperature compensation bias generation circuit...having: a diode having a cathode connected to the temperature compensation bias application circuit; a transistor having a collector or drain connected to the anode of the diode, a base or a gate, and an emitter or a source; a first resistor having a first end connected to the collector or drain of the transistor; a collector or drain bias application terminal connected to a second end of the first resistor; a second resistor having a first end connected to the base or gate of the transistor; a base or gate bias application terminal connected to a second end of the second resistor; a third resistor having a first end connected to the emitter or source of the transistor and having a second end that is grounded; and a fourth resistor having a first end connected to the temperature compensation bias application circuit and having a second end that is grounded,” as required by claim 2 of the ‘318 Patent.

36. On information and belief, the NXP MR2001 contained in Plaintiffs’ ARS4-

Series radar sensor modules does not include any temperature compensation circuit, and on at least this basis, Plaintiffs' ARS4-Series radar sensor modules cannot infringe claim 1 or claim 2 of the '318 Patent.

37. Because Plaintiffs' ARS4-Series radar sensor modules do not meet each and every limitation of independent claims 1 and 2 of the '318 Patent, Plaintiffs' ARS4-Series radar sensor modules do not infringe, directly or indirectly, any claim of the '318 Patent, either literally or under the doctrine of equivalents.

38. Plaintiffs' Customers' use, sale, or offer for sale of vehicles containing Plaintiffs' ARS4-Series radar sensor modules does not infringe, directly or indirectly, any claim of the '318 Patent, either literally or under the doctrine of equivalents.

39. In view of the foregoing, Plaintiffs seek and are entitled to declaratory judgment that the use, sale, and offer for sale of Plaintiffs' ARS4-Series radar sensor modules do not infringe any claim of the '318 Patent. A judicial determination of the respective rights of the parties with respect to noninfringement of the claims of the '318 patent is necessary and appropriate under 28 U.S.C. § 2201 to resolve the parties' dispute regarding alleged infringement of the '318 Patent.

SECOND CAUSE OF ACTION
(Declaratory Judgment of Invalidity)

40. Plaintiffs reallege and incorporate paragraphs 1 to 39 as if fully set forth herein.

41. An actual controversy exists with respect to the '318 Patent due at least to Defendant's assertion that Plaintiffs' Customers infringe claims 1 and 2 of the '318 Patent through their sale of vehicles containing Plaintiffs' ARS4-Series radar sensor modules containing the NXP MR2001. Defendant's wrongful assertion of the '318 Patent against Plaintiffs' ARS4-Series radar sensor modules has caused and will continue to cause Plaintiffs irreparable injury and damage.

42. Each claim of the '318 Patent is invalid for failure to satisfy one or more conditions for patentability set forth in 35 U.S.C. § 101 *et seq.*, including but not limited to Sections 102 and 103.

43. For example, each claim of the '318 Patent is invalid under 35 U.S.C. §§ 102 and/or 103 based on at least Defendant's own admitted prior art as shown in at least FIGS. 4-8 of the '318 Patent, as well as the following references (each of which is prior art to the '318 Patent), or combinations thereof:

- U.S. Patent No. 6,407,616; and
- Japanese Patent Publication No. 07-175544.

44. In view of the foregoing, Plaintiffs seek and are entitled to declaratory judgment that the claims of the '318 Patent are invalid and unenforceable. A judicial determination of the respective rights of the parties with respect to the invalidity of the claims of the '318 patent is necessary and appropriate under 28 U.S.C. § 2201 to resolve the parties dispute regarding the '318 Patent.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs demand judgment as follows:

- A. Declaratory judgment that Plaintiffs' ARS4-Series radar sensor modules do not infringe, directly or indirectly, the '318 Patent;
- B. Declaratory judgment that the claims of the '318 Patent are invalid;
- C. Preliminary and permanent injunctive relief restraining Defendant and its agents, servants, employees, successors and assigns, and all others in concert and privity with them from wrongfully asserting the '318 Patent against Plaintiffs' products;
- D. A declaration that this action is an exceptional case under 35 U.S.C. § 285;
- E. An award to Plaintiffs of their attorneys' fees and costs incurred in this Action; and

F. A grant of such other and further relief as this Court deems just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiffs demand a trial by jury on all issues so triable.

Respectfully submitted,

Date: July 14, 2021

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