UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

VOLKSWAGEN OF AMERICA, INC.

Plaintiff,

vs.

PAPST LICENSING GMBH & CO. KG

Defendant.

COMPLAINT

Plaintiff Volkswagen of America, Inc. ("VWoA"), for its Complaint against Defendant Papst Licensing GmbH & Co. KG ("Papst Licensing"), alleges and states as follows:

NATURE OF ACTION

1. This action arises under the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202, and the patent laws of the United States, Title 35 U.S.C., as well as under the common law of the State of Michigan.

THE PARTIES

2. VWoA is a Delaware corporation in the business of, among other things, importing, marketing and selling "Volkswagen" brand automobiles, with its principal place of business located at 3800 Hamlin Road, Auburn Hills, Michigan 48326.

3. Papst Licensing is a German partnership in the business of licensing, enforcing, and commercializing U.S. patents and other forms of intellectual property, with its principal place of business located at Bahnhofstrasse 33, 78112 St. Georgen, Germany.

JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1338 and 1367.

5. This Court has personal jurisdiction over Papst Licensing.

6. Venue is proper in this judicial district at least pursuant to 28 U.S.C. §§ 1391(c) and 1391(d).

GENERAL ALLEGATIONS

7. VWoA imports, markets and sells automobiles in the United States that use a certain instrument panel containing translucent numbers, icons and characters which are illuminated externally, for example, backlit with yellow, blue, and red light-emitting diodes ("the VW Panel"). The VW Panel was developed and used in Volkswagen automobiles at least as early as 1996.

8. Papst Licensing owns various United States patents, has filed numerous patent infringement suits in the United States to enforce its rights under those patents, and has negotiated numerous license agreements with a variety of United States companies relating to those patent rights. *See* Exhibit A.

9. Papst Licensing claims to be the owner of U.S. Patent No. 6,213,613 issued to Rolf Muller entitled "Illumination Apparatus for Instrument Panels Especially of Motor Vehicles" ("the '613 patent," attached as Exhibit B to this Complaint). On April 10, 2003, Mr. Muller and Papst Licensing applied for reissue of the '613 patent in the U.S. Patent and Trademark Office.

10. Pabst Licensing has accused Volkswagen automobiles using the VW Panel of infringing the '613 patent. For example, in a letter dated June 23, 2003, Papst Licensing accused VWoA of infringing the '613 patent. *See* Exhibit C. Papst Licensing has repeated its accusations

of infringement by the VW Panel and Volkswagen automobiles on numerous occasions since that time.

11. Papst Licensing also has demanded, among other things, that VWoA pay it royalties for the use of the VW Panel in Volkswagen automobiles that have been sold in the United States. On several occasions, Papst Licensing offered to sell or license the '613 patent to VWoA. VWoA is the sole importer and reseller of Volkswagen automobiles sold in the United States. VWoA has rejected Papst Licensing's demands for payment of royalties and Papst Licensing's offer to sell or license the '613 patent.

12. The VW Panel has been in public and commercial use, and publicly known, in the United States since at least prior to July 25, 1997, and is prior art to the '613 patent. July 25, 1997, is the date on which Papst Licensing filed its German patent application from which the '613 patent claims priority.

13. For example, prior to July 25, 1997, the VW Panel was installed in Volkswagen automobiles that were publicly used in the United States, and was described in a Volkswagen brochure for "Passat" vehicles, and in the publication "Gute Fahrt," both of which were published before that date. "Gute Fahrt" (which in English means "good journey" or "have a good trip") is a trade and car-enthusiast publication devoted to Volkswagen and Audi automobiles. *See* Exhibits D1–D2, Exhibits E1–E3.

14. As issued, the '613 patent contains 9 claims. None of the claims are infringed by VWoA.

15. For example, claims 1–8 of the '613 patent all require a "selective light filter transmitting a short-waved, blue spectral range and blocking out middle and long spectral range." The VW Panel does not contain a selective light filter transmitting a short-waved, blue

spectral range and blocking out middle and long spectral range and does not infringe claims 1–8, either literally or under the doctrine of equivalents.

16. As another example, claim 9 of the '613 patent requires "self-shining digit characters formed by blue-shining light-emitting diodes." The '613 patent states in column 1, lines 18–21: "With newer vehicles the individual digits and characters are already developed self-lighting, for example by appropriate light-emitting diodes), so that it is no longer necessary to lit up these digits and characters externally." The VW Panel does not contain self-shining digit characters formed by blue light-emitting diodes (i.e., the VW Panel does not have digit characters that are self-lighting and, instead, it is illuminated externally, namely, it is backlit). The VW Panel also does not infringe claim 9 of the '613 patent, either literally or under the doctrine of equivalents.

17. Moreover, the claims of the '613 patent are invalid in view of the prior art. *See, e.g.*, Exhibits D1–E3; Exhibit F1 ("Cree sells its original SIC on SIC blue LED chip to Siemens-Europe to backlight certain indicators in the dashboard on one model of BMW. The blue light is considered more aesthetically pleasing and easier to see at night."); Exhibit F2 ("About 75 percent of Cree's blue LED's last quarter went to industrial giant Siemens AG, which uses them to create dashboard lighting for an unidentified German car maker."); Exhibit F3 (article on use of blue LED's in automobiles); Exhibit F4 (German published patent application DE 37 04 574 A1), Exhibit F5 (U.S. Patent No. 4,771,368); Exhibit F6 (European published patent application EP 0 692 406 A1); Exhibit F7 (German published patent application DE 195 30 420 A1); Exhibit F8 (excerpts from encyclopedia on use of LED's in displays); *see also* U.S. Patent No. 5,741,058; German published patent application DE 196 22 900, U.S. Patent No. 5,949,346, German utility model 93 04 604 U1; French Patent No. FR 2 743 534.

18. In addition, claim 9 of the '613 patent, and additional claims Papst Licensing has submitted to the U.S. Patent and Trademark Office in the reissue proceedings (claims 10–11 and 16–22) have been rejected as unpatentable over the prior art.

19. Furthermore, the '613 patent is unenforceable because, during prosecution of the application that led to the '613 patent, Mr. Muller, Papst Licensing and/or their agents violated their duty to disclose to the U.S. Patent and Trademark Office information they knew of, and which they knew to be material to the patentability of the claims of the '613 patent, with an intent to deceive the U.S. Patent and Trademark Office (*see* 37 C.F.R. 1.56).

20. For example, as early as April, 1998, VWoA's parent Volkswagen AG gave to Papst Licensing copies of (i) the "Passat" brochure (Exhibit E1) and (ii) the "Gute Fahrt" publication (Exhibit E2), both of which were published before July 25, 1997, and both of which described and illustrated the VW Panel that Papst Licensing repeatedly has accused of infringement. Papst Licensing also acknowledged knowing about the "Passat" brochure at least as early as March, 1998. Nevertheless, Papst Licensing withheld the information in these publications and the publications themselves from the U.S. Patent and Trademark Office during prosecution of '613 patent.

21. As another example, Mr. Muller, Papst Licensing and/or their agents withheld material information they became aware of during the prosecution of Mr. Muller's corresponding German patent application from the U.S. Patent Examiner during the prosecution of the '613 patent. This information was contained, in among other publications, German published patent application DE 37 04 574 A1, which describes a display using a light filter to create the color blue. *See* Exhibit F4, column 7, lines 41 to 53, which correspond to column 5, lines 6 to 15 in the corresponding U.S. Patent No. 4,771,368, Exhibit F5 ("...the translucent layers 20b and 20c are

colored in blue and amber … in the night, the characters and the scale are visualized in blue…"). Despite knowing that DE 37 04 574 A1 described such a light filter, Muller, Papst and/or their agents submitted an "information disclosure statement" on August 29, 2000 (Exhibit G) with only an untranslated copy of DE 37 04 574 A1, and without any explanation of its relevance, as required by 37 C.F.R. 1.98(a)(3).

22. Nevertheless, and despite being aware that the VW Panel does not infringe and that the claims of the '613 patent are invalid and unenforceable, Papst Licensing repeatedly has accused Volkswagen automobiles of infringing the '613 patent, and has made those accusations public, for example, in the '613 patent reissue proceedings in the United States Patent and Trademark Office ("There is an infringing product actually on the market"), *see* Exhibit H1–H2.

23. Papst Licensing has asserted, and continues to assert, that the '613 patent is infringed by Volkswagen automobiles that include the VW Panel. Papst Licensing's accusations of infringement have injured VWoA in the State of Michigan, and will continue to so injure VWoA and/or the business of VWoA's dealers, suppliers and customers, in Michigan and throughout the United States unless they are enjoined by this Court.

COUNT ONE
DECLARATORY JUDGMENT OF NON-INFRINGEMENT, INVALIDITY, AND UNENFORCEABILITY OF THE '613 PATENT

24. VWoA repeats and realleges the averments of paragraphs 1–23 as if fully set forth herein.

25. There is an actual controversy between VWoA and Papst Licensing as to the infringement, the validity, and the enforceability of the '613 patent.

26. VWoA has not infringed and does not infringe the '613 patent.

27. The '613 patent is invalid for failure to comply with the patent laws of the United States, including the requirements of 35 U.S.C. §§ 102, 103, and/or 112.

28. The '613 patent is unenforceable for inequitable conduct committed by Mr. Muller, Papst Licensing and/or their agents during prosecution of the '613 patent.

29. Papst Licensing is precluded from asserting any claims against VWoA for infringement of the '613 patent under the equitable doctrines of laches, acquiescence, estoppel, and patent misuse.

COUNT TWO

UNFAIR COMPETITION UNDER MICHIGAN COMMON LAW

30. VWoA repeats and realleges the averments of paragraphs 1–29 as if fully set forth herein.

31. Papst Licensing has falsely accused and continues to falsely accuse VWoA and Volkswagen vehicles of infringement of the '613 patent, knowing of the falsity of those accusations and in bad faith, and not for any legitimate purpose but for the purpose of harassing VWoA, interfering with its business, and coercing VWoA to accept a license under the '613 patent. Papst Licensing's actions – including its repeated assertion of accusations that it knows to be baseless and of patent claims that it knows to be not infringed, invalid and unenforceable – are unfair methods of doing business that constitute unfair competition under the common law of the State of Michigan.

32. As a result of Papst Licensing's unfair method of doing business, VWoA has been injured and will continue to be injured, unless enjoined by this Court.

JURY DEMAND

VWoA demands a trial by jury.

PRAYER FOR RELIEF

WHEREFORE Plaintiff Volkswagen of America, Inc. respectfully requests that the Court enter judgment against Papst Licensing GmbH & Co. KG, including:

a. a declaration that Volkswagen of America has not infringed, and is not infringing, the '613 patent;

b. a declaration that each of the claims of the '613 patent is invalid;

c. a declaration that the '613 patent is unenforceable;

d. an injunction prohibiting Papst Licensing from alleging infringement of the '613 patent by Volkswagen of America;

e. an award of damages Volkswagen of America has sustained;

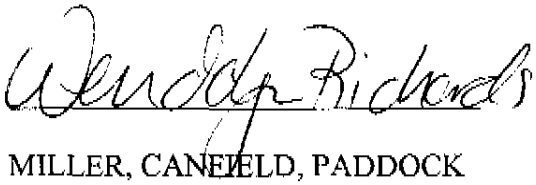
f. a declaration that this case is an "exceptional case" within the meaning of 35 U.S.C. § 285 due to, *inter alia*, the above actions of Papst Licensing;

g. an award of costs and attorneys fees and other expenses Volkswagen of America has been forced to incur; and

h. such further relief as the Court may deem just and proper.

September 18, 2006

Respectfully submitted:



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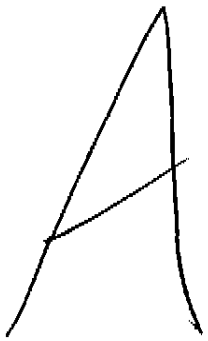
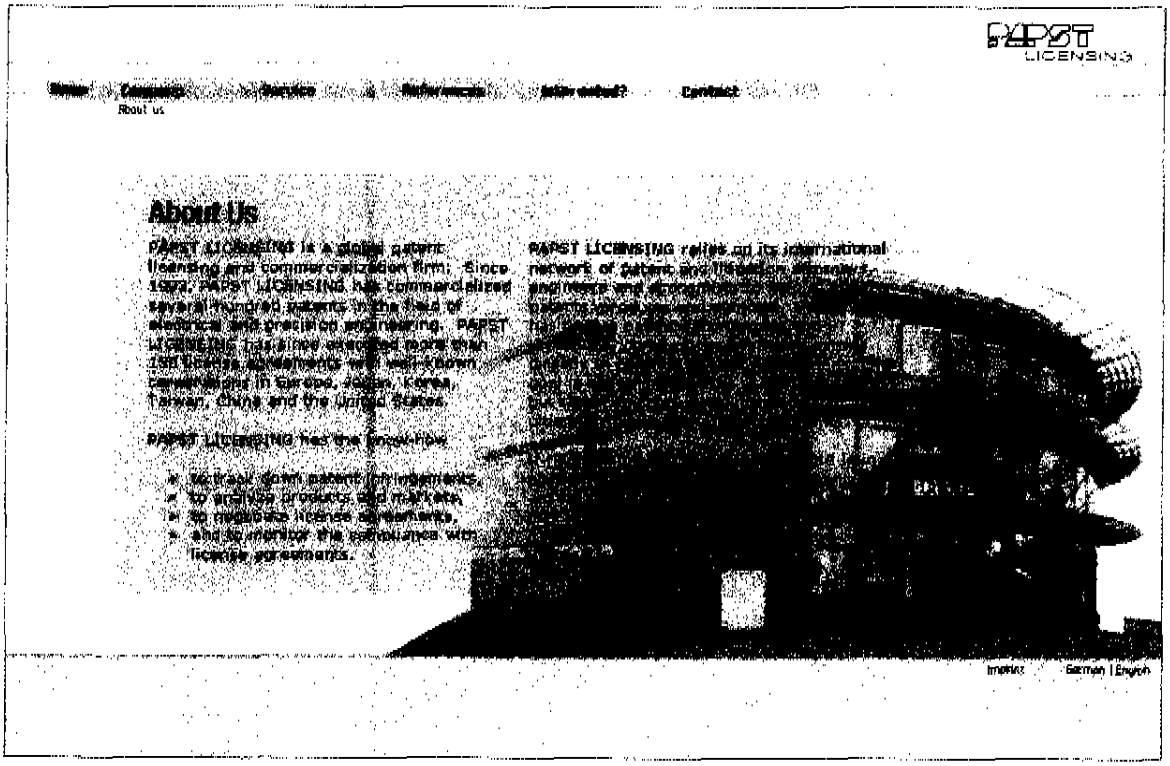
EXHIBITS TO COMPLAINT

VOLKSWAGEN OF AMERICA, INC. v. PAPST LICENSING GMBH & CO. KG

Exhibit	Description	Color
A	Excerpts Papst website	yes
B	'613 patent Muller	-
C	Letter Welsh to VWOA June 22, 2003	-
D1	Article "Auto Zeitung"	-
D2	Article "Automotive News"	-
E1	Passat brochure	yes
E2	"Gute Fahrt" article	yes
E3	Letter Weiser-Faerber 1/2004	-
F1	Article "Silicon Carbide Semiconductors"	yes
F2	Article "Cree poised for explosive growth"	yes
F3	Article "Das blaue Wunder ist noch teuer"	-
F4	DE 37 04 574 A1	-
F5	U.S. 4,771,368	-
F6	EP 0 692 406 A1	-
F7	DE 195 30 420 A1	-
F8	Brockhaus excerpts	-
G	IDS August 29, 2000	-
H1	Petition to make special April 2003	-
H2	Excerpt IDS September 15, 2004	-

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PATENT LICENSING relies on its international
Imprint
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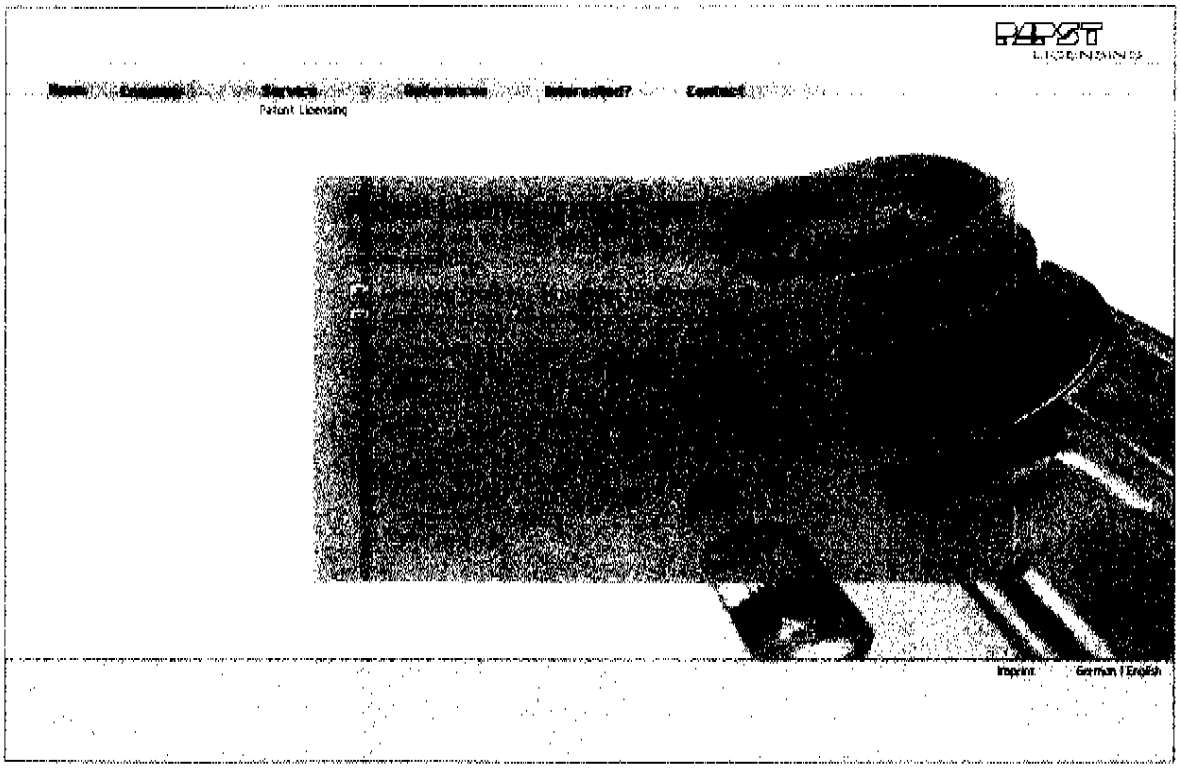
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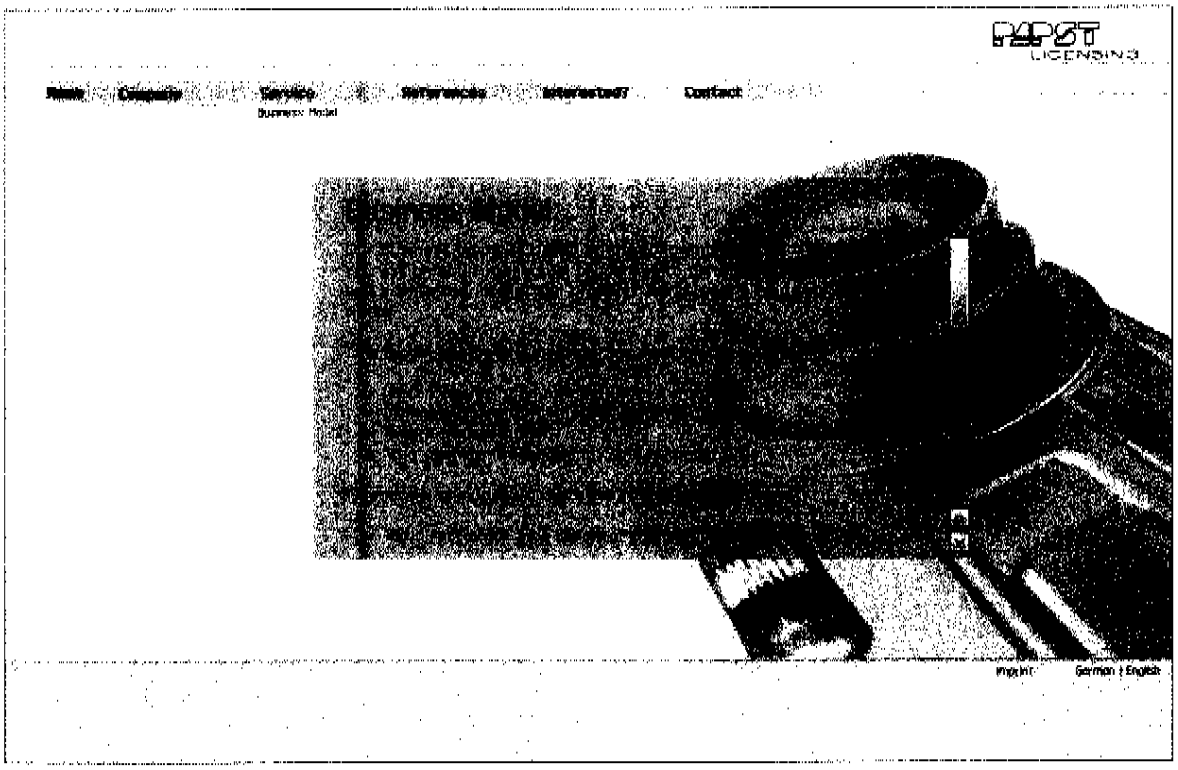
LICENSING
Business Model
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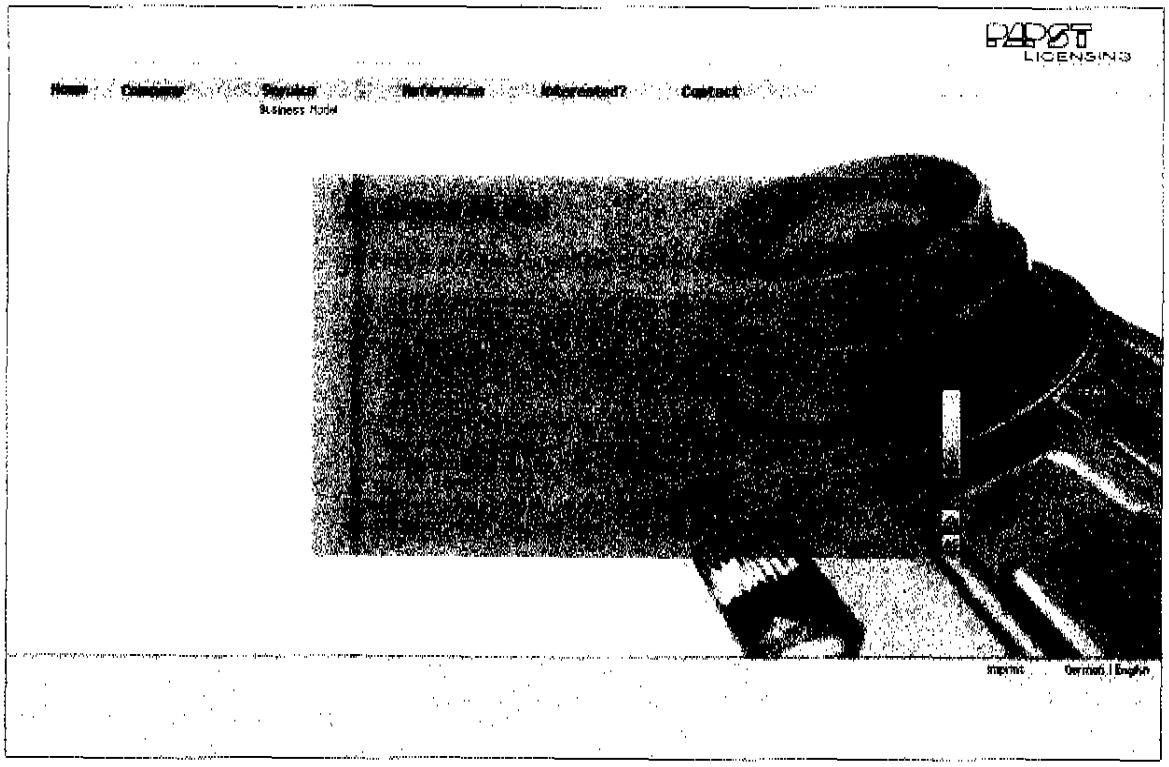
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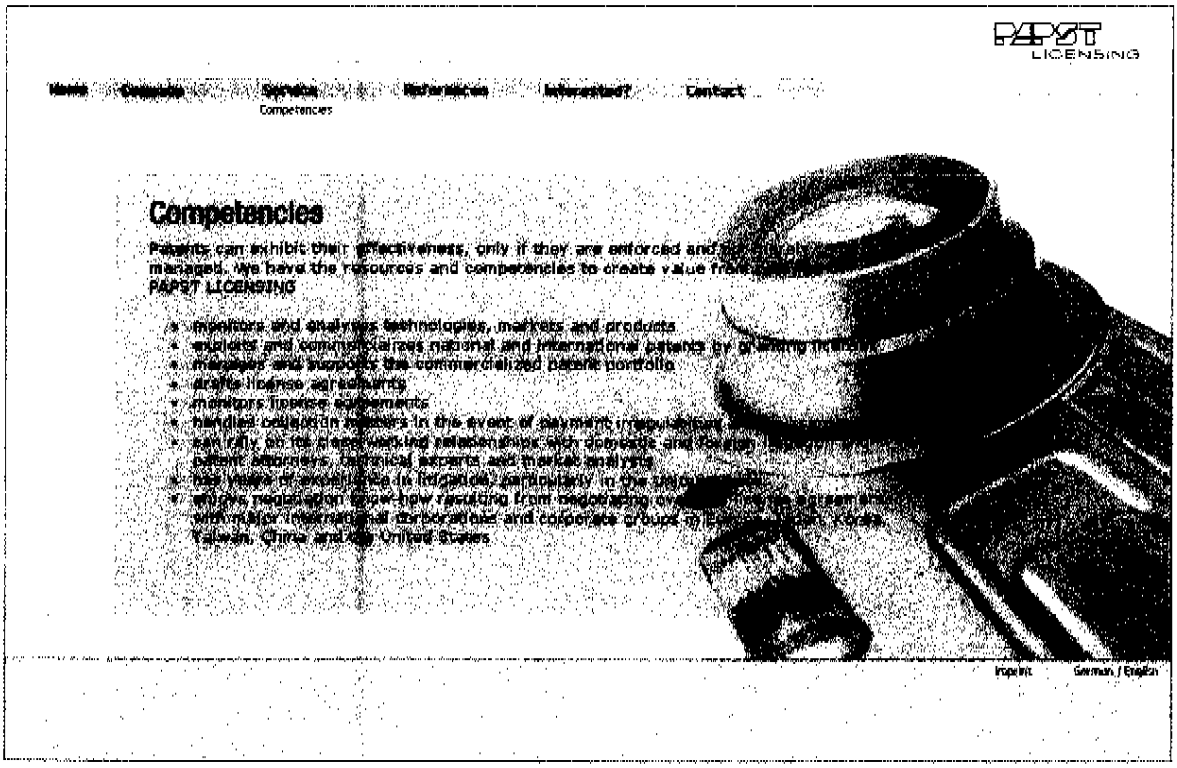
PAPST LICENSING
Competencies
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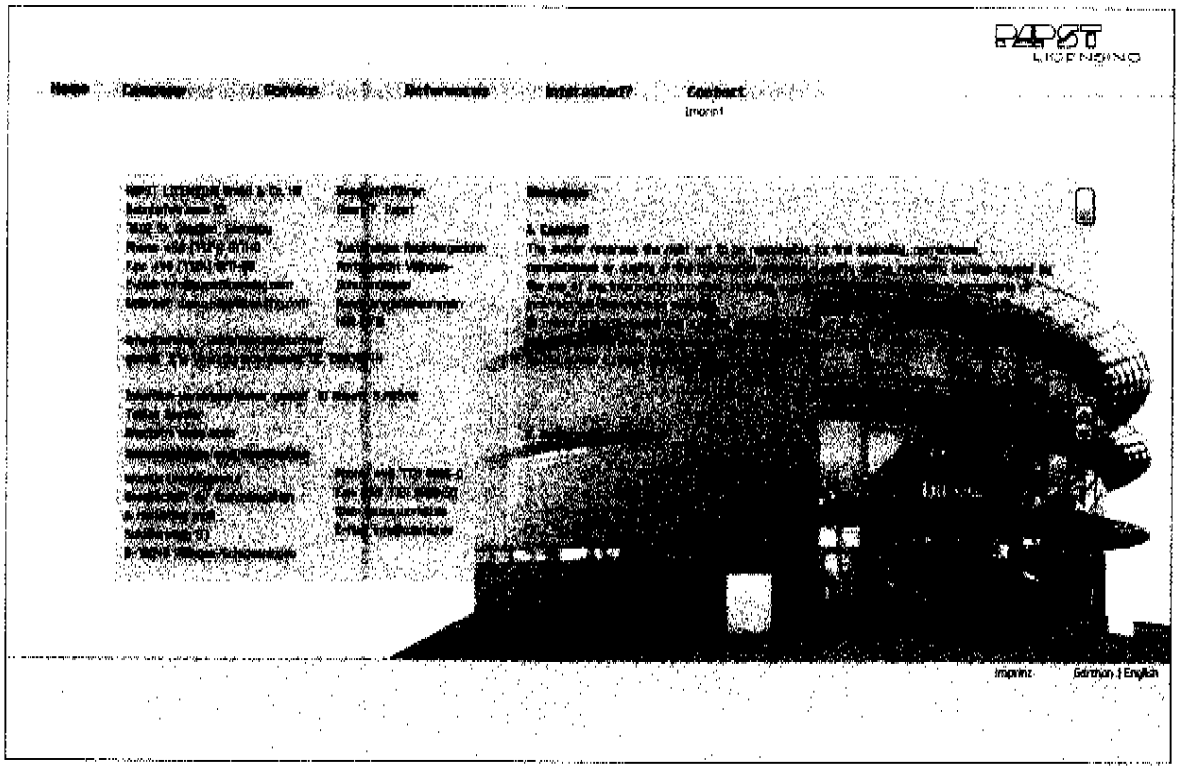
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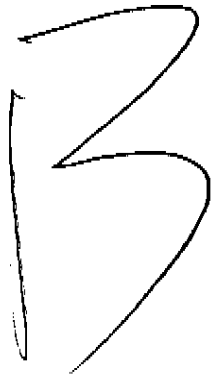

US006213613B1

(12) **United States Patent**
Muller

(10) **Patent No.: US 6,213,613 B1**
(45) **Date of Patent: Apr. 10, 2001**

(54) **ILLUMINATION APPARATUS FOR INSTRUMENT PANELS ESPECIALLY OF MOTOR VEHICLES**

(75) Inventor: **Rolf Muller**, München (DE)

(73) Assignee: **Papst Licensing GmbH & Co. KG** (DE)

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

(21) Appl. No.: **09/122,959**

(22) Filed: **Jul. 27, 1998**

(30) **Foreign Application Priority Data**

Jul. 25, 1997 (DE) 197 32 390

(51) **Int. Cl.**[7] **G01D 11/28**

(52) **U.S. Cl.** **362/23**; 362/29; 362/30; 362/84; 362/230; 362/231

(58) ***Field of Search*** 362/23, 28, 29, 362/30, 293, 84, 230, 231, 489, 487, 488, 509, 510, 482, 85, 583; 372/108; 356/402

(56) **References Cited**

U.S. PATENT DOCUMENTS

5,321,718 * 6/1994 Waarts et al. 372/108
5,975,728 * 11/1999 Weyer 362/489
6,031,617 * 2/2000 Berg et al. 356/402

FOREIGN PATENT DOCUMENTS

37 04 574 A1 8/1987 (DE) .
197 32 390 A1 2/1999 (DE) .
2 743 534 1/1996 (FR) .
2 281 542 8/1994 (GB) .

* cited by examiner

Primary Examiner—Sandra O'Shea
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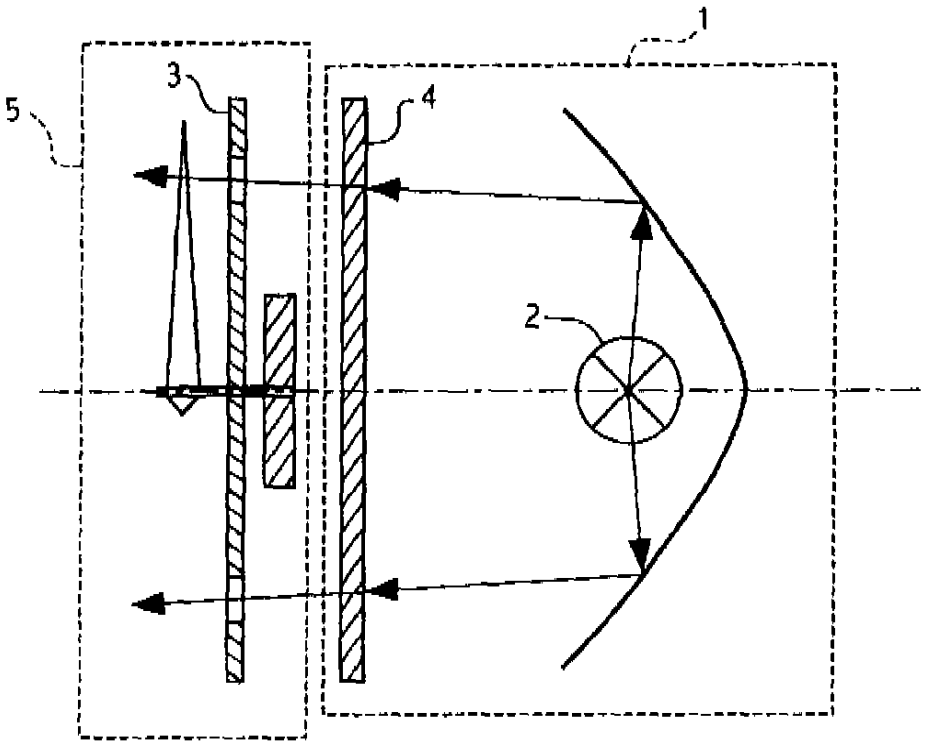
(74) *Attorney, Agent, or Firm*—Welsh & Katz, Ltd.

(57) **ABSTRACT**

Lighting device for instruments on a dashboard especially of motor vehicles with at least one light source for the at least partial illumination of the instruments of the dashboard in this manner that between the at least one light source and the instrument—fields which are to be illuminated at least one selective light filter which is transluceable for a shortwaved, blue spectral range and closes at least approximately the middle and long spectral range, is arranged.

9 Claims, 2 Drawing Sheets



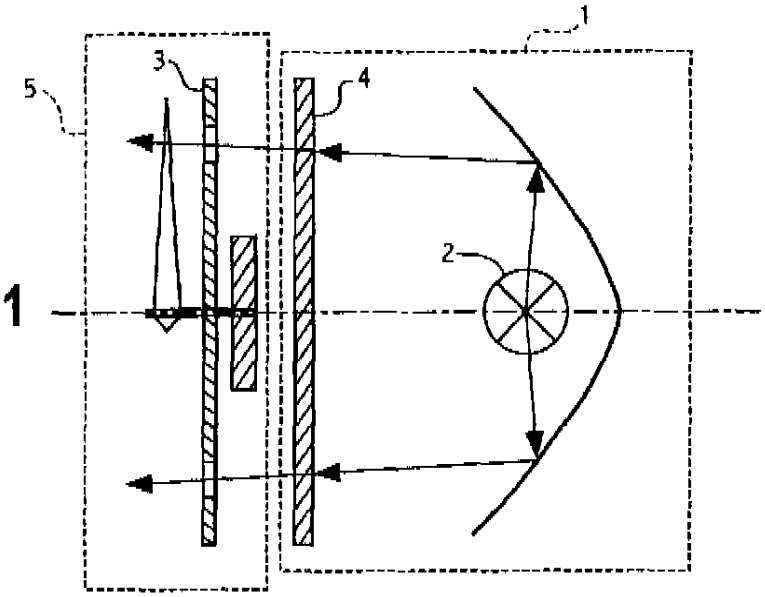


FIG. 1

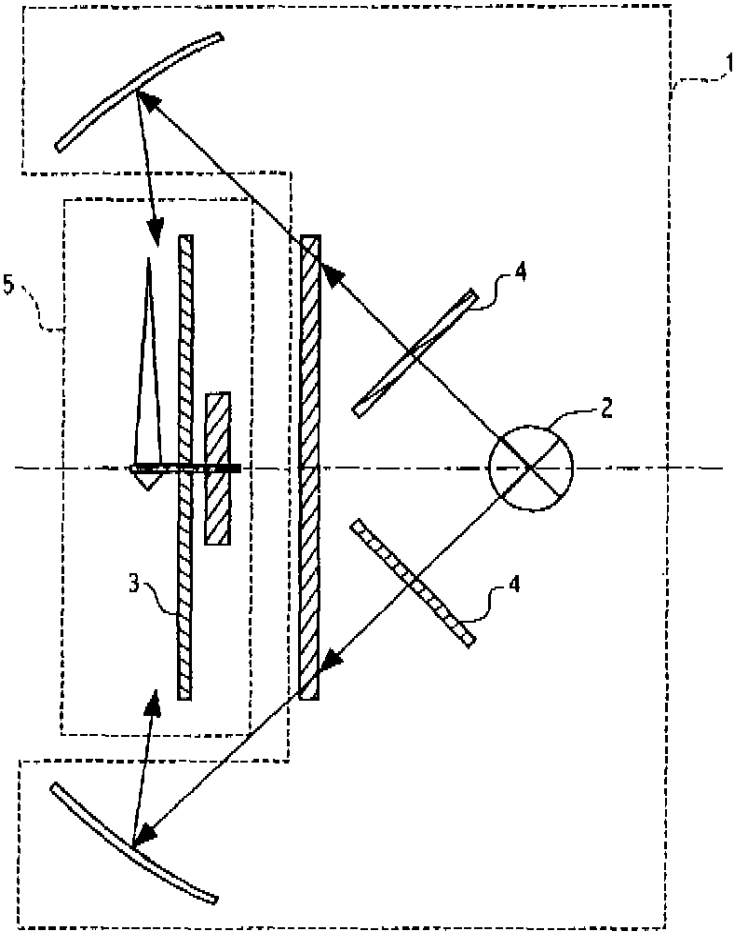
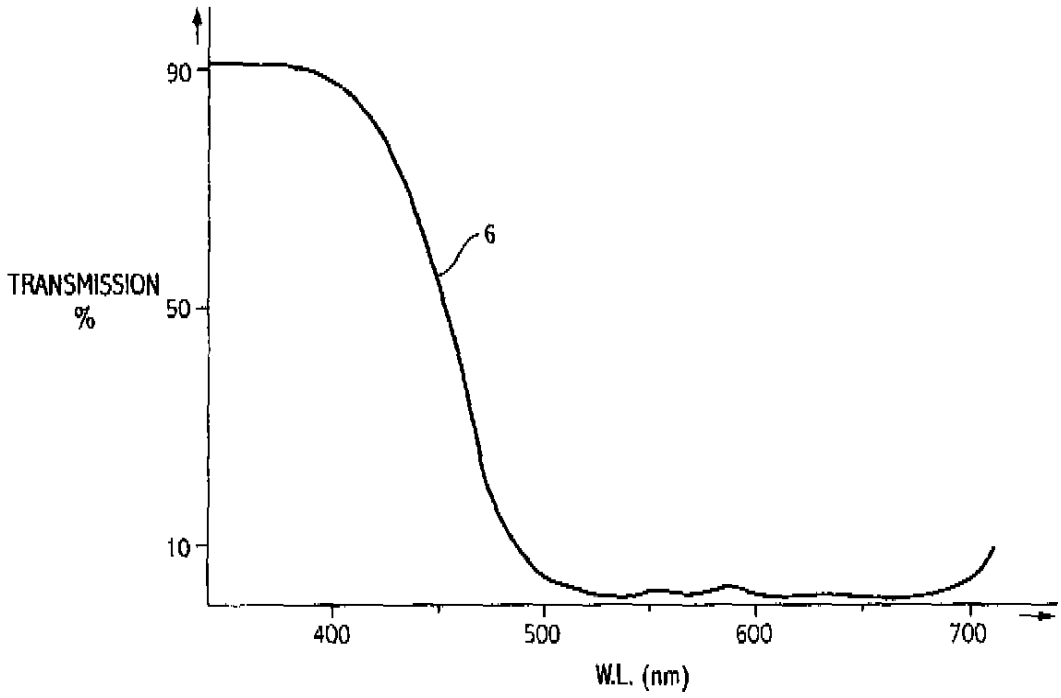


FIG. 2

FIG. 3



ILLUMINATION APPARATUS FOR INSTRUMENT PANELS ESPECIALLY OF MOTOR VEHICLES

The invention concerns a lighting device for dashboard instruments in motor vehicles with at least one light source for the at least partial illumination of the dashboard instruments.

That kind of lighting devices are, for example, used in all motor vehicles for illuminating the dashboard instruments. For this the lighting device is always linked with a wiring installation which activates the headlights of the motor vehicle. As a result the dashboard illumination is activated concurrently with the switching on the headlights. The dashboard illumination can be done in very different ways. Thus with older types of motor vehicles one usually illuminates the dashboard with a light source emitting white light. With newer vehicles the individual digits and characters are already developed self-lighting, for example by appropriate light-emitting diodes), so that it is no longer necessary to lit up these digits and characters externally.

A problem with these well-known lighting installations of dashboards is the not optimal illumination or lighting of the dashboard. Certainly in some types of motor vehicles the dashboards are also already illuminated with orange or green light aside of the usual white light. An optimal reading of the dashboard instruments is however, not guaranteed with that.

As everybody knows the capacity of the human eye to focus automatically on different seeing distances, the so-called accommodation capacity diminishes with increasing age. From the 45th year up this deficiency becomes obvious so that for a sharp seeing in proximity one does need glasses. From the 50th year up even the normally healthy eye loses accommodation capacity as much that the unarmed dye only clearly discerns distant objects from about 2 m on, yet the closer ones more or less unsharply.

This deficiency is mainly irritating for older drivers who are able to see the more distant traffic events sharply but not he instruments of their dashboard because those is in relative small distance of about 70 to 80 cm in front of the eyes.

The described effect is mainly obstructing at darkness because then the pupils of eye dilate and with that the distance tolerance for sufficient sharp seeing is reduced.

The task ob of the invention is to create a simple possibility which the effect described above, that is the so-called old-age farsighting with the readability of the dashboard instruments at darkness, to suppress as far as to make possible a renouncement of additional optic remedies like glasses or magnifying glass lenses.

This problem is solved by a lighting device with the distinctive features of claim **1** or **2**.

Further stages of the invention are subject of the subclaims reconcerned to claims **1** and **2**.

Thus, in conformity with the invention, in one realisation of the lighting device at least one selective light filter which is translucent for a short-wave ranged blue spectral range and which cuts off the middle and long spectral range at least approximately completely is inserted between the at least one light source and the instrument fields which are to be illuminated.

In conformity with another realisation of the invention the at least one light source emits nearly exclusively short-waved blue light. The solution of the problem consists in an illumination of the instruments by light with a spectral structure which contains, if possible, exclusively the visible range underneath of 55 m wavelength, preferably between 400 and 500 nm.

As everybody knows the human eye is, in the optical sense, an uncorrected system, comparable approximately with a simple convex lense. In particular the chromatic longitudinal defect is not adjusted so that the back focus of the eye is smaller for short waved light than for long waved light. Therefore the eye is a bit "myopic" in the short-waved spectral range, a bit farsighted in the long-waved spectral range. With normal seeing this effect is hardly noticable because the eye accomodates to a middle wavelength at full-range that is "white" lighting and does not discern the remaining occurrences of unsharpness with shorter and longer wavelengths. The effect however becomes plain if ones uses narrow banded lightings at the margins of the perceptible spectrum. If one selects e.g. on one side the wavelength range ~600 nm (e.g. Schott—glass 5900, 2 mm) and on the other side in comparison one of ~500 nm (e.g. Schott-glass BG 1, 2 mm) and calculates by means of the "theoretical eye" according to Gullstrand the always optimal focusing, then there results a difference of about 0, 6 to 0, 8 dpt, depending from the prioritization of the regarded wavelength range.

Applied on a dashboard illumination this means that with an orange illumination like it is usually used nowadays, glasses of about +0, 7 dpt would be necessary in order to come to an equal visual acuity which can be obtained without glasses when using blue light. For the presbyopic driver of a motor vehicle this means that he sees a blue-illuminated panel considerably sharper than an orange-illuminated one without glasses and namely in a way as if he wore glasses of about 0, 7 dpt. This refrective power is in fact not completely sufficient to make sharpseeing possible from a distance 70–80 cm when the accomodation ability is completely lost, but at least one can achieve an amelioration so clear that one can abstain from other seeing aids.

It may appear as a disadvantage of the proposed solution that blue light is subjectively perceived as relatively dark by the human eye. This is however only the case with the so-called "light-seeing". At darkness respectively at dask the sensibility of the eye for short wavelengths in contrast to long wavelenghts clearly increases so that at darkness blue is perceived relatively light. Morcover a possible lack of light intensity may, just as one likes, be levelled out by an intenser illumination that means by more powerful bulbs. Advantageously are in this context halogen bulbs because those have got beside of a larger general output of light also a better efficiency as conventional bulbs, especially in the shortwaved spectral range.

As filter for the selection of the desired shortwaved spectral field so-called "Kobald-glasses" are e.g., suitable, like, e.g. the Schott glasses BG1, BG3, BG25 or BG37, but also organic dyes in a plastic wrap may be used with benefit. In the simpliest case the dials and needles themselves may get an intensive blue colouring so that they too, with a broadband illumination appear to the observer as if they were illuminated by light with a shortwaved spectral field. In conformity to invention however an arrangement is to prefer where between the light source and the field to be illuminated a light filter is arranged.

Alternatively to a broadband bulb illumination with a light filter which lets pass only the shortwaved spetral field one may also use light diodes which radiate exclusively in the shortwaved spectral field. These can be used particularly for the direct presentation and/or illumination of digits and characters.

FIGS. **1** and **2** illustrate a lighting device **1** for a dashboard instrument panel **5**. The lighting device **1** includes a light source **2**, such as a bulb **2**, and one or more of the

selective light filters 4. The instrument panel 5 includes one or more instruments 3.

FIG. 3 illustrates, graphically, the percent transmission or translucence as a function of the light wave length in nanometers (nm) of the selective light filter, as shown by the line at 6.

What is claimed is:

1. A lighting device for instruments on a vehicle dashboard having instruments and having at least one light source for at least partial illumination of the instruments, comprising: at least one selective light filter intermediate the at least one light source and the instruments, the selective light filter transmitting a short-waved, blue spectral range and blocking out middle and long spectral range.

2. The lighting device in accordance with claim 1, wherein the at least one light source emits substantially only light in the short-waved, blue spectral range.

3. The lighting device in accordance with claim 1, wherein the light filter has a translucence at 400 nm wavelength of at least 50 percent and has a translucence at 500 nm of less than about 20 percent.

4. The lighting device in accordance with claim 1, wherein the light filter, in the wavelength range of about 530 to 670 nm has a translucence of less than about 5 percent.

5. The lighting device in accordance with claim 1 including at least one halogen electric light bulb for illuminating the instruments.

6. The lighting device in accordance with claim 1 including a gas discharging—lamp for illuminating the instruments.

7. The lighting device in accordance with claim 1, wherein the instrument fields are provided with a deep blue dye.

8. The lighting device in accordance with claim 7 wherein the instrument fields include an ultraviolet dye that is activated by light with a high UV-part.

9. A dashboard—instrument arrangement comprising self-shining digit characters formed by blue-shining light-emitting diodes.

* * * * *

JUN. 23. 2003 1:22PM FAX Received: 06/23/2003 02:18PM * Pg 2/14 WELSH & KATZ LTD 655 1501 NO. 5624 P. 2

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June 23, 2003

Via Facsimile (248) 754-6504

Mr. Gerd Klauss, President
Volkswagen of America, Inc.
3800 Hamlin Road
Auburn Hills, Michigan 48326

Re: Volkswagen's Infringement Of U.S. Patent No. 6,213,613
Our File No. 2834/89881

Dear Mr. Klauss:

We are United States patent attorneys that represent Papst Licensing GmbH & Co. KG, a German company. Papst Licensing is the sole owner of U.S. Patent No. 6,213,613 (the "'613 patent"). For your convenience, we are sending you herewith a copy of the '613 patent. The '613 patent generally relates to an illumination apparatus for the instrument panel of a motor vehicle.

We are sending you herewith a copy of a letter that we recently sent to Volkwagen AG. In this letter, all of the Volkswagen companies were put on notice of infringement with regard to the '613 patent as it relates to the products at issue. We provide you with this letter for reference purposes. We also are sending you herewith Volkswagen AG's response to Papst's notice of infringement letter.

We provide you with the following analysis of the infringement issues for your reference. Papst Licensing has obtained and analyzed a Volkswagen instrument cluster, part no. 1J0-920-906-K (the "906-K part"), that was recently purchased in the United States. The 906-K part includes numerous blue-shining light emitting diodes that

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are used to illuminate a light filter that only allows light to pass through the digit characters and other symbols formed in the light filter.

Based on our analysis of the 906-K part, Papst Licensing asserts that the 906-K part infringes the '613 patent. See, for example, claim 9 of the '613 patent that states,

> 9. A dashboard-instrument arrangement comprising self-shining digit characters formed by blue-shining light emitting diodes.

The 906-K part infringes the '613 patent because, for example, it includes structure corresponding to all of the features of at least claim 9 of the '613 patent.

Please note that Papst Licensing's charges of infringement are not limited to the 906-K part. Rather, Papst Licensing's infringement charges are intended to include all Volkswagen instrument panels and other parts that from an infringement perspective have a similar construction to the 906-K part.

In this regard, Papst Licensing understands that most, if not all, of Volkswagen's current automobiles offered for sale around the world have an instrument panel that includes one or more blue-shining light emitting diodes that are used to illuminate a light filter that only allows the blue-shining light to pass through the digit characters and other symbols formed in the light filter. All such products are intended to be included within the scope of Papst Licensing's charges of infringement with regard to the '613 patent to the extent that they are sold, either directly or indirectly, in the United States.

We hereby request that you have appropriate officials of your company contact us to discuss a fair and reasonable resolution of this patent infringement controversy. Your cooperation in this regard would be highly appreciated.

We sincerely hope that we can resolve this controversy in an amicable way. We look forward to receiving your prompt response to this letter. Thank you for your anticipated cooperation.

Sincerely,

WELSH & KATZ, LTD.

By: Jerold B. Schnayer

JBS/clf
cc: Papst Licensing GmbH & Co. KG
Volkswagen AG, Patent Department

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US006213613B1

(12) **United States Patent**
Muller

(10) **Patent No.: US 6,213,613 B1**
(45) **Date of Patent: Apr. 10, 2001**

(54) **ILLUMINATION APPARATUS FOR INSTRUMENT PANELS ESPECIALLY OF MOTOR VEHICLES**

(75) Inventor: Rolf Muller, Münsten (DE)

(73) Assignee: Papst Licensing GmbH & Co. KG (DE)

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

(21) Appl. No.: 09/122,569

(22) Filed: Jul. 27, 1998

(30) **Foreign Application Priority Data**

Jul. 25, 1997 (DE) 197 32 200

(51) Int. Cl.[7] G02B 11/28

(52) U.S. Cl. 362/23; 362/29; 362/30; 362/84; 362/230; 362/231

(58) Field of Search 362/23, 28, 29, 362/30, 293, 84, 230, 231, 409, 487, 488, 509, 510, 482, 85, 583; 272/108; 348/422

(56) **References Cited**

U.S. PATENT DOCUMENTS

5,321,718 * 6/1994 Wada et al. 372/108
5,975,728 * 11/1999 Weyer 362/488
6,021,617 * 2/2000 Berg et al. 352/422

FOREIGN PATENT DOCUMENTS

37 04 574 A1 8/1987 (DE).
197 32 290 A1 2/1999 (DE).
2 743 134 1/1996 (FR).
2 281 642 8/1994 (GB).

* cited by examiner

Primary Examiner—Sandra O'Shea
Assistant Examiner—Bernard Zeade
(74) *Attorney, Agent, or Firm*—Welsh & Katz, Ltd.

(57) **ABSTRACT**

A lighting device for instruments on a dashboard especially of motor vehicles with at least one light source for the at least partial illumination of the instruments of the dashboard in this manner that between the at least one light source and the instrument—fields which are to be illuminated at least one selective light filter which is transmissible for a shortwaved, blue spectral range and closes at least approximately the middle and long spectral range, is arranged.

9 Claims, 2 Drawing Sheets

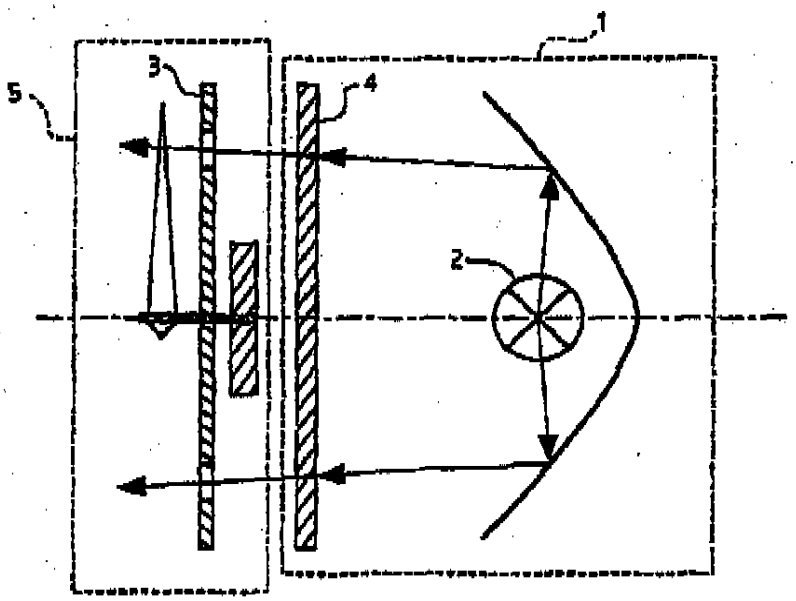


FIG. 1

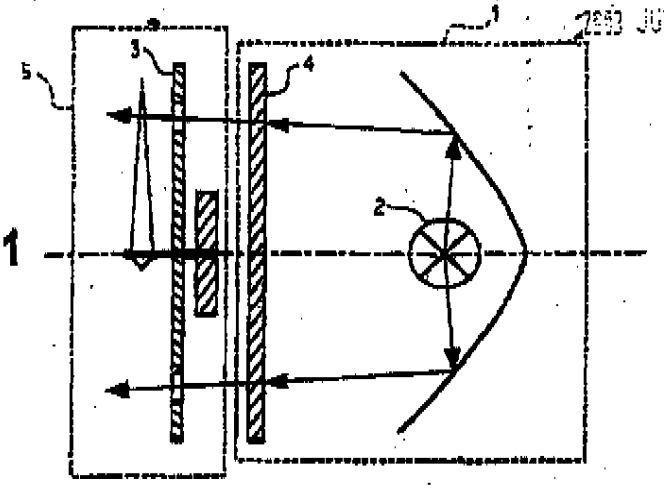


FIG. 2

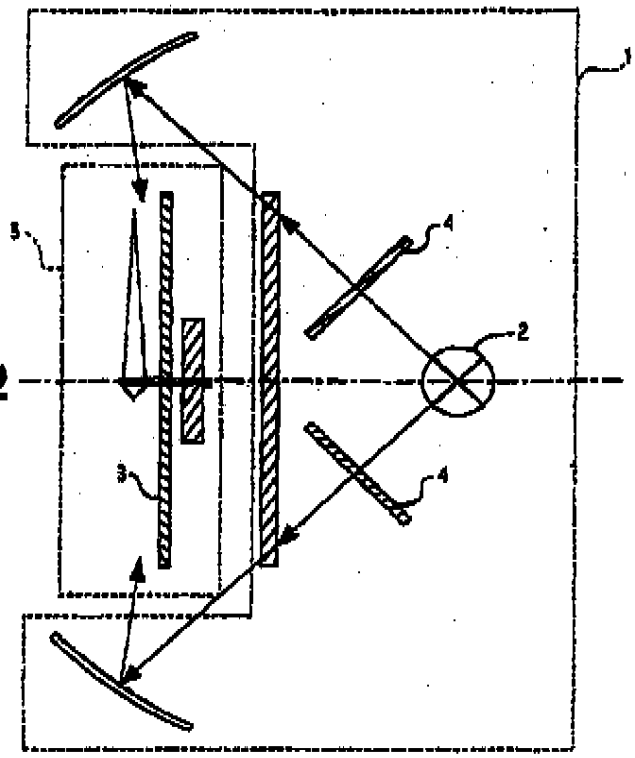
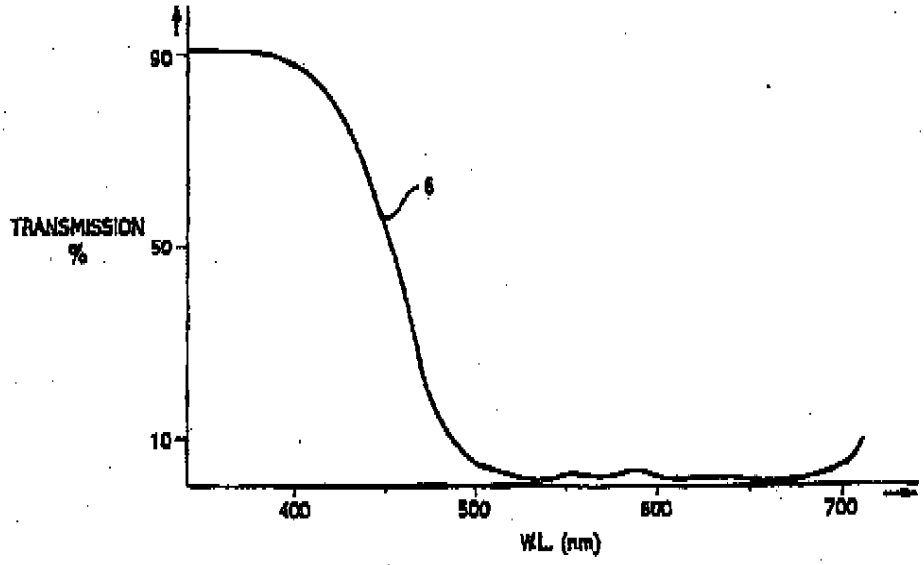


FIG. 3



ILLUMINATION APPARATUS FOR INSTRUMENT PANELS ESPECIALLY OF MOTOR VEHICLES

The invention concerns a lighting device for dashboard instruments in motor vehicles with at least one light source for the at least partial illumination of the dashboard instruments.

That kind of lighting devices are, for example, used in all motor vehicles for illuminating the dashboard instruments. For this the lighting device is always linked with a wiring installation which activates the headlights of the motor vehicle. As a result the dashboard illumination is activated concurrently with the switching on the headlights. The dashboard illumination can be done in very different ways. Thus with older types of motor vehicles one usually illuminates the dashboard with a light source emitting white light. With newer vehicles the individual digits and characters are already developed self-lighting, for example by appropriate light-emitting diodes), so that it is no longer necessary to lit up these digits and characters externally.

A problem with these well-known lighting installations of dashboards is the not optimal illumination or lighting of the dashboard. Certainly in some types of motor vehicles the dashboards are also already illuminated with orange or green light aside of the usual white light. An optimal reading of the dashboard instruments is however, not guaranteed with that.

As everybody knows the capacity of the human eye to focus automatically on different seeing distances, the so-called accommodation capacity diminishes with increasing age. From the 45th year up this deficiency becomes obvious so that for a sharp seeing in proximity one does need glasses. From the 50th year up even the normally healthy eye loses accommodation capacity as much that the unarmed eye only clearly discerns distant objects from about 2 m on, yet the closer ones more or less unsharply.

This deficiency is mainly irritating for older drivers who are able to see the more distant traffic events sharply but can not be instruments of their dashboard because these is in relative small distance of about 70 to 80 cm in from of the eyes.

The described effect is mainly obstructing at darkness because then the pupils of eye dilate and with that the distance tolerance for sufficient sharp seeing is reduced.

The task ob of the invention is to create a simple possibility which the effect described above, that is the so-called old-age farsighting with the readability of the dashboard instruments at darkness, to suppress as far as to make possible a countenancement of additional optic remedies like glasses or magnifying glass lenses.

This problem is solved by a lighting device with the distinctive features of claim 1 or 2.

Further stages of the invention are subject of the subclaims reconcerned to claims 1 and 2.

Thus, in conformity with the invention, in one realization of the lighting device at least one selective light filter which is translucent for a short-wave ranged blue spectral range and which cuts off the middle and long spectral range at least approximately completely is inserted between the at least one light source and the instrument fields which are to be illuminated.

In conformity with another realization of the invention the at least one light source emits nearly exclusively short-waved blue light. The solution of the problem consists in an illumination of the instruments by light with a spectral structure which contains, if possible, exclusively the visible range underneath of 55 m wavelength, preferably between 400 and 500 nm.

As everybody knows the human eye is, in the optical sense, an uncorrected system, comparable approximately with a simple convex lense. In particular the chromatic longitudinal defect is not adjusted so that the back focus of the eye is smaller for short waved light than for long waved light. Therefore the eye is a bit "myopic" in the short-waved spectral range, a bit farsighted in the long-waved spectral range. With normal seeing this effect is hardly noticeable because the eye accommodates to a middle wavelength at full-range that is "white" lighting and does not discern the remaining occurrences of unsharpness with shorter and longer wavelengths. The effect however becomes plain if one uses narrow banded lightings at the margins of the perceptible spectrum. If one selects e.g. on one side the wavelength range ~600 nm (e.g. Schott—glass 1900, 2 mm) and on the other side in comparison one of ~500 nm (e.g. Schott-glass BG 1, 2 mm) and calculates by means of the "theoretical eye" according to Gullstrand the always optimal focusing, then there results a difference of about 0, 6 to 0, 8 dpt, depending from the prioritization of the regarded wavelength range.

Applied on a dashboard illumination this means that with an orange illuminating like it is usually used nowadays, glasses of about +0, 7 dpt would be necessary in order to come to an equal visual acuity which can be obtained without glasses when using blue light. For the presbyopic driver of a motor vehicle this means that he sees a blue-illuminated panel considerably sharper than an orange-illuminated one without glasses and namely in a way as if he wore glasses of about 0, 7 dpt. This refractive power is in fact not completely sufficient to make sharpseeing possible from a distance 70–80 cm when the accomodation ability is completely lost, but at least one can achieve an amelioration so clear that one can abstain from other seeing aids.

It may appear as a disadvantage of the proposed solution that blue light is subjectively perceived as relatively dark by the human eye. This is however only the case with the so-called "light-seeing". At darkness respectively at dusk the sensibility of the eye for short wavelengths in contrast to long wavelengths clearly increases so that at darkness blue is perceived relatively light. Moreover a possible lack of light intensity may, just as one likes, be levelled out by an intenser illumination that means by more powerful bulbs. Advantageously are in this context halogen bulbs because these have got beside of a larger general output of light also a better efficiency as conventional bulbs, especially in the shortwaved spectral range.

As filter for the selection of the desired shortwaved spectral field so-called "Kobalt-glasses" are e.g., suitable, like, e.g. the Schott glasses BG1, BG3, BG25 or BG37, but also organic dyes in a plastic wrap may be used with benefit. In the simplest case the dials and needles themselves may get an intensive blue colouring so that they too, with a broadband illumination appear to the observer as if they were illuminated by light with a shortwaved spectral field. In conformity to invention however an arrangement is to prefer where between the light source and the field to be illuminated a light filter is arranged.

Alternatively to a broadband bulb illumination with a light filter which let pass only the shortwaved spectral field one may also use light diodes which radiate exclusively in the shortwaved spectral field. These can be used particularly for the direct presentation and/or illumination of digits and characters.

FIGS. 1 and 2 illustrate a lighting device 1 for a dashboard instrument panel 2. The lighting device 1 includes a light source 3, such as a bulb 3, and one or more of the

selective light filter 4. The instrument panel 5 includes one or more instruments 3.

FIG. 3 illustrates, graphically, the percent transmission or translucence as a function of the light wave length in angstroms (nm) of the selective light filter, as shown by the line at 6.

What is claimed is:

1. A lighting device for instruments on a vehicle dashboard having instruments and having at least one light source for at least partial illumination of the instruments, comprising: at least one selective light filter intermediate the at least one light source and the instruments, the selective light filter transmitting a short-waved, blue spectral range and blocking out middle and long spectral range.

2. The lighting device in accordance with claim 1, wherein the at least one light source emits substantially only light in the short-waved, blue spectral range.

3. The lighting device in accordance with claim 1, wherein the light filter has a translucence at 400 nm wavelength of at least 50 percent and has a translucence at 900 nm of less than about 20 percent.

4. The lighting device in accordance with claim 1, wherein the light filter, in the wavelength range of about 530 to 670 nm has a translucence of less than about 5 percent.

5. The lighting device in accordance with claim 1 including at least one halogen electric light bulb for illuminating the instruments.

6. The lighting device in accordance with claim 1 including a gas discharging—lamp for illuminating the instruments.

7. The lighting device in accordance with claim 1, wherein the instrument fields are provided with a deep blue dye.

8. The lighting device in accordance with claim 7 wherein the instrument fields include an ultraviolet dye that is activated by light with a high UV-part.

9. A dashboard—instrument arrangement comprising self-shining digit characters formed by blue-shining light-emitting diodes.

* * * * *

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May 2, 2003

Via Facsimile 011-49-5361-978-031

Volkswagen AG
Patent Department
Berliner Ring 2
38440 Wolfsburg
Germany

Re: Volkswagen's Infringement Of U.S. Patent No. 6,213,613
Our File No. 2634/69651

Dear Sirs:

We are United States patent attorneys that represent Papst Licensing GmbH & Co. KG, a German company. Papst Licensing is the sole owner of U.S. Patent No. 6,213,613 (the "'613 patent"). For your convenience, we are sending you herewith a copy of the '613 patent. The '613 patent generally relates to an illumination apparatus for the instrument panel of a motor vehicle.

Papst Licensing has obtained and analyzed a Volkswagen instrument cluster, part no. 1J0-920-906-K (the "906-K part"), that was recently purchased in the United States. The 906-K part includes numerous blue-shining light emitting diodes that are used to illuminate a light filter that only allows light to pass through the digit characters and other symbols formed in the light filter.

Based on our analysis of the 906-K part, Papst Licensing asserts that the 906-K part infringes the '613 patent. See, for example, claim 9 of the '613 patent that states,

CUSTOMER RELATIONS

2003 JUN 24 A 7:57

9. A dashboard-instrument arrangement comprising self-shining digit characters formed by blue-shining light emitting diodes.

The 906-K part infringes the '613 patent because, for example, it includes structure corresponding to all of the features of at least claim 9 of the '613 patent.

Please note that Papst Licensing's charges of infringement are not limited to the 906-K part. Rather, Papst Licensing's infringement charges are intended to include all Volkswagen instrument panels and other parts that from an infringement perspective have a similar construction to the 906-K part.

In this regard, Papst Licensing understands that most, if not all, of Volkswagen's current automobiles offered for sale around the world have an instrument panel that includes one or more blue-shining light emitting diodes that are used to illuminate a light filter that only allows the blue-shining light to pass through the digit characters and other symbols formed in the light filter. All such products are intended to be included within the scope of Papst Licensing's charges of infringement with regard to the '613 patent to the extent that they are sold, either directly or indirectly, in the United States.

We hereby request that you have appropriate officials of your company contact us to discuss a fair and reasonable resolution of this patent infringement controversy. Your cooperation in this regard would be highly appreciated.

As a first additional matter, this letter also is a follow-up on correspondence between your company and Papst Licensing's President Mr. Georg Papst that took place several years ago. We are sending you herewith copies of this correspondence, which includes Mr. Papst's letter dated March 10, 1998 to your company's patent department, and two letters from your company's patent department to Mr. Papst dated March 31, 1998 and April 17, 1998. We are sending you these letters herewith in the hope that they will help expedite your prompt consideration of this matter.

In his March 10th letter, Mr. Papst asked your company whether or not it was interested in the protective right covered by the 197 32 390.1 application that eventually resulted in the '613 patent. Your company rejected this offer in connection with its April 17th letter to Mr. Papst.

With regard to the statement in your April 17th letter to Mr. Papst that French patent application no. FR 2 743 534 allegedly "describes substantial parts of your patent application," please note that this reference was submitted to the United States Patent Office in connection with the prosecution of the '613 patent. Significantly, the '613 patent was allowed to issue over the French application that your company cited to Papst Licensing. Thus, the '613 patent will be entitled to a strong presumption of validity over the French application.

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As a second additional matter, this letter also is to put your company's subsidiary or affiliate Volkswagen of America, Inc. on notice of infringement of the '813 patent. Please provide us at your earliest convenience with the name, address, and facsimile number of the appropriate person at Volkswagen of America, Inc. to whom correspondence about this matter should be addressed. Your cooperation in this regard would be highly appreciated.

We sincerely hope that we can resolve this controversy in an amicable way. We look forward to receiving your prompt response to this letter. Thank you for your anticipated cooperation.

Sincerely,

WELSH & KATZ, LTD.

By: Jerold B. Schnayer
Jerold B. Schnayer

JBS/clf
cc: Papst Licensing GmbH & Co. KG

Volkswagen AG · 38436 Wolfsburg · Deutschland

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Brieffach 1770	Telefax
06.06.2003	E-Mail
	Hausanschrift
	Datum

Schutzrecht Nr. 09/122,959 / US 6,213,613 B1 in USA vom 27. Juli 1998
"ILLUMINATION APPARATUS FOR INSTRUMENT PANELS ESPECIALLY OF MOTOR VEHICLES"
Unser Zeichen: US6213613

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Ferdinand Piëch

Vorstand:
Bernd Pischetsrieder - Vorsitzender

Bruno Adelt
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Jens Neumann
Hans Dieter Pötsch
Folker Weißgerber
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Wilfried Bernhammer
Francisco J.Garcia Sanz
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Jens Neumann
Lothar Sander
Folker Weißgerber
Detlef Wittig

Volkswagen Aktiengesellschaft
Sitz: Wolfsburg
Amtsgericht Wolfsburg
HRB 1208

Sehr geehrter Herr Schnayer

wir bestätigen den Erhalt Ihres Schreibens vom 2. Mai 2003, mit dem Sie uns auf die Erteilung des Schutzrechts US 6,213,613 B1 Ihrer Mandantin unter Abgrenzung des von uns in einem früheren Schreiben genannten Standes der Technik aufmerksam machen.

In Ihrem Schreiben weisen Sie weiterhin darauf hin, dass Ihre Mandantin unser Kombiinstrument mit der Teilenr. 1J0-920-906-K untersucht hat und zu der Auffassung gelangt ist, dass unser Kombiinstrument von dem unabhängigen Patentanspruch 9 des '613 Patents Gebrauch macht.

Der unabhängige Patentanspruch 9 umfasst folgende Merkmale:

9a) Armaturenbrett-Instrumentierung umfassend

9b) selbstleuchtende Ziffern, welche durch blau leuchtende Leuchtdioden gebildet werden.

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Unter selbstleuchtenden Ziffern sind Leuchtquellen zu verstehen, die aufgrund ihrer Formgebung selbst als Ziffern ausgebildet oder die aufgrund der Aneinanderreihung von Leuchtquellen selbst als Ziffern erkennbar sind, wobei letzteres beispielsweise bei LED-Matrixdisplays der Fall ist. Bei Illumination leuchten die dargestellten Ziffern selbst.

Bei dem untersuchten Kombiinstrument ist eine Abdeckung vorhanden, auf der unter anderem Ziffern dargestellt sind. Die Abdeckung ist in Teilen lichtundurchlässig maskiert, in denen keine Beleuchtung sichtbar sein soll, währenddessen z.B. beleuchtete Ziffern durch die Maskierung ausgespart sind, so dass das abgestrahlte Licht der hinter der Abdeckung angeordneten, farbigen Leuchtquellen (LEDs) wahrnehmbar ist. Die einzelnen Ziffern werden dabei nicht nur von einer Leuchtquelle beleuchtet, sondern mehrere, auf einem Teilkreis angeordnete Leuchtquellen beleuchten die Ziffern. Andererseits ist nicht für jede Ziffer eine Leuchtquelle vorgesehen. Im Fall der Ziffernbeleuchtung kommen blaue Leuchtdioden zum Einsatz.

Das untersuchte Kombiinstrument ist nicht mit selbstleuchtenden Ziffern gemäß Merkmal 9b) ausgerüstet, da die von der Leuchtquelle beabstandeten, als Ziffern ausgebildete Aussparungen auf der Abdeckung nicht selbst leuchtend ausgebildet sind. Auch werden diese Ziffern nicht durch blau leuchtende Leucht-Dioden gebildet, sondern, wie erwähnt, beleuchten blaue Leuchtquellen unterschiedliche Ziffern.

Aufgrund der dargestellten, objektiven Tatsachen können wir Ihre Annahme und Behauptung einer Patentverletzung des US-Patent nicht nachvollziehen. Eine Mitteilung Ihrerseits an Volkswagen of America sehen wir daher als nicht notwendig an.

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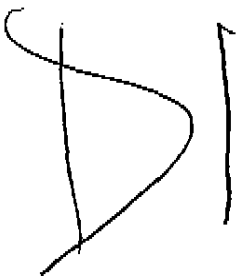
JUN. 23. 2003 1:26PM WELSH & KATZ LTD 655 1501 NO. 5624 P. 14

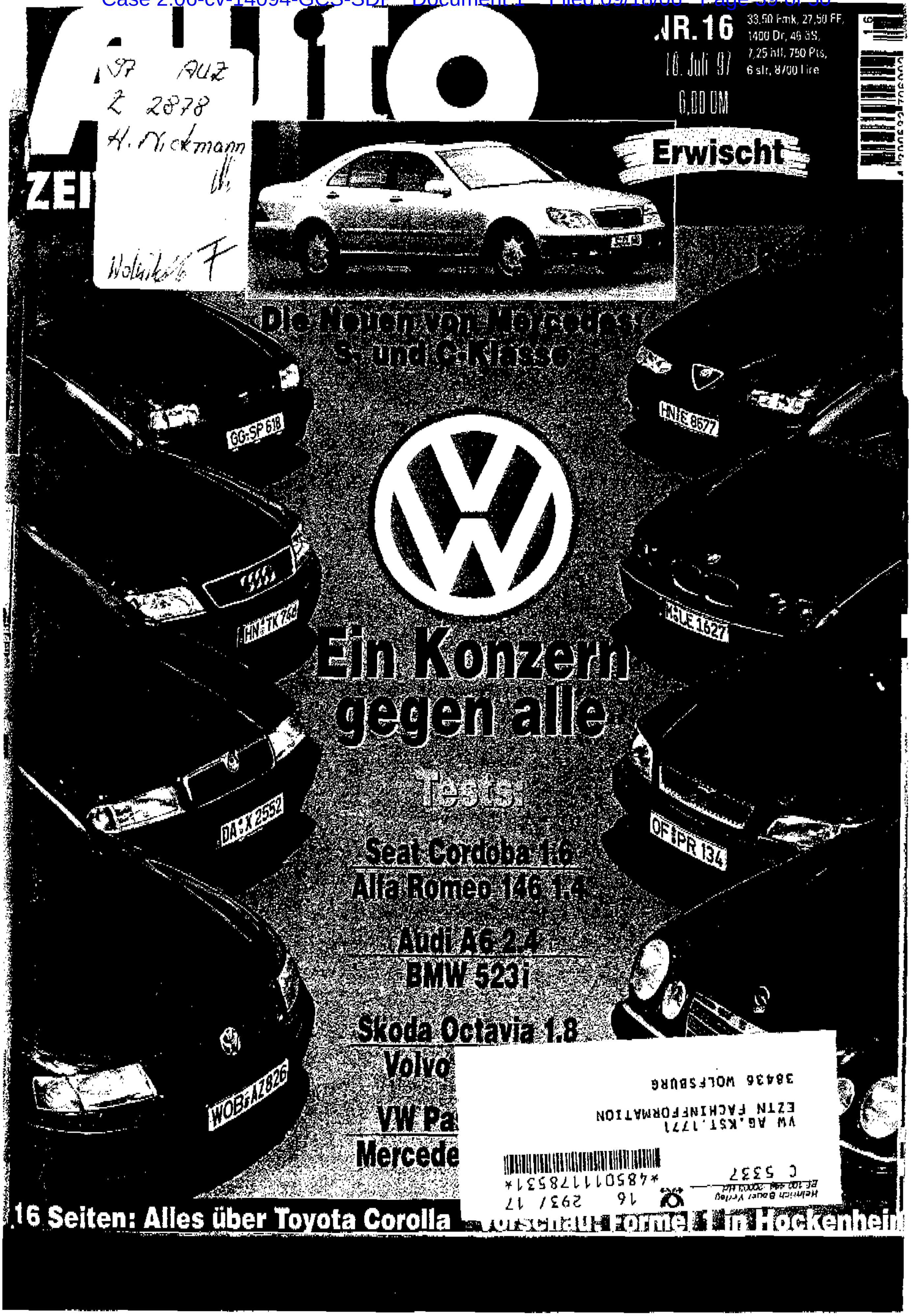
Zur weiteren Klärung des Sachverhalts stehen wir gern zur Verfügung.

VOLKSWAGEN
Aktiengesellschaft

i. V. i. V.

Dr. v. Biedersee Gaska

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16. Juli 97
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33,50 Fmk, 27,50 FF, 1400 Dr, 46 öS, 7,25 hfl, 750 Pts, 6 sfr, 8700 Lire
Erwischt
Die Neuen von Mercedes: S- und C-Klasse
Ein Konzern gegen alle
Tests:
Seat Cordoba 1.6
Alfa Romeo 146 1.4
Audi A6 2.4
BMW 523i
Skoda Octavia 1.8
Volvo
VW Pa
Mercede
16 Seiten: Alles über Toyota Corolla
Vorschau: Formel 1 in Hockenheim
VW AG.KST.1771
EZTN FACHINFORMATION
38436 WOLFSBURG
C 5337
16 2937 17

VW

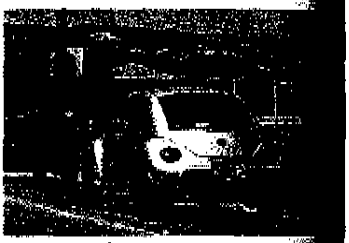
Fotos: Erwin Hilbrichsmann

Der New Beetle bietet mehr Innenraum als der Käfer.

New Beetle

Er fährt bereits...

In den USA krabbelt er schon über die Highways – allerdings nur im Prototypenstatus. Der New Beetle, während einer Urlaubsreise von einem Leser erwischt, kommt Mitte '98 nach Deutschland. Als Enkel des seligen Käfers hat er alle Anlagen, ein Kultauto des 21. Jahrhunderts zu werden. Die optische Reminiszenz an den Urahn ist aber schon die einzige Gemeinsamkeit zum Käfer. Frontantrieb und -motoren, Servolenkung, ABS und Airbags – damit ist der Beetle auf dem Stand der modernen Technik. Die Plattform des Golf IV bildet dazu die solide Basis. Bei der Preisgestaltung verzichtet VW ebenfalls auf Nostalgie: Rund 28 000 Mark dürfen es schon sein.



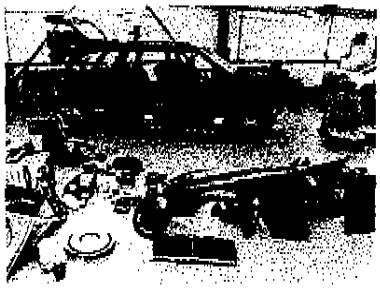
Die große Heckklappe öffnet komplett mit Scheibe.

MERCEDES-BENZ

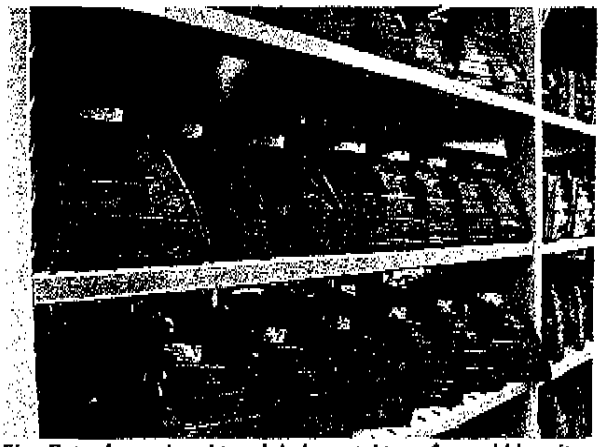
Recycling

Altes Eisen

Mitte Juli nimmt in Obertürkheim das Mercedes-Benz Altfahrzeug- und Teilecenter (MB ATC GmbH) seinen Betrieb auf. Auf einer Fläche von 3300 Quadratmetern werden dort Altfahrzeuge demontiert. Ziel ist es, wiederverwertbare Gebrauchtteile sowie Teile zweiter Wahl dort zu lagern und an die Händler und Werkstätten zu liefern. Die Kunden haben den Vorteil, durch den Gebrauchtteilehandel eine zeitwertgerechte Reparatur ihrer Fahrzeuge durchführen zu lassen.
Private Besitzer eines Mercedes-Benz können ihr altes Fahrzeug direkt bei der MB ATC zum Ausschlachten und Wiederverwerten abliefern und erhalten – je nach Fahrzeugzustand – einen Restwert vergütet.



Demontage, Entsorgung, Wiederverwertung – die Aufgaben der ATC GmbH.



Eine Batterie von Leuchteneinheiten steht zur Auswahl bereit.

VOLVO

V70 fürs Gelände mit mehr Bodenfreiheit und markanter Front.

V70 Cross Country

Ein Volvo fürs Grobe

Mit dem V70 Cross Country haben die Schweden einen Kombi entwickelt, der auch abseits der Straßen nicht gleich schlapp macht. Voraussetzung für die leichte Geländegängigkeit ist um 25 Millimeter größere Bodenfreiheit als beim Serienmodell. Die Karosserie ist insgesamt um 50 Millimeter höhergelegt. Doch nicht nur daran ist der Cross Country eindeutig auszumachen. Eine markante Frontpartie mit integriertem Rammschutz, neue Dachgepäckträger und Räder sind weitere Merkmale.
Als Antrieb dient der 193 PS starke 2,5 l-Fünfzylinder. Ein permanenter Allradantrieb verteilt dabei die Kraft über eine Visco-Kupplung variabel an alle vier Räder. Premiere des Cross Country ist auf der IAA, Verkaufsstart im ersten Quartal '98. Der Preis des Offroad-Schweden dürfte bei rund 70 000 Mark liegen.

DECLARATION

I, Hans-Jakob Wilhelm, declare that I am well qualified as a translator of German to English and that I have carefully reviewed the attached English language translation from the original document:

Cover page of magazine "Auto" ("Car") and magazine articles "New Beetle", "Recycling", and "V70 Cross Country"

written in German; and that the attached translation is an accurate English version of such original to the best of my knowledge and belief.

I certify under penalty of perjury that the foregoing is true and correct.

Date 9/18/06

Signature Hans-Jakob Wilhelm

Name Hans-Jakob Wilhelm

AUTO

No. 16
July 18, 1997
6.00 German Marks
33.50 Finnish Marks, 27.50
French Franks, 1400 Drachmas,
46 Austrian Shillings, 7.25
Dutch Guilders, 750 Pesetas,
6 Swiss Franks, 8700 Lira

Caught

The New Ones from Mercedes:
S- and C-Class

VW
One Company Against All

Tests:

Seat Cordoba 1.6
Alfa Romeo 146 1.4

Audi A6 2.4
BMW 523i

Skoda Octavia 1.8
Volvo

VW Passat
Mercedes

16 Pages: Everything on the Toyota Corolla
Preview: Formula 1 in Hockenheim

VW

[Caption:] The New Beetle offers more interior space than the [Old] Beetle.

New Beetle

It's already on the road...

In the United States, it is already scuttling across the highways - albeit only in a prototype state. The New Beetle, caught by a reader on vacation, comes to Germany in the middle of 1998. As a grandchild of the blessed Beetle it has all the predispositions to become a cult automobile of the 21st century. The optical reminiscence of the ancestor, however, is the only commonality with the **[old]** Beetle. Front-wheel drive and front engines, power steering, ABS and airbags, with these the **[New]** Beetle is at the state of modern technology. The platform of the Golf IV offers the solid base for this purpose. In terms of pricing, VW also forgoes nostalgia: Around 28,000 Marks should be required.

[Caption:] The large rear hatch opens together with the window.

MERCEDES-BENZ

Recycling

Old Iron

In the middle of July, the Mercedes-Benz Old Vehicle and Parts Center (MB ATC GmbH) will go into operation in Obertürkheim. On an area of 3,300 square meters, old vehicles will be dismantled. The goal is to store reusable used and second choice parts and to deliver them to dealers and garages. Customers will have the advantage of being able to have their vehicles repaired on an actual value basis via the used parts trade.

Private owners of a Mercedes-Benz are able to drop off their old vehicle directly at the MB ATC for cannibalizing and recycling and are reimbursed for a residual value – depending on the state of the vehicle.

[Caption:] Dismantling, disposal, recycling - the tasks of the ATC GmbH.

[Caption:] A battery of lamp assemblies ready for selection.

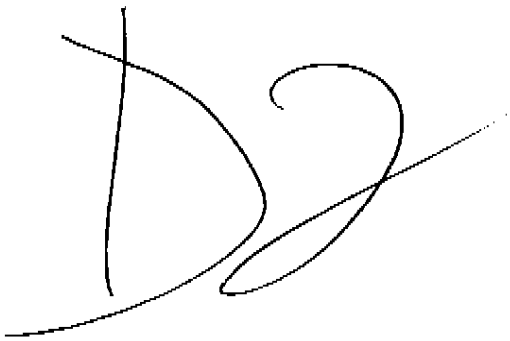
VOLVO

[Caption:] V70 for off-road terrain with more ground clearance and a distinctive front.

V70 Cross Country

A Volvo for the rough

With the V70 Cross Country, the Swedes developed a wagon that does not easily break down even off the roads. The precondition for the off-road mobility is the 25 millimeters higher ground clearance than in the serial model. The body as a whole is raised by a total of 50 millimeters. But this is not the only feature by which the Cross Country can be clearly recognized. A distinctive front end with an integrated impact bar, a new roof baggage rack and new wheels are further features. The drive is provided by a 193 horse power 2.5 liters five-cylinder. A permanent all-wheel drive distributes the force via a viscous transmission in a variable manner to all four wheels. The premiere Cross Country premieres at the IAA and goes on sale in the first quarter 1998. The price of the off-road Swede should be around 70,000 Marks.



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Automotive News®

JULY 21, 1997

$3/COPY

NEWS

GM faces [illegible] strike

[illegible] Tuesday, July 22, [illegible] in strike are 2,800 [illegible] of a plant in War- [illegible]

see LATE NEWS, 2

Toyota, Republic go to war

BRADFORD WERNLE
Staff Reporter

Florida Lexus dealer Ron Salhany has vowed to make Toyota pay dearly for interfering with what he sees as his right to sell his dealerships to Republic Industries Inc.

Salhany and his partners in Gulf Management Inc. agreed in May to merge their dealerships with Republic in exchange for $46 million in Republic stock. But Toyota Motor Sales U.S.A. Inc. has asked the state to block the transfer of Lexus of Tampa Bay and Lexus of Clearwater Inc. to Republic.

"I can tell you I am going to sue them (Toyota) for treble damages," said Salhany, managing partner of Lexus of Tampa Bay and Lexus of Clearwater. "I entered into a merger agreement. As a businessman in the United States and a citizen of Florida, I have a right to do that. Toyota came in and took that right away."

The Florida case is the latest in an escalating war of words and legal actions between Toyota and Republic. The battles have ranged over several states, including Florida, Texas and Arizona. Salhany, 48, finds himself caught in the middle of a brawl between corporate giants.

Where it goes from here is anyone's guess.

see BATTLE, 41

Franchise laws pose challenge for Ford

DONNA LAWRENCE HARRIS
Staff Reporter

Complex state franchise laws create an obstacle course for Ford Motor Co. as it attempts to establish factory-controlled dealerships.

The company has proposed forming two new retail corporations by merging the dealerships in Indianapolis and in Salt Lake City, and other cities are in the works. Ford would have controlling interest in the new ventures.

The company says it merely wants to experiment in a few markets to keep abreast of a revolution in auto retailing. But some dealers say Ford's plan, if broadened nationwide, would undermine the national franchise system.

At least half the states ban or restrict factory ownership and operation of dealerships, according to

see FRANCHISE, 44

No antitrust fight expected ► 44

Legal spider web

- Ford aims to merge dealerships in three markets.
- But dealers fear Ford's pilot could inspire other factory stores and threaten the franchise system.
- More than half of the state franchise laws restrict manufacturer ownership and operation of dealerships.

New shine for used cars

Buick, Chevrolet ... GM Certified Used Vehicles. GM Certified *what?* With a new ad campaign, which began last week, General Motors hopes to put its inspected and guaranteed used cars on the same pedestal as its long-established brands. Some of the ads, right, make pretty pictures of the stuff of everyday life. In the same way, GM hopes students, soccer moms, vacationers and business travelers will see glamour in what traditionally has been an auto industry plain-Jane — the used car. But will dealers buy into the program? See story on Page 3.

GM seeks new role for harried Opel unit

DIANA T. KURYLKO
Staff Reporter

General Motors is reassessing how it uses overburdened Adam Opel AG to execute its huge and ambitious plan to enter global markets.

Herman: Cuts proposed

At the same time, massive changes are either under way or are being studied to stem the bleeding at Opel.

According to Opel Chairman David Herman, an internal study proposes to:

- Eliminate up to 10,000 of Opel's 45,000 blue-collar jobs.
- Cut other costs.
- Change how and where Opel builds cars.

see OPEL, 44

Electronics firms dominate supplier list

LINDSAY CHAPPELL
Staff Reporter

If you want to run with the biggest in the global automotive supplier business, two things would help: make electronic components, and sell your parts in North America.

Of the 50 biggest suppliers in the world this year, 24 are based in North America, and several of the European and Japanese firms derive more than 10 percent of their sales from this market.

The 1997 *Automotive News* ranking of the world's largest suppliers reveals that at least 26 of the world's top 50 rely on vehicle electronics for some part of their global business. For example, Denso Corp., which is No. 4 and is Japan's biggest supplier, obtains most of its revenue from electric motors, fans and engine controls. TRW Inc., which is seventh, produces airbag sensors and antitheft systems in addition to seat belts and suspension parts.

List of the top 50 global suppliers ► 26-27

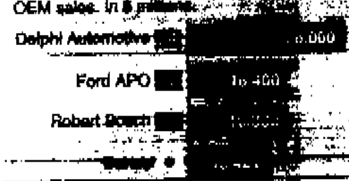
Ten of the top 12 firms got where they are with some help from electronics.

The biggest supplier remains General Motors' Delphi Automotive Systems, with 1996 revenue of $26 billion. That's nearly $10 billion ahead of the No. 2 supplier, Ford Automotive Products Operations. Next year, Delphi will pull even

see SUPPLIERS, 29

Globetrotters

World's biggest suppliers, [illegible] OEM sales. In $ millions



Source: Automotive News [illegible]

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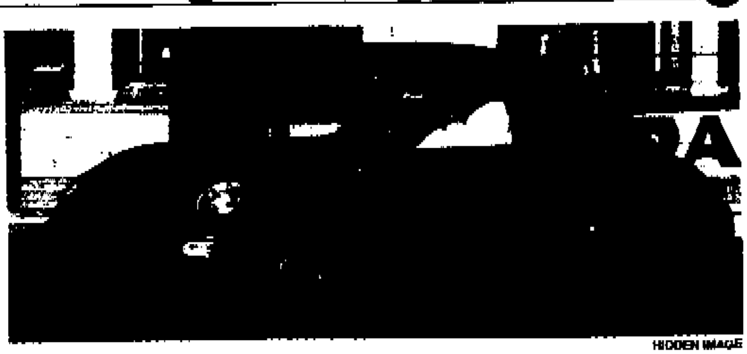


HIDDEN IMAGE

Flying Beetle

Volkswagen is readying its new Beetle for launch in the United States early next year. This unauthorized shot of a production prototype undergoing hot weather testing shows that the car closely resembles the Concept 1 show car even though it is a bit longer. Air intakes in the front bumper help cool the car's water-cooled front-mounted engine.

latenews

CONTINUED from PAGE 1

and luxury cars and minivans. Also ready to strike are 2,900 workers at a Delphi lighting plant in Anderson, Ind., that makes components for most GM assembly plants.

At Pontiac, local union president Ron Miller said GM has agreed to pay at least $10 million to settle more than 3,000 grievances the local filed against the company. Miller also said the plant gained more than 500 workers under the settlement that was scheduled for a vote late Friday afternoon.

The strike prompted GM to move prototype work for the trucks from Pontiac to an assembly plant in Oshawa, Ontario. But Miller says that does not mean any reduced work for Pontiac.

— *Kathy Jackson*

Chrysler lemon decision due

California's New Motor Vehicle Board said last Thursday, July 17, that it will issue a decision within 30 days on Chrysler Corp.'s appeal of sanctions levied by the California Department of Motor Vehicles.

In October 1996, the department slapped Chrysler with an unprecedented suspension that would prohibit the company from supplying vehicles to its dealers in California for 45 days. The suspension was the culmination of three years of hearings regarding claims that Chrysler resold 116 lemon-law buybacks in California without the proper disclosure.

Chrysler appealed the suspension to the New Motor Vehicle Board. If the board upholds the suspension, Chrysler can appeal to the California Superior Court of Appeals.

— *Ralph Kisiel*

Chrysler: Europe sales to double

Chrysler Corp. expects its sales in Europe to double by 2000, Timothy Adams, president of Chrysler Europe, told Portugal's *Diario Economico* newspaper.

Portuguese government officials in recent months have lobbied U.S. carmakers to invest in the country, partly to compensate for the likely closure of a plant in Setubal, south of Lisbon, that makes cars under license for Renault SA.

— *Bloomberg News Service*

Republic buys Powell Ford

Republic Industries Inc. has agreed to acquire Powell Ford for $32 million in Republic common stock. Both are based in Fort Lauderdale, Fla.

Steve Berrard, president and co-CEO of Republic, said Powell Ford will be an "important building block in our South Florida automotive cluster."

In 1996, Powell Ford sold 5,172 new and used vehicles and had gross revenue of $115 million.

Leo Hillock, 45, general manager of Powell Ford, has signed a long-term employment agreement with Republic.

— *Bradford Wernle*

1st Merchants could get aid

Ugly Duckling Corp. last week tossed subprime lender First Merchants Acceptance Corp. a lifeline in U.S. Bankruptcy Court and proposed a new loan agreement.

First Merchants of Deerfield, Ill., filed for Chapter 11 protection from creditors July 11 because it was in default to a group of banks. First Merchants finances mostly used cars sold by dealers in 37 states.

Phoenix-based Ugly Duckling is offering to buy out the other creditors. It provided First Merchants with a $5 million line of credit, which the Delaware court approved last week. A hearing is tentatively set for next month to approve the second half of a proposed $10 million line of credit.

Ugly Duckling operates a publicly held chain of "buy here, pay here" used-car dealerships, and underwrites, finances and services retail installment contracts.

— *Jim Henry*

Retail group stock prices

In dollars

	Close 7/18/97	Close 7/11/97	52-week high	52-week low
CarMax	$13.88	$14.00	$22.00	$13.50
Cross-Continent	9.88	9.75	28.38	8.75
Lithia Motors	11.13	11.00	13.13	9.50
Republic Industries	23.44	23.19	44.38	19.25
Rush Enterprises	6.50	6.81	14.00	5.38
Smart Choice	4.38	4.63	6.75	2.88
United Auto Group	19.63	20.50	35.25	16.00

Quotes courtesy of Roney & Co.

briefly

15,000 strong, and climbing

They've come a long way, but women could go farther in the auto business. Half the nation's franchised dealerships have at least one saleswoman, and there are nearly 15,000 saleswomen total, according to a National Automobile Dealers Association study. Still, women make up just over 7 percent of the dealership sales force, a figure that has changed little in recent years. Women have been climbing the ladder. Seventy-one percent of the dealerships have at least one female manager, and women have 16 percent of all manager jobs at dealerships around the country. NADA says hiring women makes sense. Women buyers prefer working with saleswomen. And saleswomen are more loyal to the dealership than their male counterparts are.

DOUBLY LUCKY — When John Sanderson, vice president of sales for Siemens Automotive Corp., plunked down $100 for a raffle ticket, he figured it was just a donation for a charity event, the Subway/Joe Dumars Celebrity Tennis Classic, founded by Detroit Pistons basketball star Joe Dumars. That changed when Sanderson won a $60,000 1998 Mitsubishi 3000GT Spyder donated by Mitsubishi Motor Sales of America. But Sanderson bought the ticket on behalf of Siemens, which reimbursed him. But rather than give the $100 back to Siemens, Sanderson gave the car back to [illegible], which benefits Children's [illegible] of Michigan/Detroit.

YOUR [illegible] TO [illegible] according to *The* [illegible] much [illegible] 100 [illegible] in 1970 [illegible] speed was [illegible] by 1990, due to crowded [illegible] Today, drivers average [illegible] mph in London, 15 mph in New York and [illegible] mph in Paris. In 1900, horse-drawn [illegible] navigated those cities' streets at [illegible] mph.

[illegible] — Spy photographers Jim Dunne and Brenda Priddy spend their summer traipsing around the desert Southwest to grab shots of prototype vehicles undergoing hot-weather testing. That doesn't exactly endear them to the engineers driving the prototypes. But Dunne and Priddy don't hold many grudges. Recently, they gladly sat down with a group of German engineers they had been chasing all day and bought drinks. The beer flowed freely, but information from the Germans didn't, according to one participant.

STORM DAMAGE — Automakers released June sales the week of June 30 — the week terrible storms ravaged Detroit. *Automotive News* headquarters lost power and one sales table — the June top vehicle sellers. In June, the Toyota Camry dropped to sixth place after a three-month run at No. 2.

TOP VEHICLE SELLERS June 1997

1.	Ford F-series pickup	56,140
2.	Chevrolet C/K pickup	38,007
3.	Ford Explorer	33,675
4.	Ford Taurus	31,[illegible]
5.	Ford Escort	31,070
6.	Toyota Camry	30,745
7.	[illegible]	[illegible]
8.	Dodge Caravan	29,210
9.	Honda Accord	28,982
10.	Honda Civic	28,101

Source: Automotive News Data Center

corrections

■ Chrysler Corp.'s total second-quarter 1997 revenue was reported incorrectly in a table on Page 4 of the July 14 issue. The correct figure is $14,388 million.

■ An April 14 article on Page 42 about the Mazda B-series truck misstated the line's engine offerings. Mazda will offer a 2.5-liter inline-four, a 3.0-liter V-6 and a 4.0-liter V-6.

Correction

Ferrari broker Michael Sheehan has informed *Automotive News* that an Associated Press story on Page 27 of the May 12 issue contained inaccuracies.

According to Sheehan:

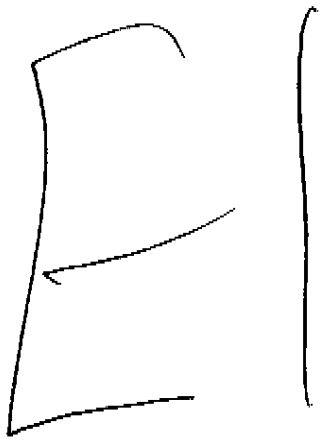
■ He continues business as a Ferrari broker.

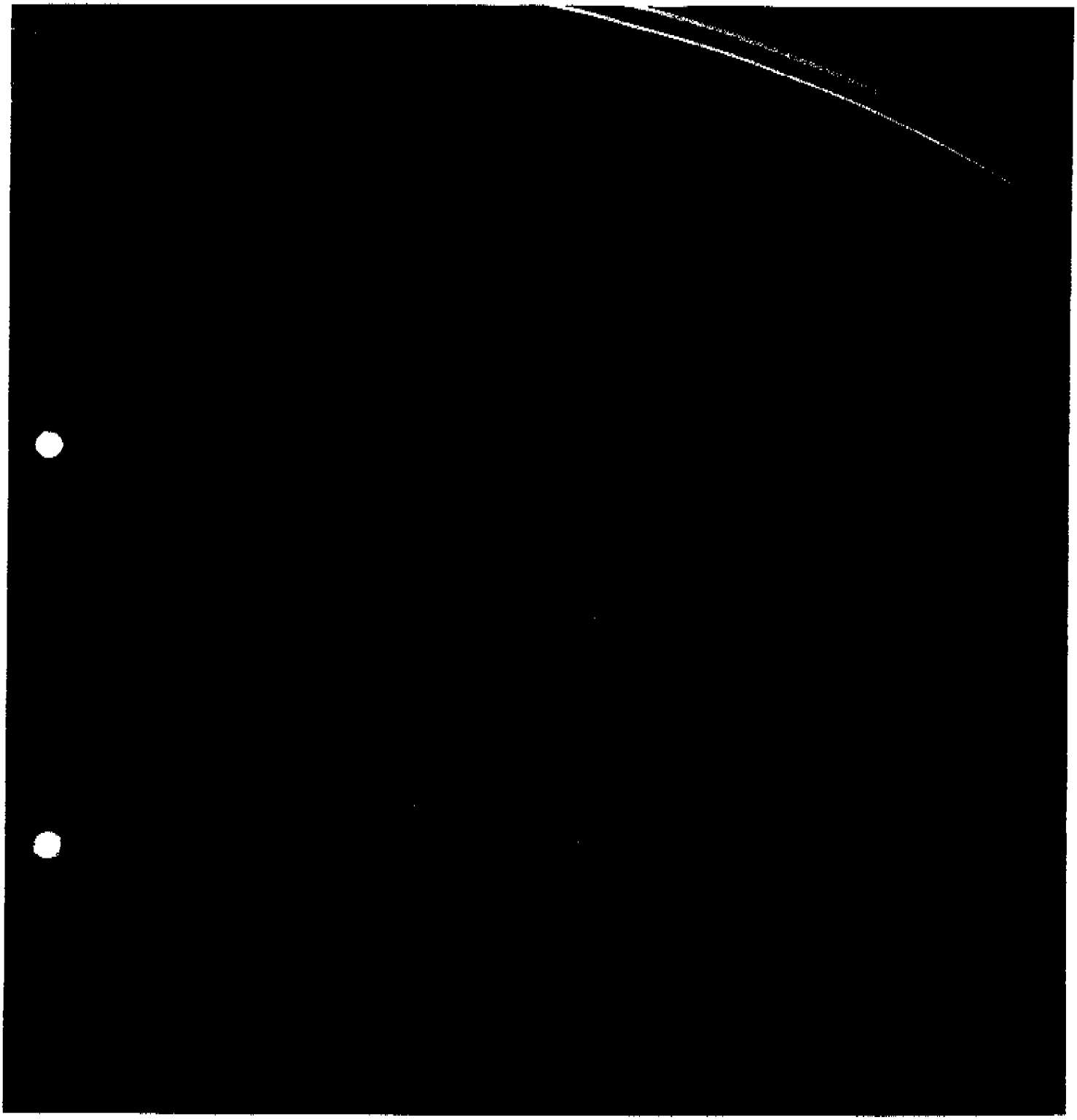
■ While the Costa Mesa, Calif., police did execute a search warrant at his home, the Costa Mesa police later advised Sheehan in writing that the department had dismissed criminal complaints against him that were the basis of that warrant. The department apologized to Sheehan for the search.

In addition, Sheehan requests that the following be clarified:

■ The article reported that a Bankruptcy Court trustee for Sheehan's business, European Auto Sales and Restoration Inc., had claimed that Sheehan laundered funds before the bankruptcy. The AP article reported Sheehan's denial of that charge. Subsequently, the trustee's counsel has informed Sheehan's attorney that the trustee made no statements that could be construed as allegations of money laundering.

■ Sheehan has requested that the court set aside the settlement reported in the AP story.





Alles erscheint in einem neuen Licht.

Der Passat V6 syncro (Sonderausstattung: Radioanlage, Climatronic, Navigationssystem, Winter-Paket, Nußbaum-Wurzelholz-Dekor).

Exklusiv im Passat V6 syncro.