

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UUSI, LLC, a Michigan domestic limited
Liability company, d/b/a NARTRON,

Plaintiff,

vs.

Civil Action No: 2:13-cv-10444
HON. ARTHUR J. TARNOW
Mag. Judge Randon

ROBERT BOSCH LLC, a Michigan
Corporation, and BROSE NORTH AMERICA,
INC., a Michigan corporation,

Defendants.

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George D. Moustakas (P41631)
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**FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT
AND DEMAND FOR JURY TRIAL**

This is an action for patent infringement in which Plaintiff, UUSI, LLC, d/b/a NARTRON (“UUSI” or “Plaintiff”), makes the following allegations against Defendants Robert Bosch LLC (“Bosch”) and Brose North America, Inc. (“Brose”) (collectively “Defendants”):

The Parties

1. UUSI, LLC, d/b/a Nartron is a Michigan domestic limited liability company having its principal place of business in Reed City, Michigan.

2. Upon information and belief, Defendant Bosch is a German corporation with its U.S. headquarters at 38000 Hills Tech Drive, Farmington, Michigan 48331.

3. Upon information and belief, Bosch conducts business in this judicial district and elsewhere throughout the United States. Bosch maybe served with process through its registered agent CSC-Lawyers Incorporating Service, 601 Abbott Road, East Lansing, Michigan 48823.

4. Upon information and belief, Defendant Brose is a German corporation with its U.S. headquarters at 3933 Automation Avenue, Auburn Hills, Michigan 48326.

5. Upon information and belief, Brose conducts business in this judicial district and elsewhere throughout the United States. Brose maybe served with process through its registered agent The Corporation Company, 30600 Telegraph Road, Suite 2345, Bingham Farms, Michigan 48025.

Nature of the Action

6. This is a civil action for the infringement of United States Patent Nos. 6,064,165 (“the ‘165 Patent”), 6,078,117 (“the ‘117 Patent”), 7,548,037 (“the ‘037 Patent”), 7,579,802 (“the ‘802 Patent”), and 8,217,612 (“the ‘612 Patent”) (attached as Exhibits A-E, respectively) under the Patent Laws of the United States 35 U.S.C. § 1 *et seq.*

Jurisdiction and Venue

7. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States, including 35 U.S.C. § 271 *et seq.*

8. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 and 1400(b). On information and belief, each of the Defendants has transacted business in this District, and has committed acts of patent infringement in this District.

9. On information and belief, each of the Defendants is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or Michigan Long Arm Statute, due at least to its substantial business in this forum, including (i) making, using, selling, offering for sale or importing, or inducing same of others, for at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Michigan and in this District.

Joinder

10. On information and belief, joinder of Bosch and Brose is proper under 35 U.S.C. § 299 due to the defendants' collective manufacture of the infringing products identified herein, through the making, using, importing in the United States, offering for sale and/or selling of the same accused products in this District and questions of fact that are common as to the Defendants arise in this action.

11. On information and belief, the infringing products include, but are not limited to, the window regulator assembly shown at Exhibit F, GM part No. 20971729 for the 2011 Cadillac Escalade; the window regulator assembly shown at Exhibit G, Ford Part No. 7T4Z-7823201A and Ford Part No. 7A1Z-5423395-A for the 2011 Lincoln MKX; and the motor assembly shown at Exhibit H, taken from the window regulator assembly at Exhibit G.

The Patents-in-Suit

12. On May 16, 2000, the '165 Patent, titled "Power Window or Panel Controller," was duly and legally issued by the United States Patent and Trademark Office ("USPTO"). The '165 Patent is directed among other things to a controller for energizing a power-operable element, such as a sunroof, window, door, vehicle seat, etc. The controller senses both hard and soft obstructions and de-activates or otherwise alters operation of a motor that drives the element when an obstruction is detected.

13. On June 20, 2000, the '117 Patent, titled "End Cap Assembly And Electrical Motor Utilizing Same," was duly and legally issued by the USPTO. The '117 Patent is directed to among other things an end cap assembly configured as an electronic conducted noise filter and/or radiated field shield for incorporation as the end cap of a motor housing case.

14. On June 16, 2009, the '037 Patent, titled "Collision Monitoring System," was duly and legally issued by the USPTO. The '037 Patent is directed to among other things an improved system and method for sensing both hard and soft obstructions for a movable panel.

15. On August 25, 2009, the '802 Patent, titled "Collision Monitoring System," was duly and legally issued by the USPTO. The '802 Patent is directed to among other things an improved system and method for sensing both hard and soft obstructions for a movable panel.

16. On July 10, 2012, the '612 Patent, titled "Collision Monitoring System," was duly and legally issued by the USPTO. The '612 Patent is directed to among other things an improved system and method for sensing both hard and soft obstructions for a movable panel.

17. Defendants have been put on notice through at least Nartron Corporation's marking of product with one or more of the Patents-in-Suit. Defendants have also been put on notice through the filing of the Complaint on February 4, 2013.

18. UUSI, LLC is the assignee of all right, title and interest in the ‘165, ‘117, ‘037, ‘802 and ‘612 Patents (“Patents-in-Suit”), and possess all rights to sue and recover for any current or past infringement of the Patents-in-Suit.

Count I
Infringement of U.S. Patent No. 6,064,165

19. Paragraphs 1-18 are incorporated by reference as if fully restated herein.

20. On information and belief, Bosch has infringed, directly and indirectly, one or more claims of the ‘165 Patent, including for example, but not by way of limitation claim 25, literally and/or under the doctrine of equivalents, in this District and elsewhere in the United States, in violation of 35 U.S.C. § 271, by (i) manufacturing, making, using, selling, offering for sale, and/or importing components, assemblies and/or systems for sensing hard and soft obstructions for moveable panels such as a window and/or sunroof, that infringe one or more claims of the ‘165 Patent; and/or (ii) contributing to infringement by others, by using, selling, offering for sale, and/or importing components, assemblies and/or systems for sensing hard and soft obstructions for moveable panels such as a window and/or sunroof, in a manner that infringes one or more claims of the ‘165 Patent, knowing that others will use the infringing products in an infringing manner, knowing that those products constitute a material part of the invention of the ‘165 Patent, knowing those products to be especially made or adapted to infringe the ‘165 Patent, and knowing that those products are not staple articles or commodities of commerce suitable for substantial non-infringing use; and/or (iii) inducing infringement by others, by using, selling, offering for sale, and/or importing components, assemblies, and/or systems for sensing hard and soft obstructions for movable panels such as a window and/or sunroof, in a manner that infringes one or more claims of the ‘165 Patent, know the ‘165 Patent and its claims, knowing that others will use the infringing products in an infringing manner, and

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