

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

ROBERT BOSCH LLC,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. _____
)	
ALBEREE PRODUCTS, INC.,)	JURY TRIAL DEMANDED
API KOREA CO., LTD., and)	
SAVER AUTOMOTIVE PRODUCTS, INC.)	
)	
Defendants.)	

COMPLAINT

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

1. 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

2. On information and belief, 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.

3. On information and belief, 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.

4. On information and belief, 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.

5. On information and belief, Alberee and Saver have supplied, and continue to supply, beam-type windshield wiper blades in the United States.

6. On information and belief, Alberee has assembled, made, used, offered for sale and sold, and assembles, makes, uses, offers for sale, and sells, in the United States beam-type windshield wiper blades accused of infringement, which contain components supplied by API.

7. On information and belief, Saver has made, used, offered for sale and sold, and makes, uses, offers for sale, and sells in the United States beam-type windshield wiper blades accused of infringement, which are assembled or made by Alberee from components supplied by API.

8. On information and belief, such windshield wiper blades have been and are sold under several brand names, including at least the Goodyear Assurance, the Saver Arc Flex Ultra, and the Touring Ultra brands (collectively, the “Accused Products”).

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

10. At least the Goodyear Assurance and Saver Arc Flex Ultra beam-type wiper blades have been, and are, offered for sale in the United States via the internet, including on the Amazon.com website.

11. The Goodyear Assurance wiper blades have been, and are, sold at Costco Wholesale Corporation’s retail stores, a retail chain with hundreds of locations nationwide, including the store location at 900 Center Boulevard, Newark, Delaware.

12. On information and belief, at least the Goodyear Assurance beam-type wiper blades have arrived in the state of Delaware through Saver's purposeful shipment of these products to Delaware through an established distribution channel, namely through Saver's sale of the Goodyear Assurance wiper blades to Costco Wholesale Corporation.

13. On information and belief, Alberee, as a company working with Saver on the manufacture, assembly, and distribution of the Accused Products, has been and is aware of, and encourages Saver's selling of the Accused Products throughout the United States through established distribution channels.

14. On information and belief, API, as a company working with Alberee and Saver on the design, development, and manufacture of the Accused Products, and the supply of component parts thereof to Alberee and Saver, has knowledge and intends that Alberee and Saver make, offer for sale, and sell the Accused Products throughout the United States.

COUNT ONE – INFRINGEMENT OF U.S. PATENT NO. 6,292,974

15. The allegations stated in paragraphs 2 through 14 of this Amended Complaint are incorporated by reference as if set forth herein.

16. On September 25, 2001, United States Patent No. 6,292,974 ("the '974 patent," attached as Exhibit A) was duly and legally issued for an invention in a windshield wiper blade. Plaintiff is the owner of the '974 patent.

17. Alberee has infringed and is infringing the '974 patent directly under 35 U.S.C. § 271(a) by making, using, selling, and offering for sale in the United States the Accused Products, and will continue to do so unless enjoined by this Court.

18. Saver has infringed and is infringing the '974 patent directly under 35 U.S.C. § 271(a) by making, using, selling, and offering for sale in the United States the Accused Products, and will continue to do so unless enjoined by this Court.

19. Retailers, including Costco Wholesale, have infringed and are infringing the '974 patent directly under 35 U.S.C. § 271(a) by selling and offering for sale in the United States the Accused Products.

20. On information and belief, end users have infringed and are infringing the '974 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.

21. On information and belief, API manufactures and imports into the United States components of the Accused Products, including components identified as frames in importation records.

22. The components manufactured and imported by API are material components of the invention of the '974 patent, at least because, on information and belief, the components provided by API constitute a significant part of the final assembly of each Accused Product.

23. 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 components are designed specifically for use in the Accused Products and have no other intended uses.

24. API has had knowledge that the Accused Products, for which the components API manufactures and imports are especially made or adapted, infringe the '974 patent since at least November 15, 2013, from a letter sent from Plaintiff's counsel to API's counsel, describing such infringement.

25. API is a contributory infringer of the '974 patent under 35 U.S.C. § 271(c) with respect to Alberee's and Saver's direct infringement of the '974 patent, and will continue to infringe unless enjoined by this Court. API also is a contributory infringer of the '974 patent under 35 U.S.C. § 271(c) with respect to the direct infringement of the '974 patent by retailers who sell and offer for sale the Accused Products, and the direct infringement of the '974 patent by end users who use the Accused Products, and will continue to infringe unless enjoined by this Court.

26. On information and belief, API has purposefully caused, encouraged, and urged Alberee and Saver to make, sell, and offer for sale the Accused Products in the United States with the knowledge and intent that such activities would directly infringe the '974 patent, and intended Alberee and Saver to carry out such activities. API has had such knowledge and intent at least since receiving through its counsel, on November 15, 2013, a letter from Plaintiff's counsel describing its infringement.

27. API therefore induces, under 35 U.S.C. § 271(b), Alberee's direct infringement and Saver's direct infringement of the '974 patent, and will continue to do so unless enjoined by this Court.

28. On information and belief, API has purposefully caused, encouraged, and urged retailers to offer for sale and sell, and end users to use, the Accused Products in the United States with the knowledge and intent that such activities would directly infringe the '974 patent, and intended retailers and end users to carry out such activities. API has had such knowledge and intent at least since receiving through its counsel, on November 15, 2013, a letter from Plaintiff's counsel providing notice of API's infringement. API has such intent because, on information and belief, it intends Alberee and Saver to sell the Accused Products made with components

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