

<p><b>FILED</b>  <b>CLERK, U.S. DISTRICT COURT</b></p> <div style="border: 1px solid black; padding: 5px; margin: 10px auto; width: 80%;"> <p style="text-align: center;">07/24/2013</p> </div> <p style="text-align: center;"><b>CENTRAL DISTRICT OF CALIFORNIA</b></p> <p style="text-align: center;">BY: _____ IR _____ DEPUTY</p>
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8 Attorneys for GunVault, Inc. a California Corporation

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

11 GunVault, Inc.,  
12 Plaintiff,  
13 vs.  
14 Wintrode Enterprises, Inc. d/b/a  
15 BULLDOG Cases  
16 Defendants.

Case No.: 5:12  
cv-01459-JAK-RZ

Assigned for all purposes to  
Judge: John A. Kronstadt  
Ctm: Roybal 760

~~PROPOSED~~ **FIRST  
AMENDED COMPLAINT FOR  
PATENT INFRINGEMENT**  
**DEMAND FOR JURY TRIAL**

Complaint Filed: July 6, 2012  
Trial Date: December 23, 2013

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21 \_\_\_\_\_  
22 **AND RELATED CASES**  
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1 Plaintiff GunVault, Inc., for its Complaint against Defendant Wintrode  
2 Enterprises, Inc., d/b/a Bulldog Cases alleges as follows:

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4 **JURISDICTION AND VENUE**

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6 1. This action arises under the Patent Laws of the United States,  
7 35 U.S.C. §§ 100, *et seq.*

8  
9 2. This Court has subject matter jurisdiction pursuant to 28 U.S.C.  
10 §§ 1331 and 1338(a).

11  
12 3. Venue is proper in this Judicial District pursuant to 28 U.S.C. §  
13 1391(b),( c) and 1400 (b).

14  
15 **PARTIES**

16  
17 4. Plaintiff GunVault, Inc. ("GunVault") is a corporation  
18 incorporated under the laws of the State of California, and has its principal  
19 place of business at 19949 Kendall Drive, San Bernardino, CA 92407.

20  
21 5. Upon information and belief, Defendant Wintrode Enterprises,  
22 Inc., doing business as Bulldog Cases ("Bulldog Cases"), is a limited  
23 liability company organized and existing under the laws of the State of  
24 Virginia, and has its principal place of business at 830 Beauregard St.,  
25 Danville, VA 24541.



1 attached hereto as Exhibit A and is incorporated herein by reference.  
2

3 11. GunVault has marked products and services it has sold with  
4 the number of the '337 Patent in compliance with 35 U.S.C. § 287(a).  
5

6 12. Prior to September of 2010, Bulldog Cases did not manufacture  
7 nor sell gun vaults. On or about September of 2010, Bulldog Cases set out  
8 to manufacture gun vaults by slavishly copying GunVault's gun vaults,  
9 including by slavishly copying the latch mechanisms therein which were  
10 and are the commercial embodiment of the '337 Patent. As a result, the  
11 latch mechanism in the Accused Devices is a slavish copy of GunVault's  
12 latch mechanism which is the commercial embodiment of the '337 Patent.  
13 GunVault discovered these facts in May of 2013.  
14

15 13. When slavishly copying GunVault's patented latch mechanism,  
16 Bulldog Cases knew the latch mechanism was patented or deliberately  
17 avoided discovering the patent and that Bulldog Cases was infringing it.  
18 GunVault discovered these facts in May of 2013.  
19

20 14. Bulldog Cases made, used, sold, and/or offered to sell the  
21 Accused Devices. Bulldog Cases took these actions knowing or despite  
22 an objectively high likelihood that it's conduct constituted infringement.  
23

24 15. The Accused Devices are not sold on Bulldog Cases' website.  
25 However, Bulldog Cases sold the Accused Devices to and the Accused  
26 Devices were and are being sold by multiple other sources. Thus, knowing  
27 that the Accused Devices infringed the '337 Patent or despite an  
28 objectively high likelihood that the Accused Devices infringed the '377

1 Patent, Bulldog Cases actively induced others to infringe the '337 Patent.  
2 Bulldog continued to induce these other sellers to infringe after this lawsuit  
3 was initiated and after Bulldog Cases itself stopped selling the Accused  
4 Devices. GunVault discovered these facts in May of 2013.

5  
6 16. Bulldog Cases' conduct constitutes direct infringement under  
7 35 U.S.C. §271(a), indirect infringement under 35 U.S.C. §271(b), and  
8 willful infringement under 35 U.S.C. §284. Further, Bulldog Cases' conduct  
9 makes this case extraordinary and entitles GunVault to recover fees  
10 pursuant to 35 U.S.C. §285.

11  
12 17. Bulldog Cases had received gains, profits, and advantages  
13 from its infringement in an amount that is presently unknown to GunVault.

14  
15 18. Bulldog Cases' acts of patent infringement have caused  
16 damage to GunVault in an amount to be determined at trial.

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18 **PRAYER FOR JUDGMENT AND RELIEF**

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20 WHEREFORE, GunVault requests judgment and relief in its favor as  
21 follows:

22  
23 A. A judgment that Bulldog Cases has directly infringed U.S.  
24 Patent No. 5,549,337;

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26 B. A judgment that Bulldog Cases has indirectly infringed U.S.  
27 Patent No. 5,549,337;

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- C. An award of damages for the infringement by Bulldog Cases;
- D. An award of increased damages pursuant to 35 U.S.C. §284;
- E. An award of attorneys' fees pursuant to 35 U.S.C. §285;
- F. An award of taxable costs; and
- G. Such other relief as this Court may deem just and proper.

Dated: July 15, 2013

Law Offices of George S. Burns

By: \_\_\_\_\_  
George S. Burns  
Attorneys for Plaintiff, GunVault, Inc.