

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

AUTOMOTIVE TECHNOLOGIES
INTERNATIONAL, INC.,
a Delaware corporation,

Case No. 06-15756
Hon. Robert H. Cleland

Plaintiff,

vs.

SIEMENS VDO AUTOMOTIVE CORPORATION,
a Delaware corporation, TK ELECTRONICS, INC.,
a Delaware corporation,
TRW AUTOMOTIVE HOLDINGS CORPORATION,
a Delaware corporation,
NISSAN NORTH AMERICA, INC.,
a California corporation, HYUNDAI MOTOR AMERICA,
a Delaware corporation, and KIA MOTORS AMERICA, INC.,
a Delaware corporation,

**FIRST AMENDED
COMPLAINT FOR PATENT
INFRINGEMENT, JURY
TRIAL AND DAMAGES**

Defendants.

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**FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT,
JURY TRIAL AND DAMAGES**

Parties

Plaintiff, Automotive Technologies International, Inc. (“ATI”) as its Complaint against SIEMENS VDO AUTOMOTIVE CORPORATION, a Delaware corporation, TK ELECTRONICS, INC., a Delaware corporation, TRW AUTOMOTIVE HOLDINGS CORPORATION, a Delaware corporation, and NISSAN NORTH AMERICA, INC., a California corporation, HYUNDAI MOTOR AMERICA, a Delaware corporation, and KIA MOTORS AMERICA, INC., a Delaware corporation, (collectively the “Defendants”) alleges as follows:

1. Plaintiff ATI is a Delaware corporation.
2. Siemens VDO Automotive Corporation is a Delaware corporation doing business in Michigan and conducting the acts of infringement complained of in the State of Michigan within this district.
3. TK Electronics, Inc. is a Delaware corporation doing business in Michigan and conducting the acts of infringement complained of in the State of Michigan within this district.
4. TRW Automotive Holdings Corporation is a Delaware corporation doing business in Michigan and conducting the acts of infringement complained of in the State of Michigan within this district.
5. Nissan North America, Inc. is a California corporation doing business in Michigan and conducting the acts of infringement complained of in the State of Michigan within this district.
6. Defendant Hyundai Motor America is a Delaware corporation doing business in Michigan and conducting the acts of infringement complained of in the State of Michigan within this district.

7. Defendant Kia Motors America, Inc. is a Delaware corporation doing business in Michigan and conducting the acts of infringement complained of in the State of Michigan within this district.

Jurisdiction and Venue

8. This Court has jurisdiction pursuant to 28 USC §§ 1331 and 1338 over this infringement action, which arises under the patent laws of the United States Code, and in particular, 35 USC §§ 271, 281, 283, 284 and 285.

9. On information and belief, all Defendants do business in the state of Michigan and in this district. Venue is proper in this Court pursuant to 28 USC §§ 1391 and 1400.

The Patents-In-Suit

10. On April 11, 2006, United States Letters Patent No. 7,025,379 B2, entitled SIDE IMPACT SENSOR SYSTEMS (“the ’379 patent”) (**Exhibit A**), duly and legally issued. The patent is valid and subsisting.

11. ATI owns all right, title and interest to the ’379 patent.

12. On May 30, 2006, United States Letters Patent No. 7,052,038 B2, entitled SIDE IMPACT SENSOR SYSTEMS (“the ’038 patent”) (**Exhibit B**), duly and legally issued. The patent is valid and subsisting.

13. ATI owns all right, title and interest to the ’038 patent.

14. On July 4, 2006, United States Letters Patent No. 7,070,202 B2, entitled SIDE IMPACT SENSOR SYSTEMS (“the ’202 patent”) (**Exhibit C**), duly and legally issued. The patent is valid and subsisting.

15. ATI owns all right, title and interest to the ’202 patent.

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16. On August 29, 2006, United States Letters Patent No. 7,097,201 B2, entitled SIDE IMPACT SENSOR SYSTEMS (“the ’201 patent”) (**Exhibit D**), duly and legally issued. The patent is valid and subsisting.

17. ATI owns all right, title and interest to the ’201 patent.

18. On February 1, 2005, United States Letters Patent No. 6,850,824 B2 entitled METHOD AND APPARATUS FOR CONTROLLING VEHICULAR COMPONENT (“the ’824 patent”) (**Exhibit E**), duly and legally issued. The patent is valid and subsisting.

19. ATI owns all right, title and interest to the ’824 patent.

20. The patents of Exhibits A through E are collectively referred to herein as “the Patents.”

**Count 1 - Patent Infringement of
the ’379 Patent, the ’038 Patent, the ’202 Patent and the ’201 Patent**

21. All Defendants have been and still are infringing the ’379 Patent, the ’038 Patent, the ’202 Patent and the ’201 Patent in this judicial district and elsewhere, by making, importing, offering for sale, selling, and/or using side impact sensors and side airbag systems, and practicing the methods of making said sensors and systems which embody the patented inventions and will continue to do so unless enjoined by this court. Specifically, it is believed that at least the following side impact sensors and/or systems, or sensors and/or systems whose precise designation is presently unknown but are substantially similar to the following, infringe the ’379 Patent, the ’038 Patent, the ’202 Patent and the ’201 Patent:

- a. Siemens: G-SAT, G-SAT SACM, and P-SAT Type 2
- b. TK Electronics: SCS
- c. TRW: SIACM, RAS-Type 1, RAS-Type 2, SISM-Type 1, and SISM-Type 2.
- d. Nissan North America: Calsonic Kansei sensors Type 1 and Type 2
- e. Hyundai: sensor of unknown model designation
- f. Kia: sensor of unknown model designation

22. Upon information and belief, each of the Defendants also infringe the '379 Patent, the '038 Patent, the '202 Patent and the '201 Patent as a contributory infringer and by active inducement of infringement.

23. Upon information and belief, Defendants' acts of infringement have been and continue to be willful and wanton.

Count 2 - Patent Infringement of the '824 Patent

24. Defendants Siemens, TK Electronics, TRW and Nissan North America have been and still are infringing '824 Patent in this judicial district and elsewhere, by making, importing, offering for sale, selling, and/or using side impact sensors and side airbag systems, and practicing the methods of making said sensors and systems which embody the patented inventions and will continue to do so unless enjoined by this court. Specifically, it is believed that at least the following side impact sensors and/or systems, or sensors and/or systems whose precise designation is presently unknown but are substantially similar to the following, infringes the '824 Patent:

- a. Siemens: G-SAT, G-SAT SACM, and P-SAT Type 2
- b. TK Electronics: SCS
- c. TRW: SIACM, RAS-Type 1, RAS-Type 2, SISM-Type 1, and SISM-Type 2.
- d. Nissan North America: Calsonic Kansei sensors Type 1 and Type 2

25. Upon information and belief, Defendants Siemens, TK Electronics, TRW and Nissan North America also infringe the '824 Patent as a contributory infringer and by active inducement of infringement.

26. Upon information and belief, the acts of infringement of Defendants Siemens, TK Electronics, TRW and Nissan North America have been and continue to be willful and wanton.

Relief Requested

WHEREFORE, Plaintiff ATI prays for relief against Defendants as follows:

- a. Enter judgment that each Defendant has directly infringed, has actively induced others to infringe and/or has contributed in the infringement of the '379 Patent;
- b. Enter judgment that said infringement of the '379 Patent was and continues to be willful and wanton;
- c. Enter judgment that each Defendant has directly infringed, has actively induced others to infringe and/or has contributed in the infringement of the '038 Patent;
- d. Enter judgment that said infringement of the '038 Patent was and continues to be willful and wanton;
- e. Enter judgment that each Defendant has directly infringed, has actively induced others to infringe and/or has contributed in the infringement of the '202 Patent;
- f. Enter judgment that said infringement of the '202 Patent was and continues to be willful and wanton;
- g. Enter judgment that each Defendant has directly infringed, has actively induced others to infringe and/or has contributed in the infringement of the '201 Patent;
- h. Enter judgment that said infringement of the '201 Patent was and continues to be willful and wanton;
- i. Enter judgment that Defendants Siemens, TK Electronics, TRW and Nissan North America have directly infringed, has actively induced others to infringe and/or has contributed in the infringement of the '824 Patent;
- j. Enter judgment that said infringement of the '824 Patent was and continues to be willful and wanton;

k. Award ATI damages adequate to compensate for past infringement by Defendants in the amount no less than a reasonable royalty, in a sum to be determined at trial, and that said damages be trebled in view of the willful and wanton nature of the infringement;

l. Enter a preliminary and permanent injunction against Defendants, its officers, agents, servants, employees and attorneys, and other persons in active concert or participation with Defendants, enjoining Defendants from further infringement of the '379 patent;

m. Enter a preliminary and permanent injunction against Defendants, its officers, agents, servants, employees and attorneys, and other persons in active concert or participation with Defendants, enjoining Defendants from further infringement of the '038 patent;

n. Enter a preliminary and permanent injunction against Defendants, its officers, agents, servants, employees and attorneys, and other persons in active concert or participation with Defendants, enjoining Defendants from further infringement of the '202 patent;

o. Enter a preliminary and permanent injunction against Defendants, its officers, agents, servants, employees and attorneys, and other persons in active concert or participation with Defendants, enjoining Defendants from further infringement of the '201 patent;

p. Enter a preliminary and permanent injunction against Defendants Siemens, TK Electronics, TRW and Nissan North America, their respective officers, agents, servants, employees and attorneys, and other persons in active concert or participation with Defendants Siemens, TK Electronics, TRW and Nissan North America, enjoining Defendants Siemens, TK Electronics, TRW and Nissan North America from further infringement of the '824 patent;

q. Order Defendants to deliver to ATI for destruction, all infringing products and systems in their possession;

r. Declare this case an exceptional case under 35 U.S.C. § 285, and award ATI its attorney fees incurred in this action;

s. Award ATI its costs of this action, interest on the award and other charges to the maximum extent permitted; and

t. Award ATI any other relief as the Court deems just and proper under the circumstances.

Demand For Jury Trial

Plaintiff hereby demands a trial by jury herein.

Respectfully submitted,
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Dated: October 19, 2007

PROOF OF SERVICE

I certify that on 10-19-07, I electronically filed the forgoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

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