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9 MARCEL SIELER

10 **UNITED STATES DISTRICT COURT**  
11 **NORTHERN DISTRICT OF CALIFORNIA**

12 MARCEL SIELER, an individual, ) Case No.: 4:22-cv-00063  
13 )  
14 Plaintiff, ) COMPLAINT FOR  
15 vs. ) (1) CORRECTION OF INVENTORSHIP  
16 ) (2) DEFAMATION  
17 ) (3) INTENTIONAL MISREPRESENTATION  
18 ATIEVA, INC, a California Corporation, ) (4) NEGLIGENT MISREPRESENTATION  
19 ) (5) INTENTIONAL INFLICTION OF  
20 Defendants. ) EMOTIONAL DISTRESS  
21 ) (6) NEGLIGENCE  
22 ) (7) UNFAIR COMPETITION  
23 )  
24 ) DEMAND FOR JURY TRIAL  
25 \_\_\_\_\_

26 Plaintiff MARCEL SIELER (“Plaintiff” or “Mr. Sieler”), by and through his undersigned  
27 counsel, makes this Complaint against defendant ATIEVA, INC. (“Defendant” or “Atieva”) as  
28 follows:

29 **NATURE OF THE ACTION**

30 1. Plaintiff alleges a civil action for correction of inventor for U.S. Patent No.  
31 10,232,763 (“ Patent ‘763”) issued on March 19, 2019, arising under patent law 35 U.S.C. § 256  
32 and related California state claims for defamation, intentional misrepresentation, negligent  
33 misrepresentation, intentional infliction of emotional distress, negligence, and unfair

1 competition.

2 **PARTIES**

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4 2. Plaintiff is an individual residing in Germany.

5 3. Defendant is a California Corporation doing business as “LUCID” with its  
6 principal place of business located at 7373 Gateway Blvd, Newark, CA 94560.

7 **JURISDICTION AND VENUE**

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9 4. This action is brought under the patent laws of the United States, 35 U.S.C. § 101  
10 et seq., and in particular, 35 U.S.C. § 256. This Court has subject matter jurisdiction under 28  
11 U.S.C. § 1331 federal question, and 1338(a) Act of Congress arising from patents and (b) unfair  
12 competition under patent laws. The Court has supplemental jurisdiction under 28 U.S.C. §  
13 1367(a).

14  
15 5. Personal jurisdiction and venue are proper in this Court pursuant to 28 U.S.C. §  
16 1391(b) and (c) because Defendant is located in and a substantial part of the events or omissions  
17 giving rise to the claims occurred in the state of California, Alameda County.

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19 6. Divisional assignment to the Oakland Division is appropriate because a  
20 substantial part of the events or omissions giving rise to the claim occurred in Alameda County.

21 **FACTS**

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23 7. Mr. Sieler is known for his work in automotive lighting community. Specifically  
24 he is known inventing the basic principle behind micro-lens array (“MLA”) projection  
25 technology in automotive lighting. While working for leading automotive companies such as  
26 Fraunhofer Research Society and BMW Group, Mr. Sieler was named as sole inventor or co-  
27 inventor in at least 14 patents **families** in such related fields of lighting worldwide. In 8 out of  
28

1 the 14 patent families, Mr. Sieler is named as first inventor. Within these 14 patent families,  
2 there are at least 30 are granted patents and 94 pending MLA applications.

3 8. In or around 2015, Defendant was a new electric car company seeking to hire Mr.  
4 Sieler to create headlights for its first car. Mr. Eric Bach, employee for Defendant, specifically  
5 sought out Mr. Sieler for the benefits of the basic MLA technology from Mr. Sieler's previous  
6 publications and patents in automotive lighting community. During the interviews with Atieva in  
7 August 2015, the double-substrate idea in Atieva's car was not yet born.

8  
9 9. In or around 2016, Defendant courted Mr. Sieler away from another car company,  
10 BMW, and hired him to specifically develop the headlights to be incorporated into Defendant's  
11 new electric car.

12  
13 10. On information and belief, Mr. Sieler was offered highly competitive  
14 compensation by the Defendant based on the fact that Mr. Sieler was named first inventor of his  
15 patents.

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17 11. Based on Defendant's promises of public recognition and prestige at Defendant's  
18 company, Mr. Sieler uprooted from his home in Germany to relocate to a foreign country in  
19 California to work for Defendant at its principal place of business.

20 12. Furthermore, Mr. Bach promised Mr. Sieler that if Mr. Sieler's work at Atieva  
21 resulted in granted patents, Mr. Sieler would be awarded with a promotion, bonus salary, and  
22 additional options of the company.

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24 13. Mr. Bach emphasized that patents at Atieva are everything to grow the value of  
25 the company for future investors and that Mr. Sieler will be compensated financially for any and  
26 each granted patent that he contributed to.

27 14. In Germany, companies compensate employees separately for each patent. So it  
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1 was reasonable for Mr. Sieler to believe and rely on Mr. Bach's promise of separate patent  
2 compensation and bonuses, as this would reasonably fall under "competitive" compensation as  
3 stated in his job offer letter.

4  
5 15. In reliance on Mr. Bach's promises, in January 2016, Mr. Sieler started to work at  
6 Atieva with a blank sheet of paper with the goal to improve the efficiency of the MLA optics to  
7 get the smallest package size possible, most aerodynamic shape, and best adaptive headlight  
8 functions so far worldwide. In or around February 2016, Mr. Sieler had the idea of his life to  
9 create the double-substrate MLA and successfully simulated this concept using the software  
10 ZEMAX. By using this new idea, Mr. Sieler was able to double the transmission and efficiency  
11 compared to all previous MLA optics designed before. There was no other inventor involved.  
12 During the following days, Mr. Sieler shared the invention with his manager Ralf Meyer-Wendt,  
13 supervisor Eric Bach, and external contractors, including an email to Alf Riedel. Mr. Sieler  
14 refined the idea with further simulations and was able to create a totally new concept of headlight  
15 layout based on small rectangular LED projector modules. In February 2016, Mr. Sieler invented  
16 the solid state adaptive headlight that can be incorporated into Defendant's cars.  
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19 16. Mr. Sieler's invention was first documented on or around February 22, 2016 using  
20 the Zemax optical design software, which showed successful proof of concept of the invention.  
21 Mr. Sieler sent the proof of concept Zemax file to Atieva's contracted supplier company on  
22 February 23, 2016 for development. Mr. Sieler's idea and concept were approved by Defendant's  
23 CTO and CEO in March 2016. Mr. Sieler had the technical lead of the internal and contractors  
24 team develop the prototype exterior lighting for Defendant's first car.  
25

26 17. On or around December 14, 2016, Defendant unveiled its prototype electric  
27 sedan, Lucid Air. Incorporated within the Lucid Air were Mr. Sieler's double-substrate MLA  
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1 optics. Between February 2016 and December 2016, the solid state adaptive headlight was  
2 successfully built out for Defendant's car as planned.

3 18. On or around December 14, 2016, Defendant published a car that included the  
4 adaptive light module as created by Mr. Sieler, which is the invention under Patent '763.

5 19. After Mr. Sieler invented the Solid State Adaptive Headlight that is the basis for  
6 Patent '763, Defendant abruptly terminated Mr. Sieler without cause in or around January 24,  
7 2017.

8 20. After one year, Mr. Sieler was terminated – harassed and forced out by Messrs.  
9 Bach and Eckstein, and Mrs. Eckstein. After Mr. Sieler left and unknown to Mr. Sieler, these  
10 same people stole the credit to Mr. Sieler's invention and Defendant later named these same  
11 people as the inventor of Mr. Sieler's invention in Patent '763.  
12

13 21. Mr. Sieler was forced to return home without the promised public recognition and  
14 prestige. Defendant did not provide Mr. Sieler with any public recognition, no marketing or  
15 announcements, for his contributions to their vehicle.  
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18 ***Patent '763***

19 22. In or around 2020, Mr. Sieler discovered that Patent '763 was issued to Defendant  
20 for his invention. A copy of Patent '763 is attached as Exhibit 1.

21 23. Mr. Sieler was not informed of the patent application or the granted patent.

22 24. On information and belief, Patent '763 is the basis for several pending  
23 international patent applications.  
24

25 25. Under "other publications" considered for the granted Patent '763 is Mr. Sieler's  
26 publication in "Optics Express" titled "Microoptical Array Projectors for Free-Form Screen  
27 Applications"  
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1 26. Patent ‘763 names as inventors Wiebke Eckstein, Hans-Christoph Eckstein, Eric  
2 Magnus Bach. The applicant and Assignee of Patent ‘763 is Atieva, Inc.

3 27. Upon information and belief, the above named inventors received financial and  
4 reputational benefits for being named inventors on Patent ‘763.

5 28. Wiebke Eckstein and Hans-Christoph Eckstein did not contribute to the invention  
6 underlying Patent ‘763. Mr. and Mrs. Eckstein were employed by Atieva around June 2016,  
7 months after the invention was already sent to the supplier to be built out. In addition, Wiebke  
8 Eckstein’s main work during the first months was for heads-up-display – not headlights. Hans-  
9 Christoph Eckstein mainly worked on the car’s interior lighting and laser lighting pre-  
10 development, a different area of lighting - not headlights. They were only trivially involved in the  
11 headlight prototype build out, a phase after the invention was completed long ago.  
12

13 29. Eric Magnus Bach did not contribute to the invention underlying Patent ‘763.  
14

15 30. Eric Magnus Bach was Mr. Sieler’s supervisor who supervised the progress and  
16 timeline but was not a part of the actual brainstorm, building, and development of the invention.  
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18 31. On information and belief, none of the alleged inventors of Patent ‘763 are listed  
19 as first named inventors, or otherwise listed, as inventors in any other MLA patents.  
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21 ***Marketing and Publication of False Inventorship***

22 32. Mr. Sieler discovered that Defendant robbed him of his credit to his invention  
23 during a convention where Mr. Eckstein announced that he, an employee of Defendant, invented  
24 the subject invention.

25 33. Mr. Eckstein announced in or around May 2020 during an international online  
26 conference in front of the automotive lighting community that the MLA tech, the basis of Patent  
27 ‘763, was created by him.  
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1           40.     In 2019, Mr. Sieler started his own company GLOWWING that specializes in the  
2 commercialization of MLA technology for automotive customers. GLOWWING offers MLA  
3 technology consulting, prototype development and small series production of MLA projector  
4 modules.

5  
6           41.     After Mr. Sieler formed his own company in 2019, potential customers and  
7 colleagues in the field have questioned Mr. Sieler on several occasion regarding Mr. Sieler’s role  
8 at Defendant’s company.

9           42.     Mr. Sieler have stated that he created and incorporated the MLA tech into the  
10 Lucid Air external headlights. In addition, Mr. Sieler believes and have stated that this invention  
11 to be one of his masterpieces of his career.

12  
13           43.     However, once Mr. Eckstein publicly claimed to be the inventor and father of  
14 these headlights – Mr. Sieler’s reputation, credibility, and business relations were instantly  
15 damaged. Other world-leading companies in this area of technology have since quoted Mr.  
16 Eckstein in other conferences to be the master behind the Lucid Air headlight innovation.

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18           44.     To gain financial and reputational benefits, Defendant’s published patent and  
19 other marketing material started an avalanche of misinformation in the community, while the  
20 damage to Mr. Sieler’s reputation is ongoing and increasing over time.

21           45.     The patent ‘763 invention is a huge worldwide disruptive revolution in current  
22 and future headlight design and function. Atieva hired the world’s top global automotive  
23 suppliers to supply the headlight for Lucid Air, Hella KGaA Hueck & Co. (“HELLA”). HELLA  
24 is likely roll out this technology to other companies that would buy a license from Defendant.  
25 Yet despite this current and pending global disruption, Mr. Sieler, the expert of MLA tech and  
26 the inventor of the Lucid Air headlights is unacknowledged and discredited.  
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1 manner. In addition, he never fulfilled his promise to give Mr. Sieler a better title or public  
2 recognition. Instead, he used Mr. Sieler to create the invention behind Patent '763, fired him, and  
3 then stole the credit to this invention publicly and continuously, resulting in damage to Mr.  
4 Sieler's reputation, credibility, business relations, loss employment, and ability to command  
5 higher compensation, and further to take for himself the financial gain resulting from  
6 contributions to a patent that rightfully belongs to Mr. Sieler.  
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8 60. Defendant knew or should have known of such deceit but continued to ratify the  
9 deceit through its numerous ongoing publications to present.

10 61. WHEREFORE, Plaintiff prays for relief as set forth below.

11 **FOURTH CAUSE OF ACTION**

12 **NEGLIGENT MISREPRESENTATION**

13 **Against All Defendants**

14 62. Plaintiff incorporates by reference and re-alleges the foregoing paragraphs.

15 63. Defendant's managing employee Mr. Eric Bach misrepresented through false  
16 representation, concealment, and / or nondisclosure that Plaintiff would be credited and  
17 financially compensated for his work and contribution to inventions that are patented at  
18 Defendant company. However, Mr. Bach may have believed that he would provide such credit to  
19 Mr. Sieler but did so without reasonable grounds. He never fulfilled his promise to give Mr.  
20 Sieler a better title or public recognition. Instead, he used Mr. Sieler to create the invention  
21 behind Patent '763, fired him, and then stole the credit to this invention publicly and  
22 continuously, resulting in damage to Mr. Sieler's reputation, credibility, business relations, loss  
23 employment, and ability to command higher compensation, and further to take for himself the  
24 financial gain resulting from contributions to a patent that rightfully belongs to Mr. Sieler.  
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1           64. Defendant knew or should have known of such deceit or had reasonable grounds  
2 but continued to ratify the deceit through its numerous publications.

3           65. WHEREFORE, Plaintiff prays for relief as set forth below.  
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5   **FIFTH CAUSE OF ACTION**

6   INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

7   Against All Defendants

8           66. Plaintiff incorporates by reference and re-alleges the foregoing paragraphs.  
9

10           67. Defendant's managing employee Mr. Eric Bach used Mr. Sieler to create the  
11 invention behind Patent '763, fired him, and then robbed Mr. Sieler of the credit to this invention  
12 publicly and continuously, which is the actual and proximate cause of Mr. Sieler's ongoing  
13 emotional distress and ongoing damage to Mr. Sieler's reputation, credibility, business relations,  
14 loss employment, and ability to command higher compensation. Defendant continues to publish  
15 misinformation to support the lies that continue to cause Mr. Sieler emotional distress.  
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17           68. Defendant's conduct exceeds all of bounds that usually tolerated by a civilized  
18 community.

19           69. WHEREFORE, Plaintiff prays for relief as set forth below.  
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21   **SIXTH CAUSE OF ACTION**

22   NEGLIGENCE

23   Against All Defendants

24           70. Plaintiff incorporates by reference and re-alleges the foregoing paragraphs.  
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26           71. Defendant's managing employee Mr. Eric Bach used Mr. Sieler to create the  
27 invention behind Patent '763, fired him, and then robbed Mr. Sieler of the credit to this invention  
28 publicly and continuously, which is the substantial factor of Mr. Sieler's ongoing emotional

1 distress and ongoing damage to Mr. Sieler's reputation, credibility, business relations, loss  
2 employment, and ability to command higher compensation. Defendant continues to publish  
3 misinformation to support the lies that continue to cause Mr. Sieler emotional distress.

4 72. Defendant owes a duty to Mr. Sieler to name proper inventors. Article I, Section  
5 8, Clause 8 of the U.S. Constitution, gives Congress the power to grant patents "to Inventors"  
6 and not to Defendant employer. The duty to name proper inventors trumps any employment  
7 contract.  
8

9 73. WHEREFORE, Plaintiff prays for relief as set forth below.  
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11 **SEVENTH CAUSE OF ACTION**

12 UNFAIR COMPETITION

13 Against All Defendants

14 74. Plaintiff incorporates by reference and re-alleges the foregoing paragraphs.  
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16 75. Defendant committed unlawful, unfair, or fraudulent business acts and/or false  
17 deceptive, misleading advertising when its managing employee Mr. Eric Bach used Mr. Sieler to  
18 create the invention behind Patent '763, fired him, and then robbed Mr. Sieler of the credit to this  
19 invention publicly and continuously.

20 76. Defendant continues to advertise that its current employees are the inventors of  
21 the Patent '763 to bolster its reputation at the detriment of Mr. Sieler's reputation and business in  
22 the automotive lighting community.  
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24 77. As a result, there is ongoing damage to Mr. Sieler's reputation, credibility,  
25 business relations, loss employment and/or income, and ability to command higher  
26 compensation.  
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28 78. WHEREFORE, Plaintiff prays for relief as set forth below.

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**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for relief against Defendant as follows:

- 1. For judicial determination and declaration adjudging MARCEL SIELER to be the sole inventor of Patent No. ‘763 and reissuance of Patent ‘763 to indicate MARCEL SIELER on the title page of the patent;
- 2. For general and special damages under applicable claim for relief;
- 3. For an order requiring Defendants to disgorge any improper profits and restore Plaintiffs monetary losses resulting from Defendants’ unfair business practices;
- 4. For reasonable attorney’s fees, expert witness fees, and costs of suit, herein incurred by Plaintiff pursuant to any applicable statute or contract;
- 5. For punitive and exemplary damages under applicable claim for relief and statute;
- 6. For prejudgment interest on the amount of any damages awarded; and
- 7. For such other and further relief as the court may deem just and proper.

Dated: January 5, 2022.

Respectfully Submitted,

/s/ Quynh Chen  
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**DEMAND FOR JURY TRIAL**

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff hereby requests a jury trial on any and all claims so triable.

Dated: January 5, 2022.

Respectfully Submitted,

/s/ Quynh Chen

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