

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ROBERT BOSCH LLC,)	
)	
Plaintiff,)	
)	
v.)	C.A. Nos. 12-574-LPS, 14-142-LPS
)	
ALBEREE PRODUCTS, INC.,)	JURY TRIAL DEMANDED
API KOREA CO., LTD.,)	
SAVER AUTOMOTIVE PRODUCTS, INC.,)	
and COSTCO WHOLESALE CORPORATION,)	
)	
Defendants.)	

CONSOLIDATED AMENDED COMPLAINT

Plaintiff Robert Bosch LLC (“Plaintiff”), through its attorneys, for its consolidated amended complaint against defendants Alberee Products, Inc. (“Alberee”), API Korea Co., Ltd. (“API”), and Saver Automotive Products, Inc. (“Saver”), and for its initial complaint against Costco Wholesale Corporation (“Costco Wholesale”) (collectively, “Defendants”), avers as follows:

1. This complaint is filed in a consolidated civil action that includes C.A. Nos. 12-574-LPS and 14-142-LPS.
2. This action arises under the patent laws of the United States, Title 35 of the United States Code (for example, §§ 271, 281, 283, 284 and 285) as hereinafter more fully set forth. This Court has jurisdiction over the subject matter of the action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

DEFENDANTS AND ACCUSED PRODUCTS

3. Alberee is a corporation organized under the laws of the state of Maryland with a place of business at 4665 Hollins Ferry Road, Halethorpe, Maryland.

4. API is a corporation organized under the laws of Korea with a place of business at 435-3, Nonhyeon-Dong, NamDong-Gu, Incheon, Korea, 405-848.

5. Saver is a corporation organized under the laws of the state of Maryland with a place of business at 4665 Hollins Ferry Road, Halethorpe, Maryland.

6. Costco Wholesale is a corporation organized under the laws of the state of Washington with a principal place of business at 999 Lake Drive, Issaquah, WA 98027.

7. Alberee and Saver have held themselves out as related companies.

8. The facility at 4665 Hollins Ferry Road, Halethorpe, Maryland, where Saver has a place of business, is owned by a company named Alberee Real Estate LLC.

9. The owner of Alberee is associated with Saver.

10. Alberee and Saver supply large quantities of wiper blades in the United States.

11. On information and belief, Alberee assembles, makes, offers for sale, and sells in the United States automobile windshield wiper blades using components supplied by API.

12. On information and belief, Saver assembles, makes, offers for sale, and sells in the United States automobile windshield wiper blades assembled by Alberee and Saver using components supplied by API. Such windshield wiper blades are sold under brand names including the Goodyear Assurance, the Saver Arc Flex Ultra, and the Touring Ultra (the "Accused Products"). There are no material differences between the various Accused Products sold in the United States.

13. On information and belief, Saver has offered for sale and sold, and offers for sale and sells, to retail stores in the United States the Accused Products, which retail stores sell the Accused Products to end user customers for use on vehicles.

14. The Accused Products have been, and are, offered for sale in the United States on the internet, including on the Amazon.com website.

15. The Goodyear Assurance wiper blades have been sold and/or are still being sold at a Costco Wholesale store located at 900 Center Boulevard, Newark, Delaware, and at the Costco Wholesale stores throughout the United States.

16. Saver has been and is the exclusive seller of the Goodyear Assurance wiper blade product to the Costco Wholesale retail chain in the United States.

17. On information and belief, at least the Goodyear Assurance wiper blades have arrived in the state of Delaware through Saver's purposeful shipment of the products through an established distribution channel, at least through Saver's sale of the products to Costco Wholesale, a retailer with hundreds of locations nationwide.

18. On information and belief, Alberee, as a company working jointly with Saver on the distribution of the Accused Products, is aware of and encourages Saver's shipment of the Accused Products nationwide through an established distribution channel.

19. On information and belief, API, as a company that worked jointly with Alberee on the design and development of the Accused Products, has knowledge and intends that Alberee and Saver sell throughout the United States the Accused Products containing components supplied by API.

20. U.S. Patent No. 8,037,568 ("the '568 patent") for a "Windshield Wiper Assembly" names the owner of Alberee and the owner of API as co-inventors, and is assigned on its face to Alberee. The '568 patent on its face claims priority to a Korean patent application, for which records from the Korean patent office identify API as the applicant.

21. API manufactures a large number of wiper blades supplied to the United States.

COUNT ONE – INFRINGEMENT OF U.S. PATENT NO. 6,523,218

22. The allegations stated in paragraphs 2 through 21 of this Amended Complaint are incorporated by reference as if set forth herein.

23. On February 25, 2003, United States Patent No. 6,523,218 (“the ’218 patent,” attached as Exhibit A) was duly and legally issued for an invention in a windshield wiper blade. Plaintiff is the owner of the ’218 patent.

24. Alberee has infringed and is still infringing the ’218 patent directly under 35 U.S.C. § 271(a) by making, selling, and offering for sale in the United States the Accused Products, and will continue to do so unless enjoined by this Court.

25. Saver has infringed and is still infringing the ’218 patent directly under 35 U.S.C. § 271(a) by making, selling, and offering for sale in the United States the Accused Products, and will continue to do so unless enjoined by this Court.

26. Retail stores, including Costco Wholesale, have infringed and/or are still infringing the ’218 patent directly under 35 U.S.C. § 271(a) by selling and offering for sale in the United States the Accused Products.

27. End users have infringed and are still infringing the ’218 patent directly under 35 U.S.C. § 271(a) by using in the United States the Accused Products, including as windshield wiper blades on vehicles.

28. On information and belief, API manufactures and imports into the United States components of the Accused Products, including spring elastic support elements.

29. The components manufactured and imported by API are material components of the invention of the ’218 patent, at least because, on information and belief, the spring elastic

support elements provided by API constitute a significant part of the final assembly of each Accused Product.

30. The components manufactured and imported by API are not staple articles or commodities of commerce and have no substantial non-infringing uses, at least because, on information and belief, the spring elastic support elements are designed specifically for use in the Accused Products and have no other intended uses.

31. API has had knowledge that the Accused Products, for which the components API manufactures and imports are especially made or adapted, infringe the '218 patent since at least October 11, 2011, from a letter sent from Plaintiff's counsel to API. API has had knowledge as to how the Accused Products infringe the '218 patent since at least on or about November 22, 2011, when the U.S. International Trade Commission ("the ITC") served API with Plaintiff's complaint ("the ITC Complaint") in *In the Matter of Certain Wiper Blades*, 337-TA-816 ("the ITC Investigation"), which included a claim chart demonstrating how the Goodyear Assurance blade infringes the '218 patent. API has had additional knowledge as to how the Accused Products infringe the '218 patent since at least April 26, 2012, when Plaintiff served on API's counsel infringement contentions in the ITC Investigation including a claim chart demonstrating how the Goodyear Assurance and the Arc Flex Ultra wiper blades infringe the '218 patent. API has had additional knowledge as to how the Accused Products infringe the '218 patent since at least January 15, 2013, when API's counsel received from Plaintiff's counsel a letter describing such infringement.

32. API therefore is a contributory infringer of the '218 patent under 35 U.S.C. § 271(c) with respect to Alberee's direct infringement and Saver's direct infringement of the '218 patent, and will continue to infringe unless enjoined by this Court. API also is a contributory

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