

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

APTIV SERVICES US, LLC,

Plaintiff,

v.

BLITZSAFE TEXAS, LLC,

Defendant.

Civil Action No. _____

(Jury Demanded)

**COMPLAINT FOR DECLARATORY JUDGMENT OF
NONINFRINGEMENT AND INVALIDITY AND DEMAND FOR JURY
TRIAL**

Plaintiff Aptiv Services US, LLC (“Aptiv Services US”) seeks a declaratory judgment that it does not infringe any claim of U.S. Patent Nos. 7,489,786 (the “’786 Patent”), and 8,155,342 (the “’342 Patent”), and that the ’786 and ’342 Patents are invalid. There is a live and existing controversy between Aptiv Services US and Blitzsafe Texas, LLC (“Blitzsafe”). On May 12, 2021 defendant Blitzsafe filed a patent infringement suit (Case No. 221-cv-00160) asserting the ’786 and ’342 Patents in the Eastern District of Texas against Aptiv PLC—a foreign company and affiliate of Aptiv Services US. However, the Eastern District of Texas lacks personal jurisdiction over Aptiv PLC. Aptiv PLC does not engage in any of the alleged infringing conduct. Aptiv Services US seeks a declaration from this Court that it does not infringe the ’786 and ’342 Patents and that the ’786 and ’342 Patents are invalid.

THE PARTIES

1. Aptiv Services US is a limited liability company organized and existing under the laws of the State of Delaware and maintains its principal place of business at 5725 Innovation Drive, Troy, Michigan 48098.

2. On information and belief, including Blitzsafe’s allegations in litigations filed in Texas, Blitzsafe is a limited liability company organized and existing under the laws of the State of Texas and maintains its principal place of business at 100 W. Houston Street, Marshall, Texas 75670. (Exhibit A).

3. On information and belief, Blitzsafe owns the ’786 and ’342 Patents.

FACTUAL BACKGROUND

4. Blitzsafe has aggressively asserted its patent rights. Beginning on July 16, 2015 Blitzsafe undertook a campaign of alleging infringement of the ’786 and ’342 Patents against original equipment manufacturer (OEM) auto manufacturers and their suppliers of automobile audio systems. Since that time, Blitzsafe has filed 29 separate cases against various OEM auto manufacturer defendants including

Honda, Hyundai, Nissan, Toyota, Volkswagen, BMW, Volvo, Subaru, Mercedes Benz, Mazda, Mitsubishi, General Motors, Fiat Chrysler Automobiles, Aston Martin, Volvo Trucks, and Mack Trucks.

5. On information and belief, Blitzsafe has done business in the Eastern District of Michigan. Blitzsafe's own complaint alleges that it sells products throughout the United States, which would include Michigan. (Exhibit A at ¶ 1).

6. On further information and belief, a number of the OEM automobile manufacturers have entered into written contracts with Blitzsafe pursuant to which those manufacturers have taken a license to the '786 and '342 Patents from Blitzsafe. On further information and belief, certain of these manufacturer licensees of Blitzsafe make and/or sell licensed products within the Eastern District of Michigan which are not marked with the patent numbers of the '786 and '342 Patents.

7. On May 12, 2021 Blitzsafe filed suit against Aptiv PLC—the foreign affiliate of Aptiv Services US—in the United States District Court for the Eastern District of Texas (the “Texas Action.”) for alleged infringement of the '786 and '342 Patents. (Exhibit A). Blitzsafe sued the wrong entity because Aptiv PLC does not engage in any of the alleged infringing activity. Rather, Aptiv Services US imports and sells the products in the United States that Blitzsafe has accused of infringement in the Texas Action.

8. The Texas Action accuses Aptiv PLC of infringement of the '786 and '342 patents. Specifically, Blitzsafe accused Aptiv PLC of “manufacturing, importing, offering to sell, selling, and or importing into the United States audio and multimedia integration systems including, but not limited to, Delphi DEA5XX Radios, Delphi DEA6XX Radios, and Delphi DEA7XX Radios” (hereinafter the “Accused Products”). (Exhibit A at ¶ 12).

9. By filing the Texas Action seeking damages and an injunction against further sales of the Accused Products, Blitzsafe directly and/or impliedly threatened

suit against all affiliates of Aptiv PLC involved in the making, using, selling, offering for sale, or importing the Accused Products in the United States.

10. It is Aptiv Services US, not Aptiv PLC, that imports the Accused Products into the United States and sells those products to customers in the United States. It is not uncommon in patent disputes involving defendants with complex corporate structures for the patent owner to sue the wrong legal entity in a complaint alleging patent infringement. When that happens, the patent owner often either amends its complaint to name the correct legal entity or files a new lawsuit against the correct legal entity. As soon as Blitzsafe determines that Aptiv Services US imports and sells the Accused Products, Blitzsafe is likely to file suit against Aptiv Services US. Thus, there is a ripe and existing substantial controversy between Aptiv Services US and Blitzsafe.

11. Additionally, Blitzsafe has demonstrated its intent to assert the '786 and '342 Patents against the Accused Products imported and sold by Aptiv Services US by alleging infringement by those same Accused Products in the Texas Action. Blitzsafe's allegations of infringement with respect to the Accused Products creates a substantial ripe and existing controversy between Aptiv Services US and Blitzsafe.

12. Other entities previously or currently accused by Blitzsafe of infringing the '786 and '342 Patents include the downstream customers of Aptiv Services US. These direct or indirect customers of Aptiv Services US include at least General Motors, Fiat Chrysler Automobiles, Volvo Trucks, Mack Trucks, and PACCAR.

13. On information and belief, Blitzsafe has done business in the Eastern District of Michigan, having entered into licenses with respect to the '786 and '342 Patents with entities headquartered in the Eastern District of Michigan. Those acts and occurrences are material to this declaratory judgment because, upon information and belief, existing licenses (a) mandate a finding of noninfringement against Aptiv Services US as to at least some of the sales of the Accused Products due to the terms

of licenses granted by Blitzsafe to one or more of Aptiv Services US's customers, and (b) would prevent Blitzsafe from recovering certain damages pursuant to 35 U.S.C. § 287 even if Blitzsafe could prove infringement by any of the Accused Products. In addition, existing licenses may be material to a determination of damages, should Blitzsafe successfully demonstrate that the '786 and '342 Patents are valid and infringed.

14. On information and belief, General Motors is headquartered in the Eastern District of Michigan with a place of business at 300 Renaissance Center, Detroit, MI, 48243. On further information and belief, General Motors has entered into a written contract with Blitzsafe pursuant to which General Motors has taken a license to the '786 and '342 Patents from Blitzsafe.

15. On information and belief, Fiat Chrysler Automobiles is headquartered in the Eastern District of Michigan with a place of business at 1000 Chrysler Dr., Auburn Hills, MI, 48326. On further information and belief, Fiat Chrysler Automobiles has entered into a written contract with Blitzsafe pursuant to which Fiat Chrysler has taken a license to the '786 and '342 Patents from Blitzsafe.

JURISDICTION AND VENUE

16. This action arises under the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., and under the patent laws of the United States, Title 35 of the United States Code.

17. This Court has subject matter jurisdiction over the claims alleged in this action under 28 U.S.C. §§ 1331, 1332, 1338, 2201, and 2202 because this Court has exclusive jurisdiction over declaratory judgment claims arising under the patent laws of the United States pursuant to 28 U.S.C. §§ 1331, 1338, 2201, and 2202.

18. This Court can provide the declaratory relief sought in this Declaratory Judgment Complaint because an actual and substantial case or controversy exists

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