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7 Attorneys for Plaintiff  
SIGNAL IP, INC.

8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**  
10

11 SIGNAL IP, INC., a California  
12 corporation,

13 Plaintiff,

14 vs.

15 BMW OF NORTH AMERICA, LLC, a  
Delaware limited liability company;  
16 BMW (US) HOLDING CORP., a  
Delaware corporation,

17 Defendants.  
18

Case No. 14-cv-3111

**COMPLAINT FOR PATENT  
INFRINGEMENT**

**JURY TRIAL DEMANDED**

19 Plaintiff Signal IP, Inc. (“Signal IP” or “Plaintiff”) brings this Complaint  
20 against Defendants BMW of North America, LLC and BMW (US) Holding Corp.  
21 (collectively, “BMW” or “Defendants”), alleging as follows:

22 **PARTIES**

23 1. Plaintiff Signal IP is a California corporation with its principal place of  
24 business at 11100 Santa Monica Blvd., Suite 380, Los Angeles, CA 90025.

25 2. On information and belief, Defendant BMW of North America, LLC is  
26 a Delaware limited liability company with its principal place of business at 300  
27 Chestnut Ridge Road, Woodcliff Lake, NJ 07675.

28 3. On information and belief, Defendant BMW (US) Holding Corp. is a

1 Delaware corporation with its principal place of business at 300 Chestnut Ridge  
2 Road, Woodcliff Lake, NJ 07675.

### 3 **JURISDICTION, VENUE AND JOINDER**

4 4. This action arises under the patent laws of the United States, Title 35 of  
5 the United States Code. This Court has subject matter jurisdiction pursuant to 28  
6 U.S.C. §§ 1331 and 1338(a).

7 5. This Court has personal jurisdiction over Defendants. Defendants have  
8 conducted extensive commercial activities and continue to conduct extensive  
9 commercial activities within the State of California. Defendants are registered to do  
10 business in California. Additionally, on information and belief, Defendants, directly  
11 and/or through intermediaries (including Defendants' entities, subsidiaries,  
12 distributors, sales agents, partners and others), distribute, offer for sale, sell, and/or  
13 advertise their products (including but not limited to the products and services that  
14 are accused of infringement in this lawsuit) in the United States, in the State of  
15 California, and in this judicial district, under the "BMW" and "Mini" brand names.  
16 Defendants have purposefully and voluntarily placed one or more of their infringing  
17 products and services into the stream of commerce with the expectation that the  
18 products and services will be purchased or used by customers in California and  
19 within this judicial district. Accordingly, Defendants have infringed Signal IP's  
20 patents within the State of California and in this judicial district as alleged in more  
21 detail below.

22 6. Venue is proper in this district under 28 U.S.C. §§ 1391 and 1400(b).

### 23 **BACKGROUND**

24 7. Signal IP, Inc. is a California corporation with a principal place of  
25 business at 11100 Santa Monica Blvd., Suite 380, Los Angeles, CA 90025. It is the  
26 owner of the entire right, title and interest in and to U.S. Patent Nos. 5,714,927;  
27 5,732,375; 5,954,775; 6,434,486; 6,775,601; and 6,012,007 (the "Patents-in-Suit").

28 8. On information and belief, Defendants are direct or indirect

1 subsidiaries of global car manufacturer and distributor Bayerische Motoren Werke  
2 AG (“Bayerische”), which is headquartered in Germany. Bayerische manufactures  
3 and distributes cars under the “BMW” and “Mini” brand names.

#### 4 **FIRST CLAIM FOR RELIEF**

##### 5 **(Infringement of the ‘927 Patent)**

6 9. Plaintiff incorporates paragraphs 1 through 8 of this complaint as if set  
7 forth in full herein.

8 10. Signal IP is the owner of the entire right, title, and interest in and to  
9 U.S. Patent No. 5,714,927 (the ‘927 Patent), entitled “Method of Improving Zone of  
10 Coverage Response of Automotive Radar.” The ‘927 Patent was duly and legally  
11 issued by the U.S. Patent and Trademark Office on February 3, 1998. A true and  
12 correct copy of the ‘927 Patent is attached as Exhibit A.

13 11. Defendants have directly infringed and continue to infringe, literally  
14 and/or under the doctrine of equivalents, the ‘927 Patent by making, using, offering  
15 for sale, and/or selling in the United States certain methods or systems disclosed and  
16 claimed in the ‘927 Patent, including but not limited to the Active Blind Spot  
17 Detection system, used in products including but not limited to the BMW 3-Series  
18 and 4-Series, 5-Series, 6-Series, 7-Series, X5, ActiveHybrid 3, ActiveHybrid 5,  
19 ActiveHybrid 7, M3, M5, and M6.

20 12. Defendants have contributorily infringed and are currently  
21 contributorily infringing the ‘927 Patent by making, using, offering for sale, and/or  
22 selling in the United States certain methods or systems disclosed and claimed in the  
23 ‘927 Patent, including but not limited to the Active Blind Spot Detection system,  
24 used in products including but not limited to the BMW 3-Series and 4-Series, 5-  
25 Series, 6-Series, 7-Series, X5, ActiveHybrid 3, ActiveHybrid 5, ActiveHybrid 7,  
26 M3, M5, and M6.

27 13. Defendants have actively induced and are actively inducing the  
28 infringement of the ‘927 Patent by making, using, offering for sale, and/or selling in

1 the United States certain methods or systems disclosed and claimed in the ‘927  
2 Patent, including but not limited to the Active Blind Spot Detection system, used in  
3 products including but not limited to the BMW 3-Series and 4-Series, 5-Series, 6-  
4 Series, 7-Series, X5, ActiveHybrid 3, ActiveHybrid 5, ActiveHybrid 7, M3, M5, and  
5 M6.

6 14. Defendants’ infringement of the ‘927 Patent has been and continues to  
7 be willful, rendering this case exceptional within the meaning of 35 U.S.C. § 285.

8 15. Unless enjoined by this Court, Defendants will continue to infringe the  
9 ‘927 Patent.

10 16. As a direct and proximate result of the Defendants’ conduct, Plaintiff  
11 has suffered, and will continue to suffer, irreparable injury for which it has no  
12 adequate remedy at law. Plaintiff also has been damaged and, until an injunction  
13 issues, will continue to be damaged in an amount yet to be determined.

## 14 **SECOND CLAIM FOR RELIEF**

### 15 **(Infringement of the ‘375 Patent)**

16 17. Plaintiff incorporates paragraphs 1 through 16 of this complaint as if set  
17 forth in full herein.

18 18. Signal IP is the owner of the entire right, title, and interest in and to  
19 U.S. Patent No. 5,732,375 (the ‘375 Patent), entitled “Method of Inhibiting or  
20 Allowing Airbag Deployment.” The ‘375 Patent was duly and legally issued by the  
21 U.S. Patent and Trademark Office on March 24, 1998. A true and correct copy of  
22 the ‘375 Patent is attached as Exhibit B.

23 19. Defendants have directly infringed and continue to infringe, literally  
24 and/or under the doctrine of equivalents, the ‘375 Patent by making, using, offering  
25 for sale, and/or selling in the United States certain methods or systems disclosed and  
26 claimed in the ‘375 Patent, including but not limited to the front passenger seat  
27 sensor system, used in products including but not limited to the BMW 1-Series and  
28 2-Series, 3-Series and 4-Series, 5-Series, 6-Series, 7-Series, X1, X3, X5, X6,

1 ActiveHybrid 3, ActiveHybrid 5, ActiveHybrid 7, ActiveHybrid X6, M5, M6, and  
 2 X6 M.

3 20. Defendants have contributorily infringed and are currently  
 4 contributorily infringing the '375 Patent by making, using, offering for sale, and/or  
 5 selling in the United States certain methods or systems disclosed and claimed in the  
 6 '375 Patent, including but not limited to the front passenger seat sensor system, used  
 7 in products including but not limited to the BMW 1-Series and 2-Series, 3-Series  
 8 and 4-Series, 5-Series, 6-Series, 7-Series, X1, X3, X5, X6, ActiveHybrid 3,  
 9 ActiveHybrid 5, ActiveHybrid 7, ActiveHybrid X6, M5, M6, and X6 M.

10 21. Defendants have actively induced and are actively inducing the  
 11 infringement of the '375 Patent by making, using, offering for sale, and/or selling in  
 12 the United States certain methods or systems disclosed and claimed in the '375  
 13 Patent, including but not limited to the front passenger seat sensor system, used in  
 14 products including but not limited to the BMW 1-Series and 2-Series, 3-Series and  
 15 4-Series, 5-Series, 6-Series, 7-Series, X1, X3, X5, X6, ActiveHybrid 3,  
 16 ActiveHybrid 5, ActiveHybrid 7, ActiveHybrid X6, M5, M6, and X6 M.

17 22. Defendants' infringement of the '375 Patent has been and continues to  
 18 be willful, rendering this case exceptional within the meaning of 35 U.S.C. § 285.

19 23. Unless enjoined by this Court, Defendants will continue to infringe the  
 20 '375 Patent.

21 24. As a direct and proximate result of the Defendants' conduct, Plaintiff  
 22 has suffered, and will continue to suffer, irreparable injury for which it has no  
 23 adequate remedy at law. Plaintiff also has been damaged and, until an injunction  
 24 issues, will continue to be damaged in an amount yet to be determined.

### 25 **THIRD CLAIM FOR RELIEF**

#### 26 **(Infringement of the '486 Patent)**

27 25. Plaintiff incorporates paragraphs 1 through 24 of this complaint as if set  
 28 forth in full herein.

1           26. Signal IP is the owner of the entire right, title, and interest in and to  
2 U.S. Patent No. 6,434,486 (the ‘486 Patent), entitled “Technique for Limiting the  
3 Range of an Object Sensing System in a Vehicle.” The ‘486 Patent duly and legally  
4 issued by the U.S. Patent and Trademark Office on August 13, 2002. A true and  
5 correct copy of the ‘486 Patent is attached as Exhibit C.

6           27. Defendants have directly infringed and continue to infringe, literally  
7 and/or under the doctrine of equivalents, the ‘486 Patent by making, using, offering  
8 for sale, and/or selling in the United States certain methods or systems disclosed and  
9 claimed in the ‘486 Patent, including but not limited to collision prevention or  
10 avoidance systems, including but not limited to the Active Cruise Control system,  
11 used in products including but not limited to the BMW 3-Series and 4-Series, 5-  
12 Series, 6-Series, 7-Series, X1, X5, X6, ActiveHybrid 3, ActiveHybrid 5,  
13 ActiveHybrid 7, ActiveHybrid X6, M5, M6, and X6 M.

14           28. Defendants have contributorily infringed and are currently  
15 contributorily infringing the ‘486 Patent by making, using, offering for sale, and/or  
16 selling in the United States certain methods or systems disclosed and claimed in the  
17 ‘486 Patent, including but not limited to collision prevention or avoidance systems,  
18 including but not limited to the Active Cruise Control system, used in products  
19 including but not limited to the BMW 3-Series and 4-Series, 5-Series, 6-Series, 7-  
20 Series, X1, X5, X6, ActiveHybrid 3, ActiveHybrid 5, ActiveHybrid 7, ActiveHybrid  
21 X6, M5, M6, and X6 M.

22           29. Defendants have actively induced and are actively inducing the  
23 infringement of the ‘486 Patent by making, using, offering for sale, and/or selling in  
24 the United States certain methods or systems disclosed and claimed in the ‘486  
25 Patent, including but not limited to collision prevention or avoidance systems,  
26 including but not limited to the Active Cruise Control system, used in products  
27 including but not limited to the BMW 3-Series and 4-Series, 5-Series, 6-Series, 7-  
28 Series, X1, X5, X6, ActiveHybrid 3, ActiveHybrid 5, ActiveHybrid 7, ActiveHybrid

1 X6, M5, M6, and X6 M.

2 30. Defendants' infringement of the '486 Patent has been and continues to  
 3 be willful, rendering this case exceptional within the meaning of 35 U.S.C. § 285.

4 31. Unless enjoined by this Court, Defendants will continue to infringe the  
 5 '486 Patent.

6 32. As a direct and proximate result of the Defendants' conduct, Plaintiff  
 7 has suffered, and will continue to suffer, irreparable injury for which it has no  
 8 adequate remedy at law. Plaintiff also has been damaged and, until an injunction  
 9 issues, will continue to be damaged in an amount yet to be determined.

#### 10 **FOURTH CLAIM FOR RELIEF**

##### 11 **(Infringement of the '601 Patent)**

12 33. Plaintiff incorporates paragraphs 1 through 32 of this complaint as if set  
 13 forth in full herein.

14 34. Signal IP is the owner of the entire right, title, and interest in and to  
 15 U.S. Patent No. 6,775,601 (the '601 Patent), entitled "Method and Control System  
 16 for Controlling Propulsion in a Hybrid Vehicle." The '601 Patent was duly and  
 17 legally issued by the U.S. Patent and Trademark Office on August 10, 2004. A true  
 18 and correct copy of the '601 Patent is attached as Exhibit D.

19 35. Defendants have directly infringed and continue to infringe, literally  
 20 and/or under the doctrine of equivalents, the '601 Patent by making, using, offering  
 21 for sale, and/or selling in the United States certain methods or systems for hybrid  
 22 vehicles disclosed and claimed in the '601 Patent, including but not limited to the  
 23 BMW ActiveHybrid 3, ActiveHybrid 5, and ActiveHybrid 7.

24 36. Defendants have contributorily infringed and are currently  
 25 contributorily infringing the '601 Patent by making, using, offering for sale, and/or  
 26 selling in the United States certain methods or systems disclosed and claimed in the  
 27 '601 Patent, including but not limited to the BMW ActiveHybrid 3, ActiveHybrid 5,  
 28 and ActiveHybrid 7.



37. Defendants have actively induced and are actively inducing the infringement of the ‘601 Patent by making, using, offering for sale, and/or selling in the United States certain methods or systems disclosed and claimed in the ‘601 Patent, including but not limited to the BMW ActiveHybrid 3, ActiveHybrid 5, and ActiveHybrid 7.

38. Defendants’ infringement of the ‘601 Patent has been and continues to be willful, rendering this case exceptional within the meaning of 35 U.S.C. § 285.

39. Unless enjoined by this Court, Defendants will continue to infringe on the ‘601 Patent.

40. As a direct and proximate result of the Defendants’ conduct, Plaintiff has suffered, and will continue to suffer, irreparable injury for which it has no adequate remedy at law. Plaintiff also has been damaged and, until an injunction issues, will continue to be damaged in an amount yet to be determined.

### **FIFTH CLAIM FOR RELIEF**

#### **(Infringement of the ‘007 Patent)**

41. Plaintiff incorporates paragraphs 1 through 40 of this complaint as if set forth in full herein.

42. Signal IP is the owner of the entire right, title, and interest in and to U.S. Patent No. 6,012,007 (the ‘007 Patent), entitled “Occupant Detection Method and Apparatus for Air Bag System.” The ‘007 Patent was duly and legally issued by the U.S. Patent and Trademark Office on January 4, 2000. A true and correct copy of the ‘007 Patent is attached as Exhibit E.

43. Defendants have directly infringed and continue to infringe, literally and/or under the doctrine of equivalents, the ‘007 Patent by making, using, offering for sale, and/or selling in the United States certain methods or systems disclosed and claimed in the ‘007 Patent, including but not limited to the front passenger seat sensors, used in products including but not limited to the BMW 1-Series and 2-Series, 3-Series and 4-Series, 5-Series, 6-Series, 7-Series, X1, X3, X5, X6,



1 ActiveHybrid 3, ActiveHybrid 5, ActiveHybrid 7, ActiveHybrid X6, M3, M5, M6,  
 2 and X6 M.

3 44. Defendants have contributorily infringed and are currently  
 4 contributorily infringing the '007 Patent by making, using, offering for sale, and/or  
 5 selling in the United States certain methods or systems disclosed and claimed in the  
 6 '007 Patent, including but not limited to the front passenger seat sensors, used in  
 7 products including but not limited to the BMW 1-Series and 2-Series, 3-Series and 4-  
 8 Series, 5-Series, 6-Series, 7-Series, X1, X3, X5, X6, ActiveHybrid 3, ActiveHybrid  
 9 5, ActiveHybrid 7, ActiveHybrid X6, M3, M5, M6, and X6 M.

10 45. Defendants have actively induced and are actively inducing the  
 11 infringement of the '007 Patent by making, using, offering for sale, and/or selling in  
 12 the United States certain methods or systems disclosed and claimed in the '007  
 13 Patent, including but not limited to the front passenger seat sensors, used in products  
 14 including but not limited to the BMW 1-Series and 2-Series, 3-Series and 4-Series,  
 15 5-Series, 6-Series, 7-Series, X1, X3, X5, X6, ActiveHybrid 3, ActiveHybrid 5,  
 16 ActiveHybrid 7, ActiveHybrid X6, M3, M5, M6, and X6 M.

17 46. Defendants' infringement of the '007 Patent has been and continues to  
 18 be willful, rendering this case exceptional within the meaning of 35 U.S.C. § 285.

19 47. Unless enjoined by this Court, Defendants will continue to infringe on  
 20 the '007 Patent.

21 48. As a direct and proximate result of the Defendants' conduct, Plaintiff  
 22 has suffered, and will continue to suffer, irreparable injury for which it has no  
 23 adequate remedy at law. Plaintiff also has been damaged and, until an injunction  
 24 issues, will continue to be damaged in an amount yet to be determined.

### 25 **SIXTH CLAIM FOR RELIEF**

#### 26 **(Infringement of the '775 Patent)**

27 49. Plaintiff incorporates paragraphs 1 through 48 of this complaint as if set  
 28 forth in full herein.

50. Signal IP is the owner of the entire right, title, and interest in and to U.S. Patent No. 5,954,775 (the ‘775 Patent), entitled “Dual Rate Communication Protocol.” The ‘775 Patent was duly and legally issued by the U.S. Patent and Trademark Office on September 21, 1999. A true and correct copy of the ‘775 Patent is attached as Exhibit F.

51. Defendants have directly infringed, literally and/or under the doctrine of equivalents, the ‘775 Patent by making, using, offering for sale, and/or selling in the United States certain methods or systems for vehicles disclosed and claimed in the ‘775 Patent, including but not limited to the FlexRay communication protocol, used in products including but not limited to the BMW 5-Series, 7-Series, X5, X6, M5, M6, and X6 M.

52. Defendants have contributorily infringed the ‘775 Patent by making, using, offering for sale, and/or selling in the United States certain methods or systems disclosed and claimed in the ‘775 Patent, including but not limited to the FlexRay communication protocol, used in products including but not limited to the BMW 5-Series, 7-Series, X5, X6, M5, M6, and X6 M.

53. Defendants have actively induced infringement of the ‘775 Patent by making, using, offering for sale, and/or selling in the United States certain methods or systems disclosed and claimed in the ‘775 Patent, including but not limited to the FlexRay communication protocol, used in products including but not limited to the BMW 5-Series, 7-Series, X5, X6, M5, M6, and X6 M.

54. As a direct and proximate result of Defendants’ conduct, Plaintiff has suffered irreparable injury for which it has no adequate remedy at law. Plaintiff also has been damaged in an amount yet to be determined.

### **PRAYER FOR RELIEF**

Wherefore, Signal IP respectfully requests that the Court enter judgment against Defendants as follows:

1. That Defendants have directly infringed the Patents-in-Suit;

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 Los Angeles, California 90024, 3505

- 1           2.     That Defendants have contributorily infringed the Patents-in-Suit;
- 2           3.     That Defendants have induced the infringement of the Patents-in-Suit;
- 3           4.     That Defendants' infringement be adjudged willful and deliberate;
- 4           5.     That Defendants and their affiliates, subsidiaries, officers, directors,
- 5 employees, agents, representatives, successors, assigns, and all those acting in
- 6 concert, participation, or privity with them or on their behalf, including customers,
- 7 be enjoined from infringing, inducing others to infringe or contributing to the
- 8 infringement of the Patents-in-Suit;
- 9           6.     For damages, according to proof, for Defendants' infringement,
- 10 together with pre-judgment and post-judgment interest, as allowed by law and that
- 11 such damages be trebled as provided by 35 U.S.C. § 284;
- 12           7.     That this Court determine that this is an exceptional case under 35
- 13 U.S.C. § 285 and an award of attorneys' fees and costs to Signal IP is warranted;
- 14 and
- 15           8.     For such other and further relief as the Court may deem just and proper.

17 Dated: April 23, 2014

LINER LLP

By:           /s/ Ryan E. Hatch          

Randall J. Sunshine

Ryan E. Hatch

Jason L. Haas

Attorneys for Plaintiff SIGNAL IP, INC.

JURY DEMAND

Pursuant to Federal Rules of Civil Procedure Rule 38(b), Plaintiff Signal IP, Inc. respectfully demands a jury trial on any and all issues triable as of right by a jury in this action.

Dated: April 23, 2014

LINER LLP

By: /s/ Ryan E. Hatch  
Randall J. Sunshine  
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Jason L. Haas  
Attorneys for Plaintiff SIGNAL IP, INC.

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