

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**



**CHAMBERS OF
JULIEN X. NEALS
UNITED STATES DISTRICT JUDGE**

**MARTIN LUTHER KING
BUILDING & U.S. COURTHOUSE
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Newark, NJ 07102
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April 21, 2023

LETTER ORDER

**RE: INEOS AUTOMOTIVE LIMITED v. JAGUAR LAND ROVER LIMITED
et al
Civil Action No. 21-13174 (JXN) (JBC)**

Dear Counsel:

This matter comes before the Court on a Motion to Dismiss [ECF No. 38] filed by Defendants Jaguar Land Rover Limited (“JLR Limited”) and Jaguar Land Rover North America, LLC (“JLR NA”) (collectively with JLR Limited, “Defendants”). Plaintiff INEOS Automotive Limited (“INEOS Auto”) filed a response [ECF No. 42], to which Defendants replied [ECF No. 44].

In their motion to dismiss, Defendants contend, among other things, that this Court lacks personal jurisdiction over JLR Limited for three reasons. First, Defendants submit that JLR Limited is a foreign company that is “at home” in the U.K., where it is incorporated and has its principal place of business. Def.s’ Br. at 17-18, ECF No. 38-1.¹ Defendants argue that JLR Limited is “not incorporated in any state in the United States, and it is not formally licensed, registered, or authorized to do business in New Jersey.” *Id.* at 19. Second, Defendants argue that

¹ For the sake of clarity, unless otherwise noted, all references to page numbers correspond to the page numbers generated by the ECF system.

“INEOS Auto has not alleged any forum contacts between JLR Limited and New Jersey related to this lawsuit or to JLR Limited’s enforcement of its trade dress rights in the Defender generally.” *Id.* at 19-22. Finally, Defendants argue that JLR NA is not JLR Limited’s U.S. alter ego. Thus, INEOS Auto’s attempt to impute JLR NA’s New Jersey contacts to JLR Limited under an alter ego theory for purposes of jurisdiction—general and specific—fails. *Id.* at 25.

In response, INEOS Auto offers two theories as to why JLR Limited is subject to personal jurisdiction in this Court. First, INEOS Auto contends that JLR Limited’s corporate separateness from JLR NA should be disregarded because JLR NA is merely an alter ego for JLR Limited and not actually a separate company. To that point, INEOS Auto argues that JLR NA is a wholly owned subsidiary of JLR Limited, JLR Limited controls JLR NA’s personnel, and JLR Limited has publicly claimed that it maintains a “significant U.S. presence.” *See* Pl.’s Br. at 22-24, ECF No. 42. Second, INEOS Auto contends that JLR Limited has charged its New Jersey subsidiary with the enforcement of its trademark rights in the United States and this litigation arises out of and relates to the threatened enforcement of JLR Limited’s trade dress rights in the United States. *Id.* at 26.

Having reviewed the parties’ submissions, the Court believes that some jurisdictional discovery related to INEOS Auto’s theory that JLR NA is merely an alter ego for JLR Limited is appropriate to determine whether this Court has personal jurisdiction over JLR Limited. More specifically, the Court believes that the parties should exchange discovery regarding the relationship between JLR Limited and JLR NA, including the control (or lack thereof) that JLR

Limited has over JLR NA's day-to-day activities relating to marketing, distribution, sales, and intellectual property enforcement activities, among other things.²

Accordingly, the Court directs the following:

1. Defendants' Motion to Dismiss [ECF No. 38] is **DENIED without prejudice**. Following the completion of jurisdictional discovery, Defendants may file an answer or a new motion to dismiss the Amended Complaint.
2. By no later than May 12, 2023, the parties are directed to meet and confer and submit a proposed discovery schedule to the magistrate judge for review and consideration.

IT IS SO ORDERED.

s/ Julien Xavier Neals
Julien Xavier Neals
United States District Judge

² Nothing in this Order should be construed as limiting the magistrate judge's authority to determine whether additional and other discovery is relevant to the Court's determination of whether it has personal jurisdiction over JLR Limited.