

ORIGINAL

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

LEAR CORPORATION,
a Delaware corporation,

Plaintiff,

**HONORABLE GEORGE CARAM STEEH
MAGISTRATE JUDGE CARLSON**

vs.

CIVIL ACTION NO. 00-72895

**BERTRAND FAURE TECHNICAL
CENTER INC.,**
a Delaware corporation,

Defendant.

U.S. DIST. COURT
EASTERN DISTRICT OF MICHIGAN
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FILED

JOHN M. HALAN (P37616)
GINTA D. KUKAINIS (P57457)
BROOKS & KUSHMAN P.C.
1000 Town Center
Twenty-Second Floor
Southfield, Michigan 48075
Tel: (248) 358-4400
Fax: (248) 358-3351

Attorneys for Plaintiff

DANIEL J. STEPHENSON (P34500)
STEWART L. MANDELL (P33781)
DYKEMA GOSSETT PLLC
315 E. Eisenhower Parkway, Suite 100
Ann Arbor, Michigan 48108
Tel: (734) 214-7660
Fax: (734) 214-7696

THOMAS L. DUSTON
WILLIAM McCracken
**MARSHALL, O'TOOLE, GERSTEIN,
MURRAY & BORUN**
6300 Sears Tower
Chicago, Illinois 60606
Tel: (312) 474-6630
Fax: (312) 474-0448

Attorneys for Defendant

**FIRST AMENDED
COMPLAINT AND DEMAND FOR JURY TRIAL**

Plaintiff, Lear Corporation, alleges against defendant, Bertrand Faure Technical Center, Inc., the following:

11



LAW OFFICES

BROOKS & KUSHMAN P.C.

1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075

(248) 358-4400

I. THE PARTIES

1. Plaintiff, Lear Corporation ("Lear"), is a Delaware corporation having a principal place of business at 21557 Telegraph Road, Southfield, Michigan 48086.

2. Bertrand Faure Technical Center, Inc. ("Bertrand Faure"), is a Delaware corporation.

3. Bertrand Faure is qualified to do business in the State of Michigan under Corporate Identification No. 638399 and has appointed as its Michigan registered agent the United States Corporation Company at the registered address of 601Abbott Road, East Lansing, Michigan 48823.

4. Bertrand Faure has a principal place of business at 2380 Meijer Drive, Troy, Michigan 48084.

5. Upon information and belief, Bertrand Faure has transacted and is transacting business in the Eastern District of Michigan, Southern Division.

6. Upon information and belief, Bertrand Faure owns, uses, or possesses real or tangible personal property within the Eastern District of Michigan, Southern Division.

7. Upon information and belief, Bertrand Faure does business under the name Faurecia.



LAW OFFICES

BROOKS & KUSHMAN P.C.

1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075

(248) 358-4400

II. JURISDICTION AND VENUE

8. The claims pleaded arise under the Patent Act, 35 U.S.C. § 100, *et seq.*, and the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and subject matter jurisdiction for such claims is conferred on the Court by 28 U.S.C. §§ 1331 and 1338.

9. Venue is proper in this judicial district under 28 U.S.C. §§ 1391 and 1400.

III. UNDERLYING FACTS

10. On January 3, 1995, United States Patent No. 5,795,019 ("the '019 patent" attached as Exhibit A) was duly and lawfully issued on a vehicle seat and headrest arrangement invention.

11. Lear is the owner by assignment of the '019 patent.

12. Bertrand Faure was provided by Lear with notice of the '019 patent on or about April 19, 2000. (Exhibit B.)

13. Bertrand Faure has known of the '019 patent since at least April, 2000.

14. Bertrand Faure has made, used, offered for sale, and/or sold in the United States certain vehicle seat and headrest arrangements and, as an allegation likely to have evidentiary support after a reasonable opportunity for further investigation or discovery, Lear asserts that such arrangements include an arrangement known as the Spinal CARE System®.



LAW OFFICES

BROOKS & KUSHMAN P.C.

1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075

(248) 358-4400

15. As an allegation likely to have evidentiary support after a reasonable opportunity for further investigation or discovery, Lear asserts that Bertrand Faure has offered for sale, to at least one original equipment manufacturer (OEM) of motor vehicles in the United States, the Spinal CARE System®.

16. As an allegation likely to have evidentiary support after a reasonable opportunity for further investigation or discovery, Lear asserts that Bertrand Faure has offered the Spinal CARE System® for sale in the United States through promotion and marketing materials distributed or disseminated in the United States.

17. As an allegation likely to have evidentiary support after a reasonable opportunity for further investigation or discovery, Lear asserts that at least one OEM of motor vehicles in the United States has contracted with Bertrand Faure for the purchase of the Spinal CARE System® whether by itself or in conjunction with other products.

IV. COUNT I -- PATENT INFRINGEMENT

18. Plaintiff repeats and incorporates the allegations of Paragraphs 1-16.

19. As an allegation likely to have evidentiary support after a reasonable opportunity for further investigation or discovery, Lear asserts that Bertrand Faure has been and is infringing the '019 patent by making, using, offering for sale, or selling in the United States certain vehicle seat and headrest arrangements, including without limitation the Spinal CARE System®.

20. Such infringement by Bertrand Faure has been and/or is willful.



LAW OFFICES

BROOKS & KUSHMAN P.C.

1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075

(248) 358-4400

21. Lear has suffered, and/or will suffer, damages as a result of such infringement.

V. DEMAND FOR RELIEF

WHEREFORE, Lear Corporation requests a judgment in its favor and against Bertrand Faure Technical Center Inc. for the following relief:

- A. a determination and declaration that Bertrand Faure has been and/or is infringing the '019 patent;
- B. preliminary and permanent injunctive relief restraining Bertrand Faure from further engaging in an activity directed toward infringing, and/or making meaningful preparations to infringe, the '019 patent;
- C. an award of damages to Lear;
- D. an award of interest on all damages awarded;
- E. a determination that the infringement has been and is deliberate and willful, and that damages awarded to Lear be trebled or otherwise increased;
- F. an award to Lear of all attorneys fees and costs incurred by Lear; and
- G. such other and further relief as Lear may be entitled to.



LAW OFFICES

BROOKS & KUSHMAN P.C.

1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075

(248) 358-4400

VI. DEMAND FOR JURY TRIAL

Lear Corporation hereby demands a trial by jury for all issues so triable.

Respectfully submitted,

BROOKS & KUSHMAN P.C.

By: _____

JOHN M. HALAN (P37616)

GINTA KUKAINIS (P57457)

1000 Town Center, Twenty-Second Floor

Southfield, Michigan 48075

(248) 358-4400

Attorneys for Plaintiff

Date: October 31, 2000



LAW OFFICES

BROOKS & KUSHMAN P.C.

1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075

(248) 358-4400

CERTIFICATE OF SERVICE

I certify that I served:

**FIRST AMENDED
COMPLAINT AND DEMAND FOR JURY TRIAL**

on October 31, 2000 by:

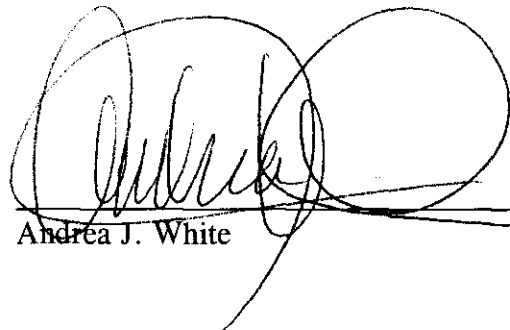
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mailing (via First-Class mail)

a copy to the following counsel for Defendant:

DANIEL J. STEPHENSON
STEWART L. MANDELL
DYKEMA GOSSETT PLLC
315 E. Eisenhower Parkway,
Suite 100
Ann Arbor, Michigan 48108

THOMAS L. DUSTON
WILLIAM McCracken
**MARSHALL, O'TOOLE, GERSTEIN,
MURRAY & BORUN**
6300 Sears Tower
Chicago, Illinois 60606


Andrea J. White

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LAW OFFICES
BROOKS & KUSHMAN P.C.

1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075

(248) 358-4400

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

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