

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

THE BRAUN CORPORATION

Plaintiff,

v.

FR CONVERSIONS INC. and FR
CONVERSIONS, LLC

Defendants.

Civil Case No: _____

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff The Braun Corporation (“BraunAbility” or “Plaintiff”) brings this action against Defendants FR Conversions Inc. and FR Conversions, LLC (collectively “FR Conversions” or “Defendants”) for an injunction, damages, and other appropriate relief to stop FR Conversions from violating BraunAbility’s patent rights. BraunAbility states and alleges as follows:

NATURE OF THE CASE

1. This is a civil action for infringement of U.S. Patent No. 10,676,974 (“the ’974 patent”) under the Patent Laws of the United States, including, without limitation, 35 U.S.C. § 1 *et seq.*

THE PARTIES

2. Plaintiff does business as BraunAbility, is an Indiana corporation, and has its principal place of business at 631 W. 11th Street, Winamac, Indiana 46996.

3. BraunAbility is a global leader in the design, manufacture, and sale of innovative mobility transportation solutions such as wheelchair accessible vehicles.

4. Defendant FR Conversions Inc. is a Maryland corporation and Defendant FR Conversions, LLC is a limited liability company organized and existing under the laws of Delaware.

5. Upon information and belief, Defendants collectively do business as FR Conversions and share a regular and established place of business at 1231 Tech Court, Westminster, Maryland 21157.

6. In its Non-Maryland Limited Liability Company Registration, Defendant FR Conversions, LLC states that its nature of business in Maryland is “MFg [sic] of wheelchair accessible vehicles and ambulances.”

7. In Federal Transit Bus Test Report No. LTI-BT-R2020-12, Defendant FR Conversions Inc. is listed as the manufacturer of “Model: 2017 Chrysler Pacifica Touring L Side Entry.”

8. Upon information and belief, Defendant FR Conversions, LLC and Defendant FR Conversions Inc. have an agency relationship or at least collaborate in the manufacture and sale of wheelchair accessible vehicles.

9. FR Conversions directly competes with BraunAbility in the sale of wheelchair accessible vehicles, including, without limitation, ADA-compliant side-entry wheelchair accessible vehicles that are the subject of this lawsuit, in the United States, including, without limitation, the District of Maryland.

JURISDICTION AND VENUE

10. This Court has subject matter jurisdiction over this matter pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this matter arises under the United States Patent Laws for infringement of a United States patent.

11. This Court has personal jurisdiction over FR Conversions because, upon information and belief, FR Conversions has a principal place of business and has committed, aided, abetted, contributed to, and/or participated in the commission of patent infringement in the District of Maryland.

12. Venue is proper in the District of Maryland pursuant to 28 U.S.C. § 1400(b) because, upon information and belief, FR Conversions has a regular and established place of business and has committed acts of infringement in Westminster, Maryland.

THE '974 PATENT

13. On June 9, 2020, the '974 Patent, entitled "Overtravel Hinge" was duly and legally issued by the United States Patent and Trademark Office ("USPTO") in the name of inventor Adam D. Wojdyla, an employee of BraunAbility. The '974 Patent is generally directed to an overtravel hinge that increases the range of travel for a sliding door in a wheelchair accessible vehicle to provide a sliding door opening with increased width.

14. BraunAbility is the owner, by assignment from inventor Adam D. Wojdyla, of all right, title, and interest in the '974 Patent, including the right to exclude others and to sue and recover damages for infringement.

15. To the extent any marking or notice was required by 35 U.S.C. § 287, BraunAbility has complied with the marking requirements by filing the word "Patent" together with the number of the '974 Patent on all goods made, offered for sale, sold, and/or imported into the United States that embody one or more claims of the '974 Patent at least since approximately September 28, 2023.

16. A true and correct copy of the '974 Patent is attached as Exhibit A.

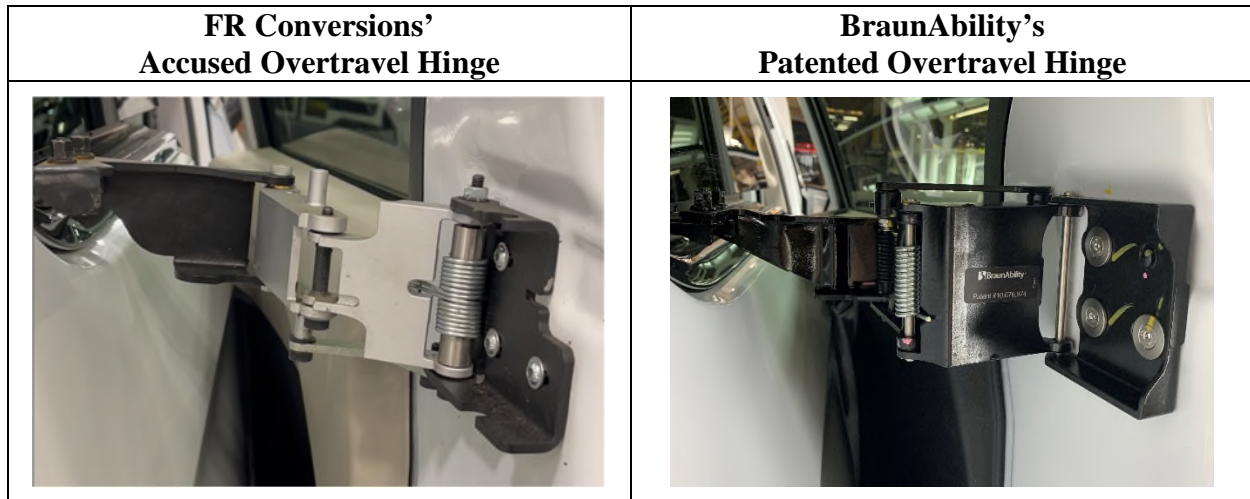
THE ACCUSED PRODUCT

17. Upon information and belief, FR Conversions, by and through its dealer Bus Service Inc., submitted a successful bid under Ohio Department of Transportation Project No. BABF-0095-010-231, Contract No. 253-24 for a “Modified Minivan (MMV)” (“the Ohio Contract”) to sell a model year 2023 Chrysler Voyager modified by FR Conversions to permit wheelchair access through the curb-side sliding door (“Accused Wheelchair Accessible Vehicle”).

18. Upon information and belief, the Ohio Public Transportation Association (OPTA) invited vendors on the Ohio Contract to display their vehicles at the OPTA show held on September 19-20, 2023. Upon information and belief, there were approximately two hundred fifty (250) attendees at the OPTA show, which included BraunAbility, FR Conversions, and a combination of vendors, dealers, end users, and Ohio State agencies.

19. FR Conversions displayed the Accused Wheelchair Accessible Vehicle at the OPTA show. The Accused Wheelchair Accessible Vehicle included an overtravel hinge (“Accused Overtravel Hinge”) that was different from the original equipment manufacturer (“OEM”) hinge. The Accused Overtravel Hinge increased the range of travel for the curb-side sliding door to provide a sliding door opening with increased width as compared to the OEM hinge. The Accused Wheelchair Accessible Vehicle also included a wheelchair ramp that deploys through that sliding door opening to permit rolling access for wheelchairs.

20. The Accused Overtravel Hinge is substantially the same as BraunAbility’s patented overtravel hinge. Below are photographs of the Accused Overtravel Hinge and BraunAbility’s patented overtravel hinge, side-by-side.



21. All Modified Minivans offered under the Ohio Contract must be compliant with the Americans with Disabilities Act (“ADA”). But for the Accused Overtravel Hinge, the curb-side sliding door opening of Accused Wheelchair Accessible Vehicle would not be wide enough to accommodate a wheelchair ramp that is ADA-compliant. Upon information and belief, there are no viable, cost-effective alternatives to BraunAbility’s novel patented hinge that would allow FR Conversions to effectively compete for the sale of ADA-compliant side-entry Modified Minivans under the Ohio Contract.

22. Upon information and belief, BraunAbility is FR Conversions’ only competitor for Modified Minivans under the Ohio Contract. Additionally, FR conversions is the low bidder on the Ohio Contract for side-entry Modified Minivans.

23. For at least the reasons stated above, BraunAbility will lose, and may already have lost, sales of its patented side-entry wheelchair accessible vehicle on a 1:1 basis for each Accused Wheelchair Accessible Vehicle sold by FR Conversions pursuant to the Ohio Contract.

24. Upon information and belief, FR Conversions has been successful on other commercial bids for the Accused Wheelchair Accessible Vehicle and is offering a consumer version of the Accused Wheelchair Accessible Vehicle.

COUNT I – INFRINGEMENT OF THE '974 PATENT

25. BraunAbility realleges and incorporates by reference the allegations of paragraphs 1-19.

26. FR Conversions has directly infringed and continues to directly infringe at least claim 1 of the '974 Patent by making, using, offering to sell and, upon information and belief, selling within the United States the Accused Wheelchair Accessible Vehicle.

27. FR Conversions has directly infringed and continues to directly infringe at least claim 9 of the '974 Patent by making, using, offering to sell and, upon information and belief, selling within the United States the Accused Overtravel Hinge and vehicles incorporating the Accused Overtravel Hinge.

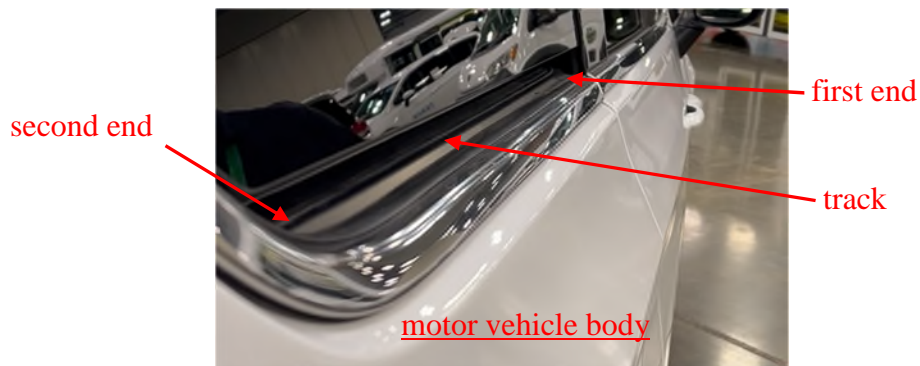
28. FR Conversions has indirectly infringed and continues to indirectly infringe at least claim 1 of the '974 Patent by inducing and/or contributing to the infringements of the '974 Patent by customers, such as Bus Service, Inc., and, upon information and belief, end users, such as purchasers under the Ohio Contract, of the Accused Wheelchair Accessible Vehicle. FR Conversions has possessed knowledge of the '974 Patent since at least the time of service of this Complaint. FR Conversions has known or should have known that its actions would induce or contribute to actual infringement by customers and end users of the Accused Wheelchair Accessible Vehicle. FR Conversions has specifically intended for customers and end users to resell and/or use the Accused Wheelchair Accessible Vehicle in a manner that infringes at least claim 1 of the '974 Patent.

29. FR Conversions has indirectly infringed and continues to indirectly infringe at least claim 9 of the '974 Patent by inducing and/or contributing to the infringements of the '974 Patent by customers, such as Bus Service, Inc., and, upon information and belief, end users, such as

purchasers under the Ohio Contract, of the Accused Overtravel Hinge. FR Conversions has possessed knowledge of the '974 Patent since at least the time of service of this Complaint. FR Conversions has known or should have known that its actions would induce or contribute to actual infringement by customers and end users of the Accused Overtravel Hinge. FR Conversions has specifically intended for customers and end users to resell and/or use the Accused Overtravel Hinge in a manner that infringes at least claim 9 of the '974 Patent.

30. Inspection of the Accused Wheelchair Accessible Vehicle demonstrates that it embodies each and every limitation of at least claim 1 of the '974 Patent, either literally or under the doctrine of equivalents.

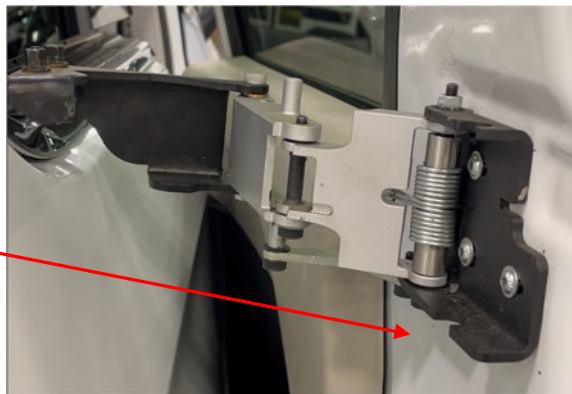
31. As annotated below, the Accused Wheelchair Accessible Vehicle is a motor vehicle having a body and comprises a track mounted to the body, the track having a first end and a second end.



32. As annotated below, the Accused Wheelchair Accessible Vehicle includes a door adapted to move from a closed position at the first end to an open position at the second end.

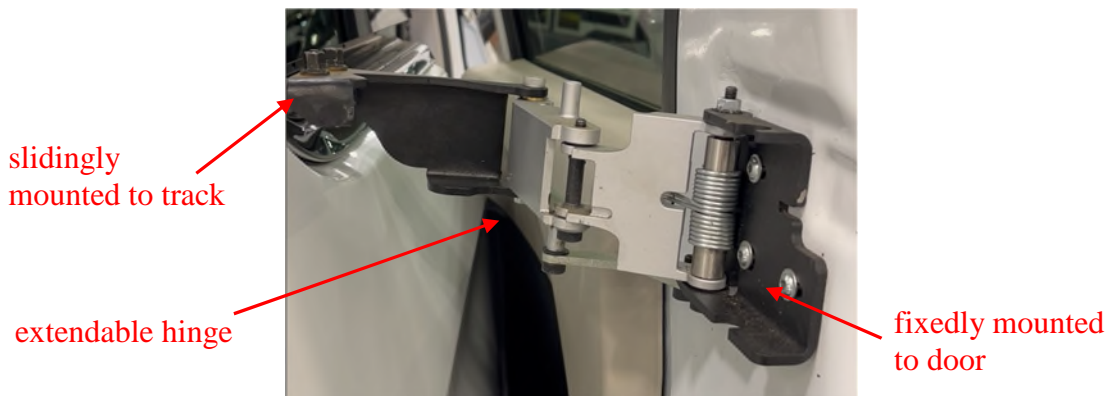


Door in closed position at first end



Door in open position at second end

33. As annotated below, the Accused Wheelchair Accessible Vehicle includes an extendable hinge slidingly mounted to the track and fixedly mounted to the door.



34. As annotated below, the extendable hinge of the Accused Wheelchair Accessible Vehicle includes a collapsed condition at the first end, a partially deployed condition between the first end and the second end, and a fully deployed condition at the second end.

Collapsed
condition at first
end upon full
closure of door



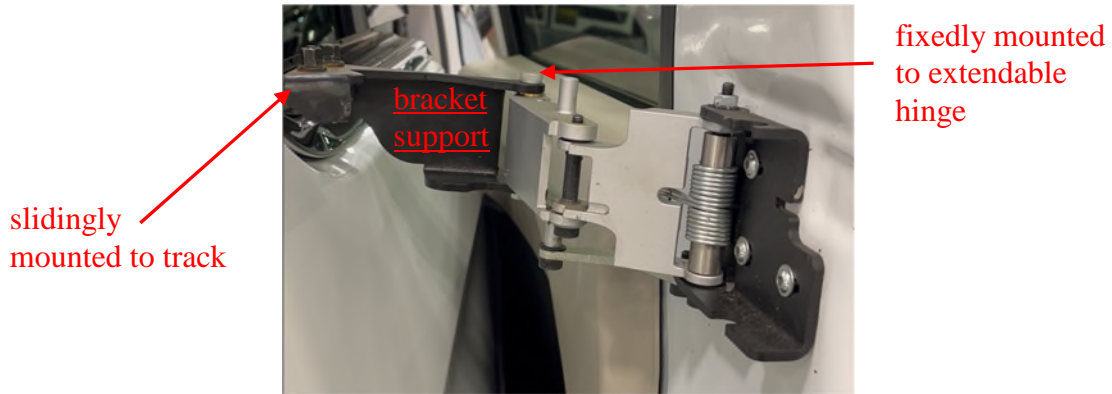
partially deployed
between first end
and second end



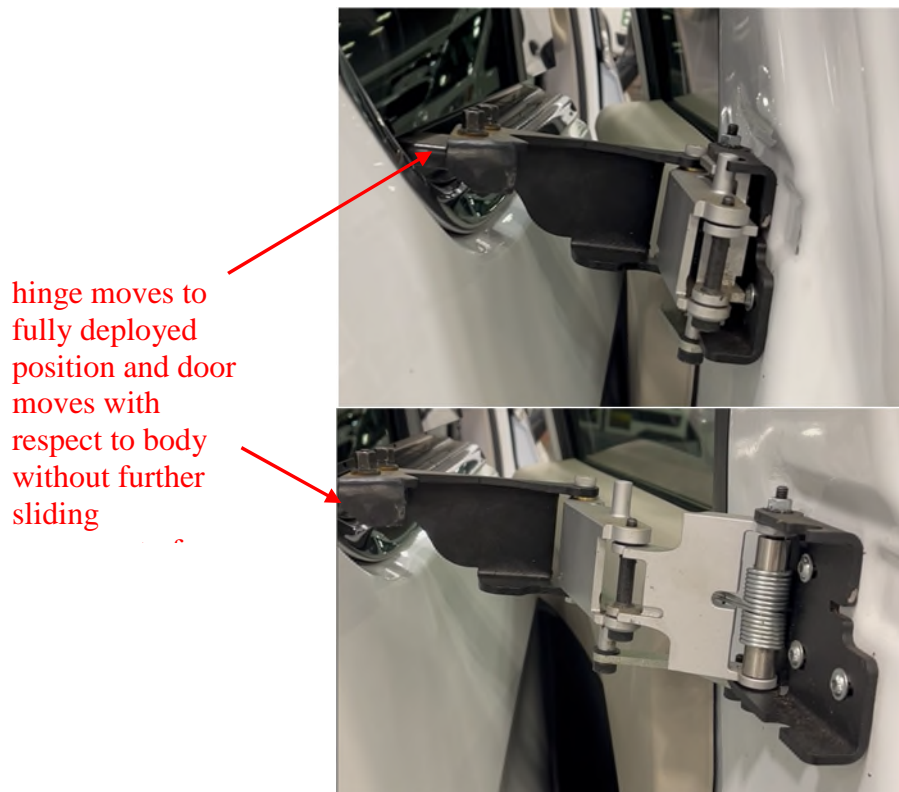
fully deployed at
second end



35. As annotated below, the Accused Wheelchair Accessible Vehicle includes a bracket support slidingly engaged to the track and fixedly mounted to the extendable hinge.

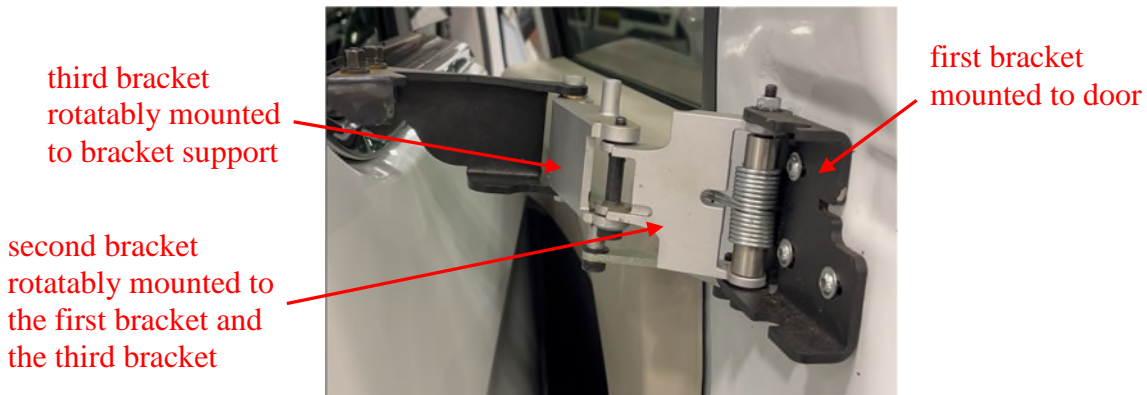


36. As annotated below, movement of the extendable hinge of the Accused Wheelchair Accessible Vehicle to the fully deployed condition moves the door with respect to the body without further sliding movement of the extendable hinge along the track.

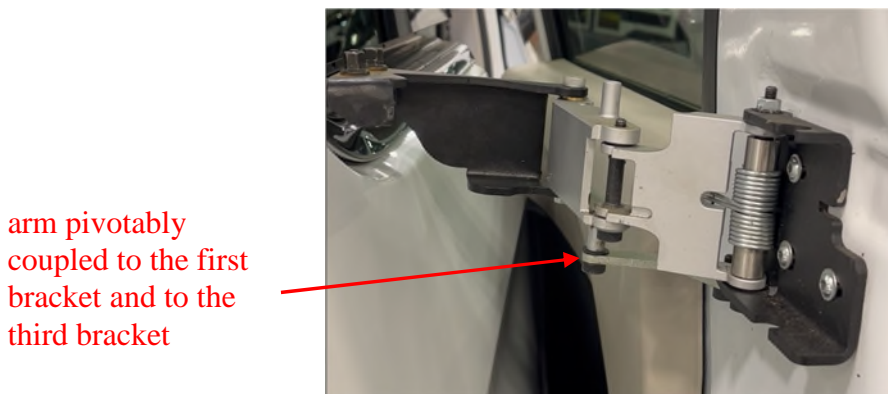


37. As annotated below, the extendable hinge of the Accused Wheelchair Accessible Vehicle includes a first bracket fixedly mounted to the door, a second bracket, and a third bracket

rotatably mounted to the bracket support, wherein the second bracket is rotatably mounted to the first bracket and to the third bracket.

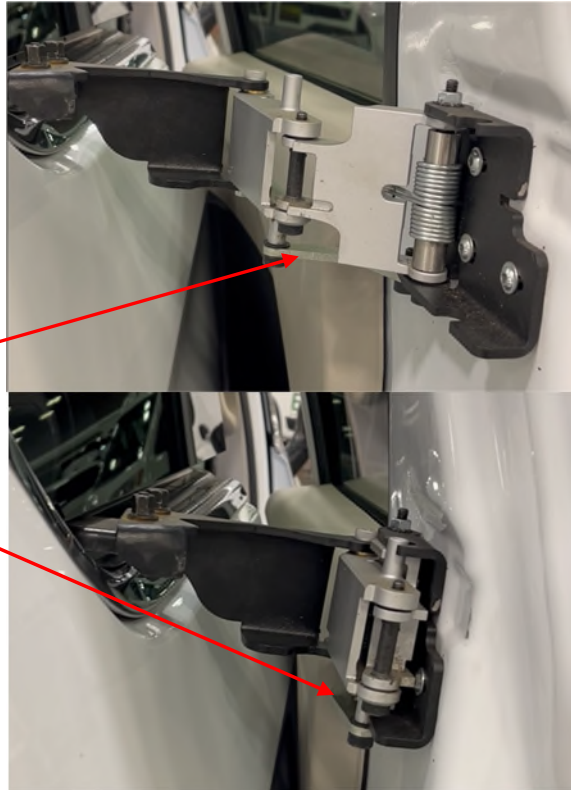


38. As annotated below, the extendable hinge of the Accused Wheelchair Accessible Vehicle includes an arm pivotably coupled to the first bracket and to the third bracket.



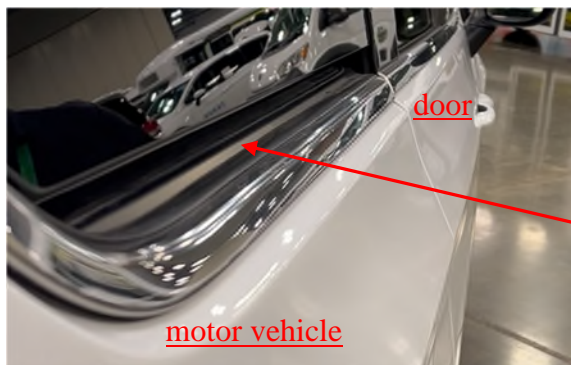
39. As annotated below, pivotable movement of the arm of the Accused Wheelchair Accessible Vehicle moves the extendable hinge from the fully deployed condition to the partially deployed condition as the bracket support moves from the second end of the track toward the first end of the track.

arm pivots to move the hinge from the fully deployed condition to the partially deployed condition



40. Inspection of the Accused Overtravel Hinge demonstrates that it embodies each and every limitation of at least claim 9 of the '974 Patent, either literally or under the doctrine of equivalents.

41. As annotated below, the Accused Overtravel Hinge is a vehicle door hinge for a door of a motor vehicle having a track configured to accept the door hinge for sliding movement of the door along the track.



track configured to accept door hinge for sliding movement

42. As annotated below, the Accused Overtravel Hinge includes an extendable hinge configured to slidingly mount to the track and fixedly mount to the door.



43. As annotated below, the Accused Overtravel Hinge includes a collapsed condition at a first end of the track, a partially deployed condition between the first end and the second end of the track, and a fully deployed condition at the second end of the track.

Collapsed condition at first end upon full closure of door



partially deployed between first end and second end

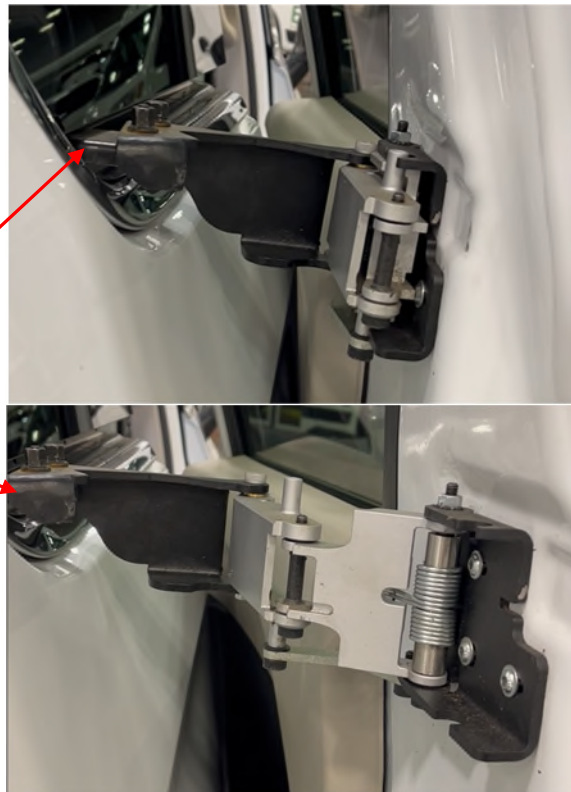


fully deployed at second end

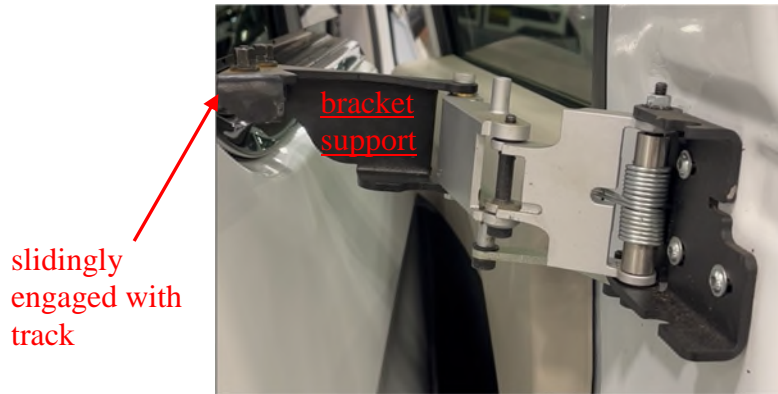


44. As annotated below, movement of the Accused Overtravel Hinge to the fully deployed condition moves the door with respect to the track without further sliding movement of the Accused Overtravel Hinge along the track.

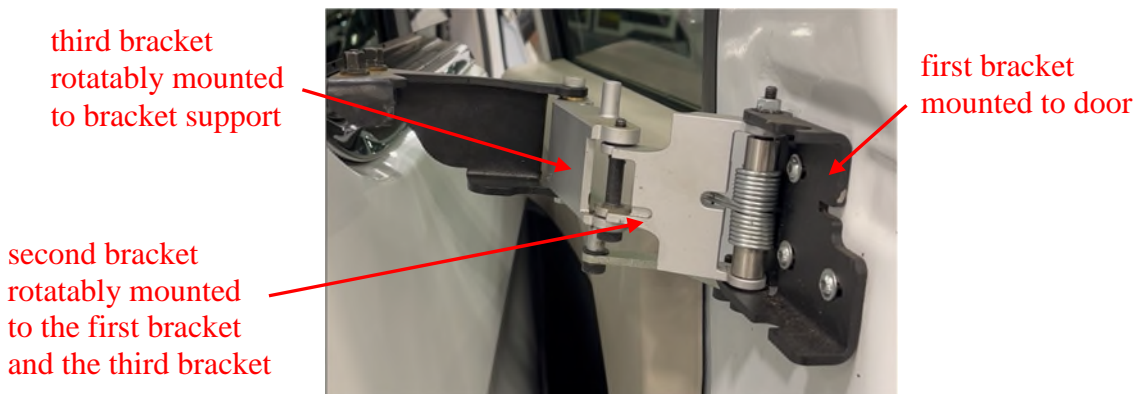
hinge moves to fully deployed position and door moves with respect to the track without further sliding movement of hinge along track



45. As annotated below, the Accused Overtravel Hinge includes a bracket support configured to slidingly engage the track.

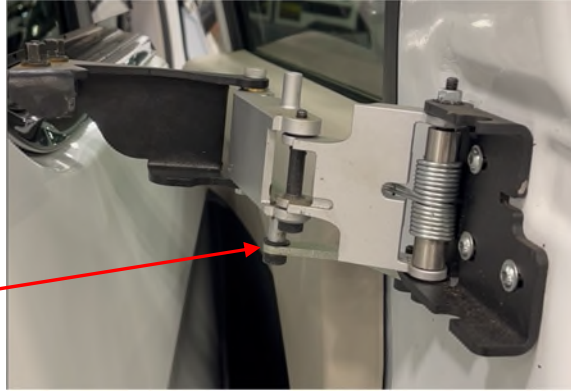


46. As annotated below, the Accused Overtravel Hinge includes a first bracket configured to be fixedly mounted to the door, a second bracket, and a third bracket rotatably mounted to the bracket support, wherein the second bracket is rotatably mounted to the first bracket and to the third bracket.



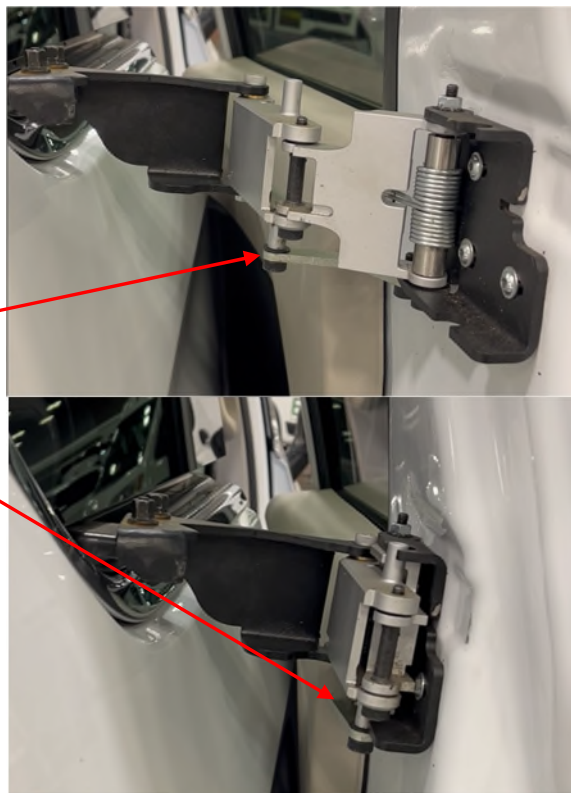
47. As annotated below, the Accused Overtravel Hinge includes an arm pivotably coupled to the first bracket and to the third bracket.

arm pivotably
coupled to the first
bracket and to the
third bracket



48. As annotated below, pivotable movement of the arm of the Accused Overtravel Hinge moves the extendable hinge from the fully deployed condition to the partially deployed condition.

arm pivots to
move the hinge
from the fully
deployed
condition to the
partially deployed
condition



49. As a direct and proximate consequence of FR Conversions infringement of the '974 Patent, BraunAbility has suffered irreparable harm which cannot be fully compensated through

monetary damages. BraunAbility will continue to suffer irreparable harm in the future unless FR Conversions is preliminarily and permanently enjoined from infringing the '974 Patent.

50. Upon information and belief, FR Conversions copied BraunAbility's patented overtravel hinge despite knowing of the '974 Patent or the application leading to the '974 patent and/or without conducting reasonable due diligence to determine whether BraunAbility's overtravel hinge was patented or patent pending.

51. Upon information and belief, in willful disregard of BraunAbility's patent rights, FR Conversions has made, offered for sale, and sold and continues to make, use, offer for sale, and sell the Accused Wheelchair Accessible Vehicle and the Accused Overtravel Hinge.

52. Upon information and belief, FR Conversions infringement of the '974 Patent is willful.

PRAYER FOR RELIEF

WHEREFORE, BraunAbility hereby request an entry of relief against FR Conversions as follows:

(a) Judgment that FR Conversions infringes the "'974 Patent asserted herein in violation of 35 U.S.C. § 271.

(b) Judgment and order awarding BraunAbility damages to the full extent permitted by 35 U.S.C. § 284, including interest, by reason of FR Conversions' patent infringement.

(c) Judgment that FR Conversions patent infringement has been willful and that damages are increased three-fold.

(d) Preliminary and permanent injunctions against FR Conversions and those acting in concert therewith, barring and enjoining further making, using, offering for sale, and sale in the United States of all infringing products pursuant to 35 U.S.C. § 283.

(e) Judgment and order directing FR Conversions to pay the costs of this action, including all disbursements and attorney fees as provided by 35 U.S.C. § 285, with prejudgment interest.

(f) Such other and further relief as this Court deems just and proper.

DEMAND FOR JURY

BraunAbility requests that all issues triable by a jury be so tried in this case.

Dated: November 2, 2023

Respectfully submitted,

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