

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

IN RE NEO WIRELESS, LLC  
PATENT LITIG.

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2:22-MD-03034-TGB

HON. TERRENCE G. BERG

NEO WIRELESS, LLC,

*Plaintiff,*

v.

VOLKSWAGEN GROUP OF  
AMERICA, INC. &  
VOLKSWAGEN GROUP OF  
AMERICA CHATTANOOGA  
OPERATIONS, LLC,

*Defendants.*

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2:22-CV-11404-TGB

HON. TERRENCE G. BERG

JURY TRIAL DEMANDED

**PLAINTIFF NEO WIRELESS LLC’S FIRST AMENDED  
COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Neo Wireless, LLC (“Neo Wireless,” “Neo,” or “Plaintiff”), brings this action for patent infringement under 35 U.S.C. § 271 against Defendants Volkswagen Group of America, Inc. (“VGA”) and Volkswagen Group of America Chattanooga Operations, LLC (“VGACO”) (collectively “Volkswagen,” “Volkswagen Defendants,” or “Defendants”). Plaintiff alleges, based upon its own

personal knowledge with respect to its own actions and based upon information and belief with respect to all others' actions, as follows:

### **THE PARTIES**

1. Plaintiff Neo Wireless, LLC is a Delaware corporation with its principal place of business located in Wayne, Pennsylvania.
2. On information and belief, VGA is a company organized and existing under the laws of New Jersey, with its principal place of business at 2200 Ferdinand Porsche Drive, Herndon, Virginia 20171. VGA is registered to do business in the State of Tennessee and may be served with a copy of the Complaint and Summons through Corporation Services Company, its Registered Agent for Service of Process at 2908 Poston Avenue, Nashville, Tennessee 37203-1312.
3. On information and belief, VGACO is a Tennessee limited liability company with its headquarters and principal place of business located at 2200 Ferdinand Porsche Drive, Herndon, Virginia 20171. VGACO may be served with a copy of the Complaint and Summons through Corporation Services Company, its Registered Agent for Service of Process at 2908 Poston Avenue, Nashville, Tennessee 37203-1312.

### **JURISDICTION AND VENUE**

4. This action includes a claim of patent infringement arising under the patent laws of the United States, 35 U.S.C. § 1 *et seq.*

5. Subject matter jurisdiction is proper in this Court under 28 U.S.C. §§ 1331 and 1338(a).

6. Venue in the Eastern District of Tennessee is proper under 28 U.S.C. §§ 1391 and 1400(b) against Defendants because, on information and belief, VGA and VGACO both (1) have committed acts of infringement in the Eastern District of Tennessee and (2) have a regular and established place of business in the Eastern District of Tennessee.

7. The Eastern District of Tennessee has personal jurisdiction over Volkswagen. Defendants have continuous and systematic business contacts with the State of Tennessee. Specifically, Defendants conduct business and have committed acts of patent infringement and have induced acts of patent infringement by others in the Eastern District of Tennessee, the State of Tennessee, and elsewhere in the United States. Defendants, directly and through subsidiaries or intermediaries, have committed and continue to commit acts of infringement in the Eastern District of Tennessee by, among other things, designing, developing, manufacturing, importing, offering to sell, and selling products that infringe the asserted patents.

8. Defendants do and intend to do business in Tennessee and in the Eastern District of Tennessee, directly or through intermediaries, and offer their products and/or services, including those accused herein of infringement, to

customers and potential customers located in Tennessee and in the Eastern District of Tennessee.

9. Defendants, both directly and through their subsidiaries or intermediaries (including distributors, retailers, and others), have purposefully and voluntarily placed one or more infringing products and/or services, as described below, into the stream of commerce with the expectation that those products will be purchased and used by customers and/or consumers in the Eastern District of Tennessee.

10. VGA and VGACO maintain facilities throughout the state of Tennessee, including at least the Chattanooga, Tennessee manufacturing plant spanning across 1,400 acres, with the facility's total area equating to upwards of 5,600,000 square meters, and employing at least 3,800 employees, which is also located within the Eastern District of Tennessee at 8001 Volkswagen Dr., Chattanooga, Tennessee.<sup>1</sup>

11. According to VGA, the Chattanooga location is Volkswagen's U.S. Manufacturing Plant & North American Engineering & Planning Center.<sup>2</sup>

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<sup>1</sup> See <https://www.volkswagengroupofamerica.com/en-us/chattanooga-facts>; see also <https://www.volkswagen-newsroom.com/en/volkswagen-group-of-america-chattanooga-operations-llc-5900>.

<sup>2</sup> See <https://www.volkswagengroupofamerica.com/en-us/locations>.

12. VGA and VGACO engage in all the main stations of the entire production process for at least the Passat, Atlas, and Atlas Cross Sport models in the Eastern District of Tennessee.<sup>3</sup>

13. These infringing products and/or services, among others, have been and continue to be made, used, sold, offered for sale, purchased, and/or imported by customers and/or consumers in the Eastern District of Tennessee.

14. Defendants have placed the Accused Products into the stream of commerce by selling and/or offering to sell the Accused Products in the Eastern District of Tennessee, shipping Accused Products into the Eastern District of Tennessee, and/or shipping Accused Products knowing that those products would be shipped into the Eastern District of Tennessee.

### **THE ASSERTED PATENTS**

#### **I. The '366 Patent**

15. On June 18, 2013, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 8,467,366 (“the ’366 patent”), entitled

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<sup>3</sup> See <https://www.volkswagen-newsroom.com/en/volkswagen-group-of-america-chattanooga-operations-llc-5900>.

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