

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

DREW TECHNOLOGIES, INC., )  
 )  
 ) Case No.:  
 Plaintiff, )  
 )  
 ) Judge:  
 vs. )  
 )  
 )  
 ROBERT BOSCH, L.L.C., BOSCH ) JURY TRIAL DEMANDED  
 ENGINEERING NORTH AMERICA, )  
 ROBERT BOSCH GMBH and BOSCH )  
 ENGINEERING GMBH, )  
 )  
 )  
 Defendants. )  
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**COMPLAINT FOR PATENT INFRINGEMENT**

Comes now Plaintiff Drew Technologies, Inc. (“Drew Tech” or “Plaintiff”) for its complaint against Robert Bosch L.L.C., Bosch Engineering North America, Robert Bosch GmbH and Bosch Engineering GmbH (collectively “Defendants”) and states and alleges as follows:

**NATURE OF THE ACTION**

1. This is a civil action for infringement of U.S. Patent No. 7,786,851 (“the ’851 patent”) arising under the patent laws of the United States, Title 35 of the United States Code.

**THE PARTIES**

2. Plaintiff Drew Technologies, Inc. (“Drew Tech”) is a corporation organized under the laws of the state of Michigan, with its principal place of business in Ann Arbor, Michigan.

3. On information and belief, Defendant Robert Bosch L.L.C. is a company duly organized and existing under the laws of the State of Delaware, with its principle place of business in Farmington Hills, Michigan.

4. On information and belief, Defendant Bosch Engineering North America is a subsidiary of Robert Bosch L.L.C, with its principle place of business in Farmington Hills, Michigan.

5. On information and belief, Defendant Robert Bosch GmbH is a German company having its principle place of business in Gerlingen, Germany.

6. On information and belief, Defendant Bosch Engineering GmbH is a German company and a subsidiary of Robert Bosch GmbH, with its principal place of business in Abstatt, Germany

### **JURISDICTION AND VENUE**

7. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§331 and 1338(a) because it arises under the patent laws of the United States of America, 35 U.S.C. §§ 271 *et seq.*

8. This Court has personal jurisdiction over Defendants because Defendants have committed and are committing acts of infringement in violation of 35 U.S.C. § 271 in the State of Michigan and in this judicial district, including offering for sale infringing products, including the Bosch Display DDU 7, in the State of Michigan, including this judicial District, and placing infringing products, including the Bosch Display DDU 7, into the stream of commerce, via an established distribution channel, with the knowledge and/or understanding that such products are sold in the State of Michigan, including in this District. These acts cause injury to Drew Tech within this District. Upon information and belief, Defendants derive revenue from the sale of infringing products distributed within this District, and expects or should reasonably expect their actions to have consequences within the District.

9. This Court also has personal jurisdiction over Defendants Robert Bosch L.L.C. and Bosch Engineering North America because they have headquarters and/or offices located in Michigan and in this judicial District.

10. Defendants have purposely availed themselves of the privilege of conducting business activities in Michigan and Defendants' contacts with Michigan disclose an intention to benefit from this state's laws.

11. Venue is proper in this District under 28 U.S.C. §§ 1391(b-d) and 1400(b) because Defendants are subject to personal jurisdiction in this judicial District, have a regular and established place of business in this judicial District or have committed acts of patent infringement in this judicial District.

#### **INFRINGEMENT OF U.S. PATENT NO. 7,786,851**

12. Drew Tech incorporates by reference each of the preceding allegations of paragraphs 1-11 above as though stated herein.

13. The '851 patent entitled "Data Acquisition and Display System for Motor Vehicle" was duly and legally issued by the United States Patent and Trademark Office on August 31, 2010. A true and correct copy of the '851 Patent is attached as Exhibit A hereto.

14. Drew Tech is the sole owner of the '851 patent.

15. The '851 Patent discloses a data acquisition and display system for a motor vehicle. The '851 data acquisition and display system scans and displays data from a vehicle's on-board computer while also permitting the configuration of multiple images communicating the information from a vehicle's on-board computer in one display.

16. Prior to issuance of the '851 patent, Drew Tech marked its products embodying claims of the '851 patent, including the DashDAQ, with language providing reasonable notice that the products embodied features for which Drew Tech sought patent protection.

17. Since issuance of the '851 patent, Drew Tech has continuously marked its products embodying the claims of the '851 patent with the '851 patent number.

18. In 2009, upon request, Drew Tech delivered a product demonstration to personnel from Defendants on the DashDAQ product embodying claims of the '851 patent. During the presentation, Drew Tech notified Defendants' personnel that Drew Tech had sought patent protection for the DashDAQ product.

19. Defendants later introduced, offered for sale, and sold in the United States the Bosch Display DDU 7, a device that can be mounted to the dash board of a motor vehicle with a programmable display and data logging system that allows engine data from a vehicle's electronic control unit to be displayed on the screen in configurable visual images, such as gauges, bar graphs or numeric indicators.

20. On information and belief, Defendants Robert Bosch GmbH and its subsidiary Bosch Engineering GmbH in Germany manufacture the Bosch Display DDU 7 in Germany, and then ship the Bosch Display DDU 7 to the United States for distribution and/or sale by Defendants Robert Bosch L.L.C. and Bosch Engineering North America, or through agents or sales representatives of one or more of the Defendants.

21. The Bosch Display DDU 7 is covered by at least claim 1 of the '851 patent.

22. Defendants have infringed the '851 patent, by using, selling and/or offering to sell, within the United States, and/or by importing into the United States, the Bosch Display DDU 7 in violation of 35 U.S.C. § 271.

23. Upon information and belief, Defendants have not only directly infringed the '851 patent, but also knowingly induced others to infringe and/or contributed to the infringement of at least claim 1 of the '851 patent in violation of 35 U.S.C § 271. Defendants intentionally and knowingly took steps to induce and/or contribute to the infringement of the '851 patent by customers, sales representatives and other users of the Bosch DDU 7, with knowledge or willful blindness of that infringement by others, including such steps as: contracting for the distribution of the Bosch Display DDU 7 for infringing sale, marketing and promoting the Bosch Display DDU 7 and their infringing use, and creating and/or distributing user manuals describing use and operation of the Bosch Display DDU 7 sold in this State and in this District.

24. On information and belief, Defendants knew that the Bosch DDU 7 was especially made or adapted for use in infringing the '851 patent.

25. On information and belief, the Bosch DDU 7 is not capable of a substantial use that does not infringe the '851 patent.

26. Defendants have worked in conjunction with each other and/or its sales representatives and distributors to manufacture, sell, offer to sell, import, and/or distribute the infringing Bosch Display DDU 7 product.

27. Defendants' acts constitute literal infringement and/or infringement under the doctrine of equivalents.

28. Defendants' infringing conduct in the face of actual and/or constructive notice of the '851 patent has been and continues to be willful, deliberate, and intentional. As a result, Drew Tech is entitled to treble damages and attorneys' fees pursuant to 35 U.S.C. §§ 284 and 285.

29. As a result of Bosch's infringement Drew Tech has suffered, and will continue to suffer, substantial damages. Drew Tech will also suffer irreparable harm unless Defendants' infringement is enjoined by this Court.

**PRAYER FOR RELIEF**

WHEREFORE, Drew Tech requests that the Court:

1. Adjudge that Defendants have infringed and continue to infringe the '851 patent;
2. Adjudge that Defendants' infringement of the '851 patent was willful;
3. Preliminarily and permanently enjoin Defendants from further infringement of the '851 patent;
4. Order Defendants to account for and pay Drew Tech damages sustained as a result of Defendants' infringement of the '851 patent;
5. Award Drew Tech treble damages under 35 U.S.C. §284 for Defendants' willful infringement;
6. Declare that this case is exceptional under 35 U.S.C. §285 and award Drew Tech its reasonable attorneys' fees, expenses and costs incurred in this action; and
7. Award Drew Tech such other relief as the Court deems just and proper.

**DEMAND FOR JURY TRIAL**

Plaintiff demands a trial by jury in this action on all issues triable by jury.

Dated: December 21, 2012

*/s/ James K. Cleland*

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