

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA 2013 SEP -4 PM 3:01
ORLANDO DIVISION

U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO, FLORIDA

Vossen Wheels, Inc.)
10460 SW 186 Street)
Miami, Florida 33157)

Plaintiff,)

v.)

Wheels International, Inc.)
d/b/a/ Lenso Wheels)
4185 LB McLeod Road)
Orlando, Florida 32811)

Defendant)

Civil Action No. 6:13-cv-1368-01-ZKR

COMPLAINT AND
JURY TRIAL REQUEST

COMES NOW the Plaintiff, Vossen Wheels, Inc. (hereinafter “Vossen”), and for its cause of action against Defendant, Wheels International, Inc., doing business as Lenso Wheels (hereinafter “WII/Lenso” and herein being sometimes referred to as “Defendant”), for patent infringement, Vossen alleges:

Parties and Jurisdiction

1. Vossen is a corporation formed under the laws of Florida and having its principal place of business at 10460 SW 186 Street, Miami, Florida 33157.

2. Upon information and belief, WII/Lenso is a corporation formed under the laws of Florida and having its principal place of business at 4185 LB McLeod Road, Orlando, Florida 32811.

3. WII/Lenso imports, sells, offers to sell, and distributes products within this district, including the “TWENTY 20” wheel.

4. This is a complaint for infringement of U.S. Patent No. D681,541 (“the ‘541 patent”) under 35 U.S.C. §271.

5. The Court has original and exclusive jurisdiction over the subject matter of the complaint under 28 U.S.C. §§ 1331, 1338(a). Venue is proper under 28 U.S.C. §§ 1391 and 1400(a).

General Allegations

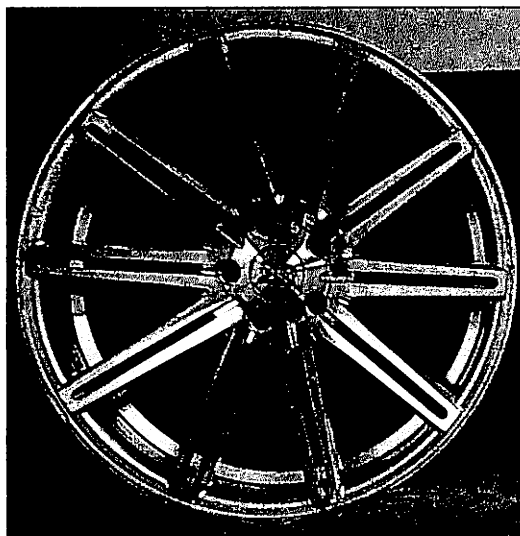
6. Vossen is the owner of the entire right, title and interest in the ‘541 patent by virtue of an assignment, which has been duly recorded at the United States Patent and Trademark Office. A copy of the ‘541 patent is attached hereto as Exhibit 1.

7. The ‘541 patent was filed on October 26, 2012 and issued on May 07, 2013.

9. The ‘541 patent is presumed valid by virtue of 35 U.S.C. § 282.

10. The ‘541 patent is still in full force and effect.

11. WII/Lenso is in the business of manufacturing, distributing and selling wheels, including the TWENTY 20 wheel depicted below.



COUNT I

Patent Infringement; U.S. Patent No. D681,541

12. Paragraphs 1 through 11 are adopted and incorporated herein by reference as if fully set out in this paragraph 12.

13. Vossen is the owner of the '541 patent.

14. Wii/Lenso imports, sells, distributes, and offers for sale within this judicial district wheels, e.g., the TWENTY 20 wheel, covered by the '541 patent.

15. Wii/Lenso has infringed upon the '541 patent in violation of Title 35 U.S.C. §271 by making, using, selling, offering to sell, and/or importing wheels that infringe the '541 patent, all to the damage and injury of the Plaintiff Vossen.

16. Wii/Lenso has sold and offered for sale wheels that infringe the '541 patent after actual and constructive notice of the '541 patent, and upon information and belief continues to sell the accused TWENTY 20 wheel after having notice of the infringement. Attached as Exhibit 2 is an Instagram posting by Wii/Lenso promoting their infringing wheel and mentioning the Vossen name as part of its promotion.

17. Wii/Lenso sells and has sold infringing wheels within the United States including this district without license from CPS.

18. Upon information and belief Wii/Lenso's actions were willful and in disregard of Vossen's rights in the '541 patent.

19. Plaintiff Vossen has suffered and continues to suffer irreparable damage and injury for which there is no adequate remedy at law against the Defendant Wii/Lenso on account of its infringement of the '541 patent.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Vossen prays that judgment be entered by this Court in its favor and against the Defendant Wii/Lenso providing the following relief:

1. That Defendant, its agents, affiliates, subsidiaries, servants, employees and attorneys and those persons in active concert with or controlled by Defendant be permanently enjoined from making, using and selling products that infringe the '541 patent;

2. That Defendant be required to account to Plaintiff for Plaintiff's lost profits and for all damages sustained by and entitled to Plaintiff by reason of the infringement of the '541 patent (35 U.S.C. § 284);

3. That Defendant be required to account to Plaintiff for Defendant's profits and be liable to Plaintiff to the extent of its total profit as a result of the infringement of the '541 patent (35 U.S.C. § 289);

4. That judgment be entered against Defendant for Plaintiff's damages in an amount to be determined at trial, and for prejudgment interest based upon infringement damages accruing from the date of Defendant's acts of infringement;

5. That a determination be made that Defendant's actions were willful in disregard of Plaintiff's rights and be required to pay to Plaintiff the costs of this action and Plaintiff's reasonable attorney fees (35 U.S.C. § 285), and that such damages be trebled;

6. That an order issue directing Defendant to deliver to Plaintiff for immediate destruction all remaining products, advertisements, circulars, brochures or

other promotional or advertising items, web site or other materials for its infringing wheels;

7. Plaintiff also seeks such other and further relief as may be proper and just.

Plaintiff requests a trial by jury.

Vossen Wheels, Inc.
Plaintiff,

By: 

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VERIFICATION

Javid Azadi states that he is duly authorized representative of Plaintiff and that he verifies the allegations in the Complaint and that to the best of his knowledge and belief all allegations are true and correct.



Javid Azadi