

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

LISA DRÄXLMAIER GMBH,	)	
	)	
and	)	
	)	
DRAEXLMAIER AUTOMOTIVE OF	)	
AMERICA LLC,	)	Case No. 1:22-cv-1008
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
FAURECIA INTERIEUR INDUSTRIE,	)	JURY TRIAL DEMANDED
	)	
Defendant.	)	
	)	

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**COMPLAINT FOR DECLARATORY JUDGMENT**

COME NOW Plaintiffs Lisa Dräxlmaier GmbH and Draexlmaier Automotive of America LLC hereinafter Plaintiffs or Dräxlmaier, through their undersigned counsel, and for their Complaint state as follows:

**NATURE OF THE ACTION – CASE OR CONTROVERSY**

1. This is an action for declaratory judgment arising under the patent laws of the United States, 35 U.S.C. § 1, *et seq.* This action seeks declarations that Dräxlmaier does not infringe any valid and enforceable claim of U.S. Patent No. 9,939,244 (the '244 patent) and that the '244 patent is invalid. A true copy of the '244 patent is attached hereto as **Exhibit A**.

2. Defendant Faurecia Interieur Industrie hereinafter Defendant or Faurecia, has placed Dräxlmaier under apprehension of suit by accusing Plaintiff Draexlmaier Automotive of America LLC “and its worldwide affiliates,” which include Plaintiff Lisa Dräxlmaier GmbH, of infringing the '244 patent in a letter from Mr. Jonathan Schulz, U.S. General Counsel of

Faurecia, of December 8, 2021, a true copy of which is attached as **Exhibit B**, and thereafter and by threatening suit for patent infringement if Dräxlmaier refuses to take a license under terms Dräxlmaier considers unreasonable, thereby creating a justiciable controversy within the meaning of Article III of the U.S. Constitution.

3. Dräxlmaier's first response to Faurecia was an e-mail of December 15, 2021, from Dr. Christian Reinders, Dräxlmaier's Chief IP Counsel, to Mr. Jérôme Meziere, Intellectual Property Manager for Faurecia Interieur, a true copy of which is attached as **Exhibit C** hereto. In Exhibit C Dr. Reinders noted that Faurecia did not provide a claim chart or other basis for asserting infringement and stated Dräxlmaier's position that the '244 patent is invalid in view of the E70 project for BMW in which both Faurecia and Dräxlmaier participated, Faurecia as the first tier sub to BMW and Dräxlmaier as the second tier sub under Faurecia.

4. Dr. Reinders followed up the e-mail with a letter to Mr. Schulz of December 22, 2021, a true copy of which, with attachments, is attached as **Exhibit D** hereto. In Exhibit D Dr. Reinders pointed out in detail that the '244 patent is invalid in view of prior work and explained that Dräxlmaier was entitled to the prior commercial use defense of 35 U.S.C. § 273, among other things.

5. On February 1, 2022, Ms. Deborah Pollack-Milgate, Faurecia's outside U.S. litigation counsel, sent a letter to Dräxlmaier, a true copy of which is attached hereto as **Exhibit E**. Ms. Pollack-Milgate stated in Exhibit E that "at least claims 1-6 and 8-10 of the '244 patent appear to cover the [Tesla] Door Panel." Ms. Pollack-Milgate also stated that although "Faurecia would prefer to resolve this issue amicably, [it] will not hesitate to defend against any actions taken by your company to challenge Faurecia's patent rights and/or seek appropriate relief for patent infringement." Although Faurecia has engaged in some discussions with Dräxlmaier

since the time of Exhibit E, it has not withdrawn its threat of patent infringement litigation against Dräxlmaier.

6. After a series of attempts to schedule a face-to-face meeting, representatives of Dräxlmaier and Faurecia met on May 25, 2022, to discuss the situation. At that meeting Faurecia's Group Intellectual Property Director, Mr. Christophe Vouigny, orally presented a license demand involving the use of "Messenrippen," the measurement of ribs on molded plastic parts. Dräxlmaier stated its position that this demand was excessive and unreasonable. Faurecia's representatives asserted that they did not see why the '244 patent was invalid and that the Tesla Model Y door panel produced by Dräxlmaier infringed claims 1-6 and 8-11 of the '244 patent. It was the firm belief of Dräxlmaier's representatives at the time that Faurecia intended to sue Dräxlmaier at least in the United States if Dräxlmaier did not agree to Faurecia's demands. Mr. Vouigny confirmed Faurecia's demand in an e-mail of May 31, 2022, a true copy of which is attached as **Exhibit F**.

7. Mr. Vouigny sent Dr. Reinders an e-mail on June 15, 2022, outlining Faurecia's position at that point, requesting answers to certain questions, "keeping in mind," as Mr. Vouigny put it, "that we [Faurecia] want a settlement agreement executed by the end of August." Dräxlmaier provided a response by e-mail on June 17, 2022, to which Faurecia responded by e-mail on June 22, 2022. Dräxlmaier and Faurecia agreed to meet again.

8. Thereafter, on July 13, 2022, representatives of Dräxlmaier and Faurecia (including Ms. Pollack-Milgate) met again in Munich, Germany, to discuss the situation. Dräxlmaier's representatives again explained to Faurecia how the E70 project shows the positioning projections claimed in the '244 patent and that their use as claimed would have been obvious to a person of ordinary skill in the art before the effective filing date of the claimed

invention of the '244 patent, and therefore, the '244 patent's claims are invalid. Faurecia disagreed and presented its own views, including a claim chart, as to how Dräxlmaier's Tesla door panel infringes at least claim 1 of the '244 patent. Ms. Pollack-Milgate explained that Dräxlmaier should consider the avoidance of infringement risk, which Dräxlmaier reasonably construed as being a reference to the risk of patent infringement litigation against Dräxlmaier, by paying a license fee. The parties did not reach agreement at this meeting but agreed to meet again.

9. The further meeting was tentatively set for September 7 or 8, 2022. However, when asked by Dräxlmaier's representative Mr. Jacob Eisenberg to confirm their attendance for a meeting on September 8, 2022, Faurecia failed to respond, leading Dräxlmaier reasonably to believe that Faurecia was preparing to follow through on its threat of suit. Accordingly, Dräxlmaier has filed this action.

10. At all times relevant hereto, Dräxlmaier has been under a reasonable apprehension that Faurecia will initiate litigation against it for patent infringement as it has threatened.

11. A judicial declaration is necessary and appropriate so that Plaintiffs may ascertain their rights regarding the '244 patent.

#### **THE PARTIES**

12. Plaintiff Lisa Dräxlmaier GmbH is a limited liability company of Germany having a principal place of business at Landshuter Strasse 100, D-84137 Vilsbiburg, Germany.

13. Plaintiff Draexlmaier Automotive of America LLC is a limited liability company of South Carolina having a principal place of business at 1751 East Main Street, Duncan, SC 29334.

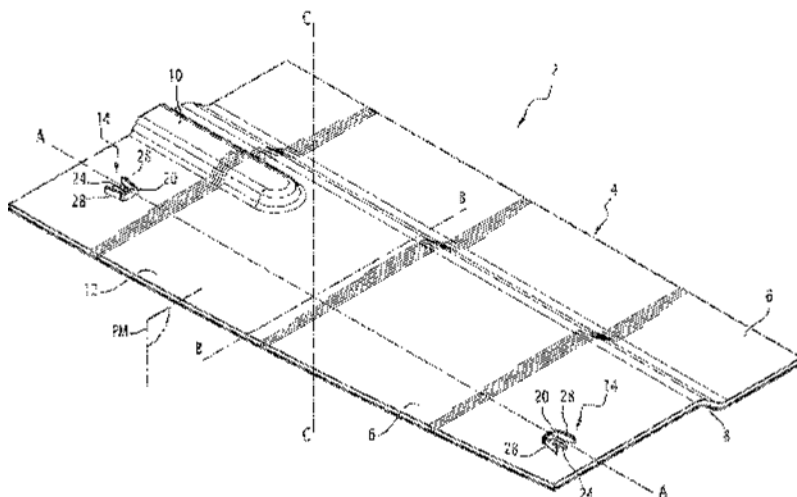
14. On information and belief, Defendant Faurecia Interieur Industrie is a corporate entity of France having a place of business at 2, Rue Hennape, Nanterre 92000, France. On information and belief, Faurecia is the assignee of the '244 patent, by virtue of an assignment recorded at Reel 038621 Frame 0105 of the patent assignment records of the U.S. Patent and Trademark Office and thus owns the '244 patent. A true copy of the assignment as recorded in the U.S. Patent and Trademark Office assignment records for the '244 patent is attached as **Exhibit G.**

15. Dräxlmaier and Faurecia are competitors and occasional collaborators in the design, manufacture and sale of a wide variety of parts for automobiles, including but not limited to parts for automotive interiors such as consoles and door panels. Among Dräxlmaier's many activities are the design and manufacture of tailor-made automotive interiors suited for every vehicle. As Dräxlmaier's website states, "In premium vehicles, our high-quality instrument panels, center consoles, and door panels create an ideal feel-good atmosphere inside the car. They are as individual and expressive as the vehicles they give a distinct character to."

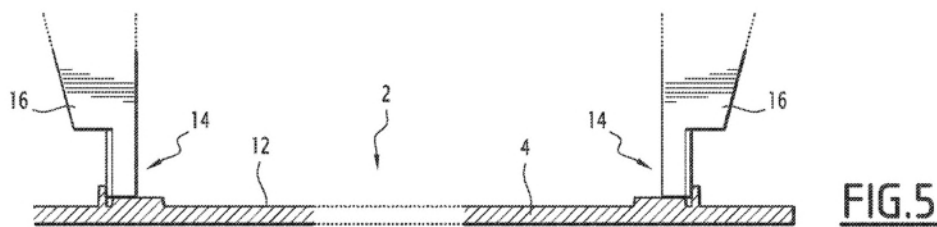
16. Faurecia's website holds itself out as having "[f]ull interiors [sic] systems capability including the seamless integration of smart functionalities and development of new, sustainable materials," listing such products as instrument panels, door panels, center consoles, sustainable materials and SAS cockpit modules.

#### **THE '244 PATENT**

17. The '244 patent issued on April 10, 2018. As shown in FIG. 1 of the '244 patent, reproduced below, the '244 patent purports to disclose and claim a molded plastic part 2 that has two spaced apart positioning relief portions 14 formed on the surface 12 of the molded part.



The use of spaced apart ribs like those shown in the '244 patent was well known in this field of technology long before the earliest effective filing date of the invention of the '244 patent. The '244 patent also purports to disclose and claim a method for dimensionally controlling a plastic molded part by molding the part to include the two spaced apart positioning relief portions formed on the surface of the molded part and measuring the distance between the positioning relief portions using a measuring instrument as can be seen in '244 patent FIG. 5, reproduced below:



Measuring molded plastic parts between two ribs or projections for quality control purposes was also well known in this field of technology long before the earliest effective filing date of the invention of the '244 patent.

**JURISDICTION AND VENUE**

18. This action arises under the patent laws of the United States, 35 U.S.C. § 1 *et seq.*, and the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331 and 1338(a).

19. This Court has personal jurisdiction over Defendant under 35 U.S.C. § 293 by virtue of its status as a non-resident patentee. Plaintiffs are seeking service of process on Faurecia “by publication or otherwise as the [C]ourt directs” under 35 U.S.C. § 293.

20. Venue is proper in this district under 28 U.S.C. § 1391(c)(3).

**COUNT I – FOR DECLARATORY JUDGMENT OF NON-INFRINGEMENT**

21. Dräxlmaier repeats and realleges the allegations of paragraphs 1-20 of this Complaint as if fully set forth herein.

22. Plaintiffs have not infringed and do not infringe, induce infringement of, or contribute to the infringement of any valid and enforceable claim of the '244 patent, either literally or under the doctrine of equivalents.

23. Plaintiffs were unaware of the very existence of the '244 patent until Defendant's warning letter of December 8, 2021, Exhibit B hereto, and were carrying on their commercial activities, including the manufacture and sale of automotive parts, in the United States in good faith ignorance of the '244 patent or of any claims that Defendant might assert against Plaintiffs under the '244 patent.

24. In the event the Court finds that any activity of Plaintiffs infringes a valid and enforceable claim of the '244 patent, Plaintiffs have a defense to infringement under 35 U.S.C. § 273 by virtue of commercial use in good faith in the United States of the subject matter of the

'244 patent more than one year prior to the effective date of the invention claimed in the '244 patent.

25. Plaintiffs are entitled to a declaratory judgment that they do not infringe any valid and enforceable claim of the '244 patent, either literally or under the doctrine of equivalents.

**COUNT II – FOR DECLARATORY JUDGMENT OF INVALIDITY**  
**UNDER 35 U.S.C. §§102 AND/OR 103**

26. Dräxlmaier repeats and realleges the allegations of paragraphs 1-25 of this Complaint as if fully set forth herein.

27. The claims of the '244 patent are invalid under 35 U.S.C. §§ 102 and/or 103 because their subject matter is either anticipated by the prior art or would have been obvious to a person of ordinary skill in the art on the effective date of the claimed invention of the '244 patent. For example, the applicable prior art includes, but is not limited to, the molded parts produced for BMW automobiles under the E70 project that were sold and/or described in a printed publication prior to the effective date of the claims of the '244 patent (a view therefrom attached as **Exhibit H**) and JP S58-79101 (a copy with machine translation attached as **Exhibit D**).

28. The use of integrally molded ribs as disclosed and claimed in the '244 patent was well known in the art, and put to use in the E70 project and other projects, long before the earliest effective filing date of the claimed invention of the '244 patent. Furthermore, for example, the inherent purpose of the integrally molded ribs embodied in the E70 project products sold to BMW and described in prior art printed publications was to permit measurement along a measuring direction of the distance between the ribs.



29. Exhibit I shows that measuring the distances between projections on integrally molded into plastic parts as part of manufacturing quality control was also well known in the art long before the earliest effective filing date of the claimed invention of the '244 patent.

30. Plaintiffs are entitled to a declaratory judgment that each of the claims of the '244 patent is invalid under 35 U.S.C. §§ 102 and/or 103.

**COUNT III – FOR DECLARATORY JUDGMENT OF INVALIDITY  
UNDER 35 U.S.C. §101**

31. Dräxlmaier repeats and realleges the allegations of paragraphs 1-30 of this Complaint as if fully set forth herein.

32. The claims of the '244 patent are invalid as being directed to unpatentable subject matter under 35 U.S.C. § 101. For example, at least claims 10 and 11 of the '244 patent are directed to the abstract idea of determining whether a molded plastic part complies with intended manufacturing dimensions by measuring it, while the claims recite generic components that do not transform the claims into patentable subject matter.

33. Plaintiffs are entitled to a declaratory judgment that the claims of the '244 patent are invalid under 35 U.S.C. §101.

**COUNT IV – FOR DECLARATORY JUDGMENT OF INVALIDITY  
UNDER 35 U.S.C. §112(a)**

34. Dräxlmaier repeats and realleges the allegations of paragraphs 1-33 of this Complaint as if fully set forth herein.

35. At least claims 10 and 11 of the '244 patent are invalid under 35 U.S.C. § 112(a). The specification of the '244 patent does not enable persons skilled in the art to use the claimed subject matter to “dimensionally control” a molded part in plastic material.

36. Plaintiffs are entitled to a declaratory judgment that the claims of the '244 patent are invalid under 35 U.S.C. §112(a).

**COUNT V – FOR DECLARATORY JUDGMENT OF INVALIDITY**  
**UNDER 35 U.S.C. §112(b) AND/OR (d)**

37. Dräxlmaier repeats and realleges the allegations of paragraphs 1-36 of this Complaint as if fully set forth herein.

38. The claims of the '244 patent do not set forth the metes and bounds of the claimed subject matter with reasonable certainty and are thus invalid under 35 U.S.C. § 112(b). For example, the term “allowing” found in claims 1-9 is an indefinite term of degree. The terms “at a distance from” in claim 5 and “dimensionally controlling” in claims 10 and 11 are also indefinite because these terms do not have a clear and definite meaning for persons skilled in this art in the context of the '244 patent. With respect to claim 5, it also cannot be determined with reasonable certainty which positioning protrusion and which supporting protrusion are being referred to.

39. Claim 5 is also invalid as unclear in being an improper dependent claim in violation of 35 U.S.C. § 112(d).

40. Plaintiffs are entitled to a declaratory judgment that the claims of the '244 patent are invalid under 35 U.S.C. § 112(b) and/or (d).

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs pray for judgment as follows:

A. Declaring that Plaintiffs have not infringed and do not infringe, directly or indirectly, either literally or under the doctrine of equivalents, any claim of the '244 patent;

B. Declaring that Plaintiffs have a defense to infringement under 35 U.S.C. § 273 by virtue of prior commercial use in good faith in the United States of the subject matter of the '244 patent more than one year prior to the effective date of the claimed invention of the '244 patent;

C. Declaring that the claims of the '244 patent are invalid under 35 U.S.C. §§ 102 and/or 103;

D. Declaring that the claims of the '244 patent are invalid as being directed to unpatentable subject matter under 35 U.S.C. § 101;

E. Declaring that at least claims 10 and 11 of the '244 patent are invalid under 35 U.S.C. § 112(a);

F. Declaring that each of the claims of the '244 patent is invalid under 35 U.S.C. § 112(b) and/or (d);

G. Finding that this is an exceptional case under 35 U.S.C. § 285;

H. Awarding Dräxlmaier its costs and attorney's fees in connection with this action;  
and

I. Such further and additional relief as the Court deems just and proper.

**JURY DEMAND**

Dräxlmaier demands a jury trial on all issues and claims triable to a jury.

*[Remainder of page intentionally left blank. Signature page to follow.]*

Dated: September 7, 2022

Respectfully submitted,

**LISA DRÄXLMAIER GMBH and  
DRAEXLMAIER AUTOMOTIVE OF AMERICA LLC**

/s/ Christopher A. Jones

Barry E. Bretschneider (Va. Bar No. 66490)

Christopher A. Jones (Va. Bar No. 40064)

Jae Won Ha (Va. Bar No. 94781)

**WHITEFORD, TAYLOR & PRESTON, LLP**

3190 Fairview Park Drive, Suite 800

Falls Church, Virginia 22042

(703) 280-9263 (telephone)

(703) 280-8942 (facsimile)

bbretschneider@wtplaw.com

cajones@wtplaw.com

jha@wtplaw.com

Steven E. Tiller (*pro hac vice* admission to be requested)

Peter J. Davis (*pro hac vice* admission to be requested)

**WHITEFORD, TAYLOR & PRESTON, LLP**

7 Saint Paul Street

Baltimore, Maryland 21202

(410) 347-8700 (telephone)

(410) 752-7092 (facsimile)

stiller@wtplaw.com

pdavis@wtplaw.com

*Attorneys for Plaintiffs*