

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

BOS GMBH & CO. KG,	)	
	)	
Plaintiff,	)	Civil Action No. _____
v.	)	
	)	<b>JURY TRIAL DEMANDED</b>
MACAUTO INDUSTRIAL CO., LTD.,	)	
	)	
Defendant.	)	
	)	

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff BOS GmbH & Co. KG (“BOS”) for its complaint against Defendant Macauto Industrial Co., Ltd. (“Macauto”) hereby demands a jury trial and alleges as follows:

**THE PARTIES**

1. Plaintiff BOS is a corporation organized and existing under the laws of Germany with its principal place of business at Ernst-Heinkel-Strasse 2, Ostfildern, Germany 73760.
2. Upon information and belief, Defendant Macauto is a corporation organized under the laws of Taiwan with its principal place of business at No. 13, Lane 762, Chungshan N. Rd., Yung Kang City 710, Tainan Hsien, Taiwan, R.O.C.

**JURISDICTION AND VENUE**

3. This is a complaint for infringement of U.S. Patent No. 6,422,291 pursuant to 35 U.S.C. § 271 *et seq.* This Court has subject matter jurisdiction over BOS’s claim pursuant to 28 U.S.C. §§ 1331 and 1338.
4. Upon information and belief, Macauto makes, sells, offers to sell and/or imports into the United States powered automotive sunshades. Upon information and belief, Macauto

powered rear window sunshades are sold as available equipment on at least the 2010 and 2011 model years of Buick Lacrosse automobiles.

5. This Court has personal jurisdiction over Macauto because, upon information and belief, Macauto has imported into the United States and sold or caused others to sell in Illinois, including within this judicial district, powered rear window sunshades that infringe U.S. Patent No. 6,422,291. Buick dealers located within this judicial district each sell or offer to sell Lacrosse automobiles that include, as available equipment, rear powered sunshades made and sold by Macauto. Upon information and belief, Macauto knows or has reason to know that its rear powered sunshades, which are the subject of this complaint, would be sold or offered for sale in Illinois and in this judicial district.

6. Macauto is an alien corporation and venue in this Court is based on 28 U.S.C. Section 1391, including 28 U.S.C. Section 1391(d), and 28 U.S.C. Section 1400.

**INFRINGEMENT OF U.S. PATENT NO. 6,422,291**

7. On July 23, 2002, the United States Patent and Trademark Office (“USPTO”) issued United States Patent No. 6,422,291 B1 (“the ‘291 patent”), entitled “Roll-Up Blind with Stowable Guiding Members for the Window of a Vehicle,” which patent was assigned at the time of issuance to Baumeister & Ostler GmbH & Co. (“Baumeister & Ostler”).

8. Claim 1 of the ‘291 patent contained an error at column 8, line 47, and, on December 21, 2010, the USPTO issued a certificate of correction that replaced the term “transferring” at that location with the term “transfer by.” A copy of the certificate of correction is attached as Exhibit A to this Complaint.

9. Baumeister & Ostler recorded with the USPTO a change of name on January 14, 2011 to BOS GmbH & Co. KG. BOS has the exclusive right to sue for past, present and future

infringement of the '291 patent, and alone has standing and authority to bring this complaint against Macauto for infringement of the '291 patent.

10. The '291 patent is directed to roll-up window blinds for automobile window panes, such as rear window panes. Prior to the invention, the top portion of a reeled-out rear window sunshade tended to vibrate against and strike the interior of the rear window as the automobile was driven. This, in turn, resulted in undesirable noise and potential damage to the window pane. The invention described in the '291 patent addressed this problem, among others, through a novel design that included two retractable members that guide the sunshade on the window pane.

11. Upon information and belief, Macauto has infringed and continues to infringe the '291 patent by importing, selling and/or offering to sell powered rear window sunshades embodying the patented invention or by inducing or contributing to the infringement by others of the '291 patent, and will continue to do so unless enjoined by this Court.

12. More specifically, upon information and belief the powered rear window sunshades imported, sold or offered for sale by Macauto, and intended for use in certain models of the 2010 and 2011 Buick Lacrosse automobiles, infringe at least claim 1 of the '291 patent and/or Macauto induces or contributes to the infringement of this claim through the importation, sales or offers to sell such rear powered sunshades.

13. Upon information and belief, Macauto has caused and will cause, by its infringing conduct and its inducement or contributing to infringement by others, irreparable harm to BOS for which there is no adequate remedy at law.

14. Upon information and belief, Macauto has engaged in its conduct willfully and in complete disregard of BOS's rights and interests.

15. As a result of Macauto's actions, BOS has suffered and continues to suffer substantial injury, including irreparable injury, which will result in damages to BOS, including loss of sales and profits, which BOS would have made but for the infringement by Macauto, unless Macauto is enjoined by this Court.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff prays for judgment as follows:

- A. That the '291 patent was infringed by Macauto;
- B. That BOS be awarded all damages adequate to compensate it for Macauto's infringement by the manufacture, use, sale, offer for sale or importation in the United States of powered rear window sunshades, such damages to be determined by a jury and that such damages be awarded to BOS with prejudgment and postjudgment interest;
- C. That Macauto's infringement was willful, and awarding to BOS treble damages in light of Macauto's willful infringement;
- D. That this case is exceptional under 35 U.S.C. § 285 and awarding BOS the attorneys fees, costs, and expenses that it incurs in prosecuting this action; and
- E. That BOS be awarded such other and further relief as this Court may deem just and proper.

**JURY DEMAND**

Plaintiffs demand a trial by jury on all issues triable of right by a jury.

Respectfully submitted,

Date: April 7, 2011

LEYDIG, VOIT & MAYER, LTD.

/s/ Dennis R. Schlemmer

Dennis R. Schlemmer (IL #2487349)

David M. Airan (IL #6215687)

Two Prudential Plaza, Suite 4900

Chicago, Illinois 60601-6780

(312) 616-5600 (tel)

[dschlemmer@leydig.com](mailto:dschlemmer@leydig.com)

[dairan@leydig.com](mailto:dairan@leydig.com)

*Attorneys for BOS GmbH & Co. KG*