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Attorneys for Plaintiff JENS ERIK SORENSEN, as  
TRUSTEE OF THE SORENSEN RESEARCH  
AND DEVELOPMENT TRUST

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

JENS ERIK SORENSEN, as  
TRUSTEE OF THE SORENSEN  
RESEARCH AND DEVELOPMENT  
TRUST

Plaintiff,

v.

PREMIER AUTOMOTIVE GROUP,  
an entity of unknown type; FORD  
MOTOR COMPANY, a Delaware  
corporation; and JAGUAR CARS,  
LTD., a British corporation.

Defendants.

CASE NO. C03-1107 RS

**COMPLAINT FOR PATENT  
INFRINGEMENT**

**DEMAND FOR JURY TRIAL**

Plaintiff JENS ERIK SORENSEN, as TRUSTEE OF THE SORENSEN  
RESEARCH AND DEVELOPMENT TRUST ("Plaintiff"), for its complaint, alleges as  
follows:

**THE PARTIES**

1. Plaintiff is a California resident, and the trustee of a trust organized and  
administered according to California law.

2. Defendant PREMIER AUTOMOTIVE GROUP ("Jaguar USA") is an  
entity of unknown type, but it is believed to be a division of FORD MOTOR

1 COMPANY ("Ford"). Jaguar USA has its principal offices located at One Premier  
2 Place, Irvine, California 92618. Ford is a corporation organized in Delaware, with its  
3 principal offices located at One American Road, Dearborn, Michigan 48126-2798.  
4 Jaguar USA and Ford are engaged in the manufacture and/or sale of automobiles and  
5 auto parts imported into, offered for sale and/or sold within the United States and this  
6 District.

7 3. Defendant JAGUAR CARS, LTD. ("Jaguar GB") is a corporation  
8 organized under the laws of Great Britain, having its principal offices at Browns Lane,  
9 Allesley, Coventry, West Midlands CV5 9DR, United Kingdom, engaged in the  
10 manufacture and sale of automobiles and auto parts imported into, offered for sale  
11 and/or sold within the United States and this District.

12 4. On information and belief, Defendant Jaguar GB is an owned and  
13 controlled subsidiary of Defendant Ford.

#### 14 **JURISDICTION**

15 5. This action arises under the Patent Laws of the United States of America,  
16 Title 35, United States Code. Jurisdiction is founded on Title 28, United States Code  
17 §§1331, 1332(a), and 1338(a).

#### 18 **INTRADISTRICT ASSIGNMENT**

19 6. Venue is proper in this Court under Title 28, United States Code §§  
20 1391(b), 1391(c), 1391(d) and 1400(b) because each of the Defendants resides in this  
21 judicial district, has caused or committed acts of infringement here, is an alien  
22 corporation, and/or has a regular and established place of business here. This case is  
23 appropriate for divisional assignment on a district-wide basis because it is a Patent  
24 Infringement Action pursuant to Civil L.R. 3-2(c).

#### 25 **GENERAL ALLEGATIONS**

26 7. Ole Sorensen, the inventor of the United States Patent No. 4,935,184 ("the  
27 '184 patent"), is an inventor who has spent a lifetime making improved plastic  
28 products and solving problems in the manufacture of plastic products including

1 product weight reduction and reduced production cycle time and various strength and  
2 quality enhancements.

3 8. Ole Sorensen's experience and efforts over the last four decades in the  
4 plastics industry have resulted in more than 65 United States Patents, many of which  
5 have been recognized worldwide. His ideas and work have led to plastic flower pots,  
6 improved plastic medical devices, tape cassette cases, cable ties, educational toys, food  
7 and beverage containers and other plastic products.

8 9. The '184 patent" entitled "Stabilized Injection Molding When Using a  
9 Common Mold Part With Separate Complimentary Mold Parts," was issued on June  
10 19, 1990. The '184 patent is one of Ole Sorensen's globally recognized patents, having  
11 also been granted in Japan and Europe. A true and correct copy of the '184 patent is  
12 attached to this complaint as Exhibit 1, and incorporated herein by this reference.

13 10. The '184 patent provides a long-sought elegant solution to a pervasive  
14 problem in the injection molding of thin-walled hollow plastic products: i.e., how to  
15 stabilize the core against deflection during the highly pressurized injection of melted  
16 plastic. This core deflection problem causes misalignment of the mold parts and  
17 results in products with walls of uneven thicknesses if not adequately controlled. Ole  
18 Sorensen has been awarded several patents for his invention of multiple methods for  
19 core stabilization that are applicable in different injection molding situations.

20 11. The '184 patented method is directed toward stabilizing the mold core  
21 during injection molding of laminated plastic parts produced sequentially in two  
22 cavities made up of one common mold part and different complementary mold parts.  
23 The '184 patent teaches a method to stabilize the core during the second or later plastic  
24 injection by molding one or more stabilizing regions into the first plastic material  
25 component(s) that rigidly secure the two mold parts against displacement during the  
26 second or later injection.

27 12. Where needed, the '184 patent also teaches a separate method for  
28 stabilizing the mold parts during the first injection. By stabilizing the core against

1 shifting during the injection process, thin-walled hollow products may be produced  
2 having controlled dimensions.

3 13. Use of the '184 process offers significant benefit for a number of  
4 components produced in the automotive industry. For instance, the controlled  
5 dimensions allowed by the process can be used to produce automotive tail light lenses  
6 that are made thinner, and thereby with less plastic material than would otherwise be  
7 required. When other factors are equal, thinner layers of plastic tend to solidify more  
8 rapidly than thicker layers during the injection process. Therefore, the thinner  
9 products not only save materials, but also can be produced with shorter cycle times to  
10 reduce the overall cost of the product.

11 14. Defendants has not obtained a license or any other valid authorization for  
12 its use of the '184 process in making their tail light lenses or other products.

### 13 **CLAIM FOR RELIEF**

#### 14 **(Patent Infringement)**

15 15. Plaintiff realleges and incorporates herein by reference paragraphs 1  
16 through 14, inclusive, as though fully set forth hereat.

17 16. Defendants has in the past and does presently make, use, sell or offer for  
18 sale within the United States and this District, and/or import into the United States,  
19 Defendants tail light lens assemblies and Defendants automobiles incorporating the  
20 same. Those Defendants products which include the subject lens assemblies are  
21 identified as the 1998 through 2001 Jaguar XJ8/XJR/Vanden Plas Tail Lights; and any  
22 other of Defendants products which utilize the technology taught in the '184 patent  
23 ("Accused Products").

24 17. Defendants sells these lens assemblies, including the Accused Products,  
25 under the Defendants trademark as Defendants original auto parts. The Accused  
26 Products bear the Defendants name either directly on the light and/or the packaging for  
27 the same. Defendants represents that the Accused Products are genuine Defendants  
28 products.

1           18. Defendants controls the nature and quality of products sold under the  
2 Defendants trademark, including the Accused Products, and manufactures these  
3 products in accordance with its design and product specifications.

4           19. Defendants has the power or authority, and/or has exercised such power  
5 or authority to guide, manage, regulate, direct, or influence the design and manufacture  
6 of lens assemblies sold under the Defendants trademark, including the Accused  
7 Products. Defendants can specify whether or not such products will or will not made  
8 by any particular process, including the '184 patented process.

9           20. Defendants exercises influence and control in the following areas for lens  
10 assemblies sold under the Defendants trademark, including the Accused Products:  
11 product design, product appearance, product quality acceptance, product quality  
12 testing, required product production capacity, production output, and product design  
13 specifications such as tensile and impact strength, color stability, and UV degradation  
14 resistance.

15           21. On information and belief, Defendants own, in whole or in part, the  
16 design for the lenses sold under the Defendants trademark, including the Accused  
17 Products.

18           22. On information and belief, Defendants own, in whole or in part, the  
19 molds for the lenses sold under the Defendants' trademarks, including the Accused  
20 Products.

21           23. Defendants possess or can obtain the manufacturing process information  
22 for the lenses sold under the Defendants' trademarks, including the Accused Products.

23           24. Defendants have been on constructive notice of the '184 patent since its  
24 issuance on June 19, 1990.

25           25. By counsel's letter of December 3, 2002, Plaintiff placed Defendants on  
26 actual notice of the '184 patent and provided Defendants with drawings and claims  
27 charts showing the substantial likelihood pursuant to 35 U.S.C. § 295, of the  
28 infringement of the '184 patented process by the manufacture, import, sale and/or use

1 in this District and the United States of the Accused Products identified in Sorensen  
2 Drawing Number D-5329A, the 1998 through 2001 Jaguar XJ8/XJR/Vanden Plas Tail  
3 Lights.

4 26. The evidence provided to Defendants in the letter of December 3, 2002  
5 included Sorensen drawing number D-5329A and related claim charts illustrating how  
6 the process utilized to produce the Accused Products incorporated each element of the  
7 '184 patent claims. The letter included the inventor's analysis of the apparent injection  
8 molding process used to make the Accused Products. The letter also provided  
9 Defendants with a copy of the '184 patent and its file history.

10 27. Each of the Accused Products are thin-walled hollow, plastic and are  
11 produced by cyclic injection molding.

12 28. Each of the Accused Products have a closed end and an open end.

13 29. Each of the Accused Products have laminated walls.

14 30. The laminated walls of each of the Accused Products terminate in a rim  
15 at an open end.

16 31. Each of the Accused Products are molded utilizing a first mold cavity and  
17 a second mold cavity.

18 32. On information and belief, the first mold cavity utilized to mold each of  
19 the Accused Products is formed of a first common mold part and a first  
20 complementary mold part.

21 33. On information and belief, the second mold cavity utilized to mold each  
22 of the Accused Products is formed of a first common mold part and a second  
23 complementary mold part.

24 34. On information and belief, the following steps are followed in production  
25 of each of the Accused Products:

26 (a) On information and belief, the first common mold part and the first  
27 complementary mold part are combined to assemble the first mold cavity.  
28

1 (b) On information and belief, a first plastic material is injected into the  
2 first mold cavity of the Accused Products.

3 (c) On information and belief, the injected first plastic material is  
4 solidified to form a first plastic material component of the Accused Products.

5 (d) On information and belief, the first common mold part and the second  
6 complementary mold part are combined to assemble the second mold cavity of the  
7 Accused Products, with the first plastic material component attached to the first  
8 common mold part during assembly of the second mold cavity. The first plastic  
9 material component is then contained within the second mold cavity.

10 (e) On information and belief, a second plastic material having different  
11 characteristics (color) than the first plastic material is injected into the second mold  
12 cavity.

13 (f) On information and belief, after the second plastic material is injected,  
14 it solidifies to form a second plastic material component that fuses with the first plastic  
15 material component to produce the Accused Products.

16 (g) On information and belief, the first plastic material component has  
17 one or more stabilizing regions that rigidly secure the first common mold part, in  
18 position in relation to the second complementary mold part.

19 35. On information and belief, the stabilizing regions of the first plastic  
20 material component restrict displacement of the first common mold part in relation to  
21 the second complementary mold part.

22 36. On information and belief, the stabilization during the injection of the  
23 second plastic material allows the Accused Products, to be produced with controlled  
24 dimensions.

25 37. The first plastic material of the Accused Products reaches the rim of the  
26 Accused Products.

27 38. The second plastic material of the Accused Products reaches the rim of  
28 the Accused Products.



1       39. Plaintiff provided Defendants with an opportunity to prove that it was not  
2 using the '184 process. Pursuant to 35 U.S.C. § 295, Plaintiff requested that  
3 Defendants provide information about the manufacturing process for the Accused  
4 Products that could either prove or disprove the use of the '184 patented process.

5       40. Plaintiff also offered to negotiate a license with Defendants for their use  
6 of the '184 patent in the event that Defendants could not demonstrate that they were  
7 not using the '184 patented process in making the Accused Products.

8       41. Despite the evidence of patent infringement, Defendants have not  
9 procured a license for its use of the '184 patent.

10       42. Defendants have an affirmative duty to investigate allegations of  
11 infringement, and to not infringe the '184 patent now that they have been placed on  
12 notice of the '184 patent and its infringement.

13       43. As of the filing date of this Complaint, Defendants have not provided  
14 manufacturing process information for the Accused Products though requested to do  
15 so by Plaintiff in accordance with 35 U.S.C. §295.

16       44. On information and belief the manufacturing process information  
17 illustrated in Sorensen Drawing number D-5329A is substantially correct. Drawing  
18 number D-5329A has been provided to Defendants, and the manufacturing process  
19 information illustrated therein is described in the related claim chart, which has also  
20 been provided to Defendants.

21       45. The Defendants lens assemblies which infringe the '184 patent include the  
22 Accused Products identified hereinabove and may include others, of which Plaintiff  
23 is not presently aware, which will be identified if and when Plaintiff becomes aware  
24 of them.

25       46. Defendants will continue to make, use, sell and/or offer for sale within  
26 the United States and this District, and import into the United States Defendants lens  
27 assemblies and automobiles incorporating lens assemblies manufactured using the '184  
28 patent process, without authority to do so, in violation of 35 U.S.C. §271, knowing



1 such to be an infringement of the '184 patent, and in willful disregard of Plaintiff's  
2 '184 patent rights, unless enjoined from doing so by this Court.

3 47. Defendants contribute to the infringement of the '184 patent and induce  
4 others to infringe the '184 patent by virtue of making, selling, using and/or offering for  
5 sale within the United States and this District, and importing into the United States,  
6 Defendants lens assemblies manufactured using the '184 patent process and  
7 Defendants automobiles incorporating such lenses in willful disregard of Plaintiff's  
8 '184 patent rights.

9 48. Defendants will continue to contribute to and to induce infringement of  
10 the '184 patent by making, selling, using and/or offering for sale within the United  
11 States and this District, and importing into the United States, Defendants lens  
12 assemblies manufactured using the '184 patent process and Defendants automobiles  
13 incorporating such lenses in willful disregard of Plaintiff's '184 patent rights, unless  
14 enjoined by this Court.

15 49. The conduct of Defendants in willfully continuing to infringe the '184  
16 patent, and to induce others to infringe the '184 patent, by the acts alleged hereinabove  
17 despite being on both constructive notice and actual notice, is deliberate, thus making  
18 this an exceptional case within the meaning of 35 U.S.C. §285.

19 50. Plaintiff has suffered and is continuing to suffer damages in the amount  
20 of at least \$1,261,965.60 and according to proof at trial, by reason of Defendants  
21 infringing conduct alleged hereinabove. Plaintiff has suffered and will continue to  
22 suffer additional irreparable harm and impairment of the value of its patent rights  
23 unless Defendants and its subsidiaries are enjoined by this court from continuing to  
24 infringe the '184 patent.

25 **PRAYER FOR RELIEF**

26 **WHEREFORE**, Plaintiff prays that judgment be entered as follows:

27 a. Defendants are adjudicated and decreed to have infringed the '184 patent;  
28

b. Defendants are adjudicated and decreed to have contributed to the infringement of the '184 patent and to have induced others to infringe the '184 patent;

c. Defendants, their subsidiaries, divisions, affiliates, officers, agents, and attorneys, and those acting in privity or concert with them, are enjoined from further infringement of the '184 patent, and from further contribution to or inducement of the infringement of the '184 patent;

d. Defendants are ordered to account for damages adequate to compensate Plaintiff for the infringement of '184 patent, their contributory infringement of the '184 patent, and their inducement of infringement of the '184 patent, in the amount of at least \$1,261,965.60 and according to proof at trial;

e. Such damages as are awarded are trebled by the Court pursuant to 35 U.S.C. §284 by reason of the willful, wanton, and deliberate nature of the infringement;

f. That this is decreed an "exceptional case" and Plaintiff is awarded reasonable attorneys' fees by the Court pursuant to 35 U.S.C. § 285;

g. For interest thereon at the legal rate;

h. For costs of suit herein incurred;

i. For such other and further relief as the Court may deem just and proper.

**DATED: March 13, 2003**

**Respectfully,**

**s/ J. Michael Kaler**

**BY: \_\_\_\_\_**  
**J. MICHAEL KALER**  
**Attorney for Plaintiff JENS E. SORENSEN,**  
**as Trustee of the Sorensen Research and**  
**Development Trust**

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**DEMAND FOR JURY TRIAL**

Plaintiff respectfully requests that its claims be tried to a jury.

**DATED: March 13, 2003**

**Respectfully,**

**s/ J. Michael Kaler**

**BY: \_\_\_\_\_**  
**J. MICHAEL KALER**  
**Attorney for Plaintiff JENS E. SORENSEN,**  
**as Trustee of the Sorensen Research and**  
**Development Trust**