

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

Vossen Wheels, Inc.)	
10460 SW 186 Street)	
Miami, Florida 33157)	
)	
Plaintiff,)	
)	
v.)	Civ. Action No. _____
)	
Wheel World 3, Inc.)	
d/b/a/ DC Rims)	
4690 NW 167 th Street)	
Miami, Florida 33054)	
)	
Defendant)	

COMPLAINT AND
JURY TRIAL REQUEST

COMES NOW the Plaintiff, Vossen Wheels, Inc. (hereinafter “Vossen”), and for its cause of action against Defendant, Wheel World 3, Inc., doing business as DC Rims, (hereinafter “Wheel World” or “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, Wheel World is a corporation formed under the laws of Florida and having its principal place of business at 4690 NW 167th Street, Miami, Florida 32811.
3. Wheel World imports, sells, offers to sell, and distributes products within this District, including the “DC A11”; the “DC 3180”; and the “DC A15” wheels.

4. This is a complaint for infringement of U.S. Patent No. D681,541 (“the ‘541 patent”) and U.S. Patent No. D690,643 (“the ‘643 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 and the ‘643 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, and a copy of the ‘643 patent is attached hereto as Exhibit 2.

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

8. The ‘643 patent was filed on October 26, 2012 and issued on October 01, 2013.

9. The ‘541 patent and the ‘643 patent are presumed valid by virtue of 35 U.S.C. § 282.

10. The ‘541 patent and the ‘643 patent are still in full force and effect.

11. Wheel World is in the business of manufacturing, distributing and selling wheels, including the DC A11; the DC 3180; and the DC A15 wheels.

COUNT I

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

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

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

14. Wheel World imports, sells, distributes, and offers for sale within this judicial District wheels, e.g., the DC A11 wheel, covered by the '541 patent.

15. Wheel World 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. Wheel World has sold and offered for sale wheels that infringe the '541 patent after constructive notice of the '541 patent, and upon information and belief continues to sell the accused DC A11 wheel after having notice of the infringement.

17. Wheel World sells and has sold infringing wheels within the United States including this District without license from Vossen.

18. Upon information and belief Wheel World'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 Wheel World on account of its infringement of the '541 patent.

COUNT II

Patent Infringement; U.S. Patent No. D690,643

20. Paragraphs 1 through 11 are adopted and incorporated herein by reference as is fully set out in this paragraph 20.

21. Vossen is the owner of the '643 patent.

22. Wheel World imports, sells, distributes, and offers for sale within this judicial District wheels, e.g., the DC 3180 and DC A15 wheels, covered by the '643 patent.

23. Wheel World has infringed upon the '643 patent in violation of Title 35 U.S.C. §271 by making, using, selling, offering to sell, and/or importing wheels that infringe the '643 patent, all to the damage and injury of the Plaintiff Vossen.

24. Wheel World has sold and offered for sale wheels that infringe the '643 patent after constructive notice of the '643 patent, and upon information and belief continues to sell the accused DC 3180 and DC A15 wheels after having notice of the infringement.

25. Wheel World sells and has sold infringing wheels within the United States including this District without license from Vossen.

26. Upon information and belief Wheel World's actions were willful and in disregard of Vossen's rights in the '643 patent.

27. Plaintiff Vossen has suffered and continues to suffer irreparable damage and injury for which there is no adequate remedy at law against the Defendant Wheel World on account of its infringement of the '643 patent.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Vossen prays that judgment be entered by this Court in its favor and against the Defendant Wheel World 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 preliminarily and permanently enjoined from making, using, offering to sell, selling and importing products that infringe the '541 patent and the '643 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 or the '643 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 and the '643 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,

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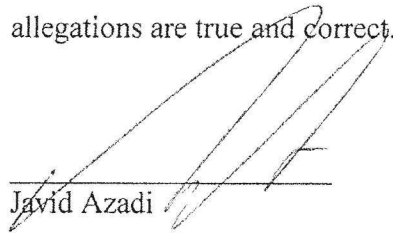
and

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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

EXHIBIT 1

Vossen Wheels, Inc. v. Wheel World 3, Inc., d/b/a/ DC Rims

U.S. Patent No. D681541 ('541 Patent)



US00D681541S

(12) **United States Design Patent**
Kern

(10) **Patent No.:** **US D681,541 S**

(45) **Date of Patent:** **** May 7, 2013**

(54) **FRONT FACE OF A VEHICLE WHEEL**

(71) Applicant: **Vossen Wheels**, Miami, FL (US)

(72) Inventor: **Steven Kern**, Miami Beach, FL (US)

(73) Assignee: **Vossen Wheels**, Miami, FL (US)

(**) Term: **14 Years**

(21) Appl. No.: **29/435,695**

(22) Filed: **Oct. 26, 2012**

(51) **LOC (9) Cl.** **12-16**

(52) **U.S. Cl.**
USPC **D12/211**

(58) **Field of Classification Search** D12/204-213;
301/37.101, 64.101, 65, 64.201

See application file for complete search history.

(56) **References Cited**

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* cited by examiner

Primary Examiner — Stacia Cadmus

(74) *Attorney, Agent, or Firm* — Berenato & White, LLC

(57) **CLAIM**

The ornamental design for a front face of a vehicle wheel, as shown and described.

DESCRIPTION

FIG. 1 is a front view of a front face of a vehicle wheel showing my new design; and,

FIG. 2 is a top and left side perspective view of the wheel shown in FIG. 1.

The broken line showing of the rear of the wheel is included for the purpose of illustrating environment and forms no part of the claimed design.

1 Claim, 2 Drawing Sheets

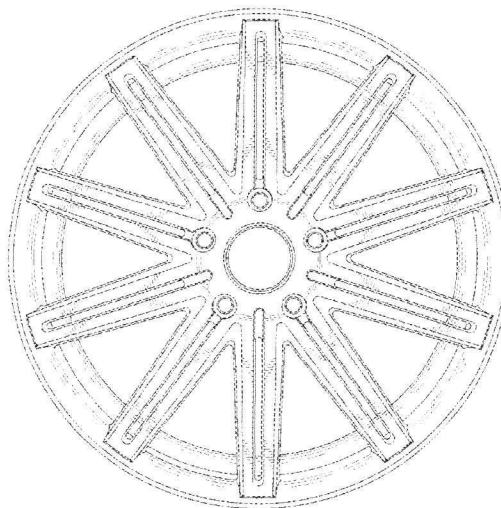
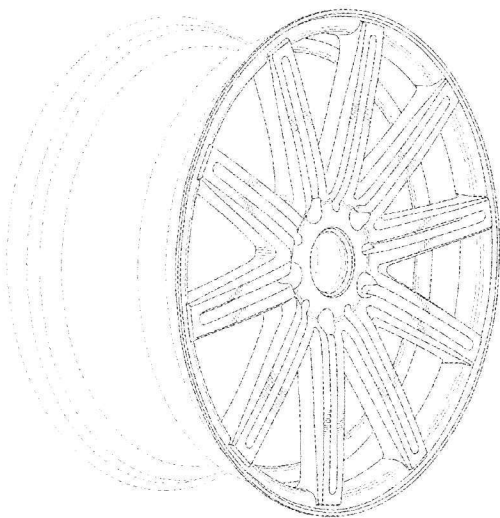


Fig. 2

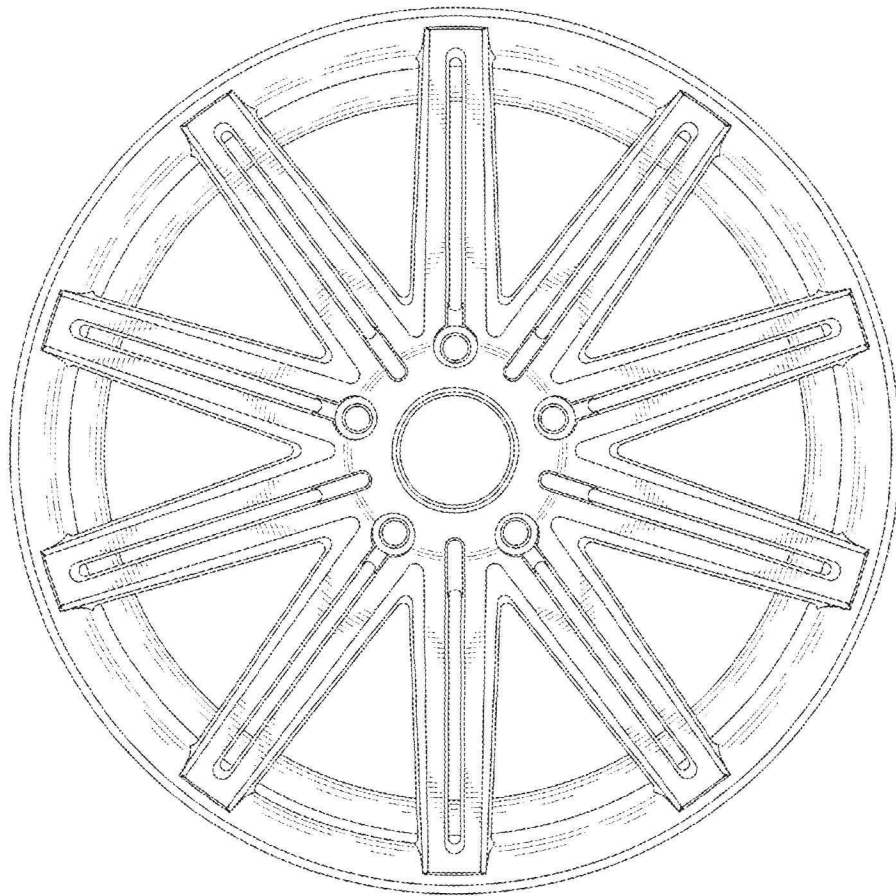


Fig. 1

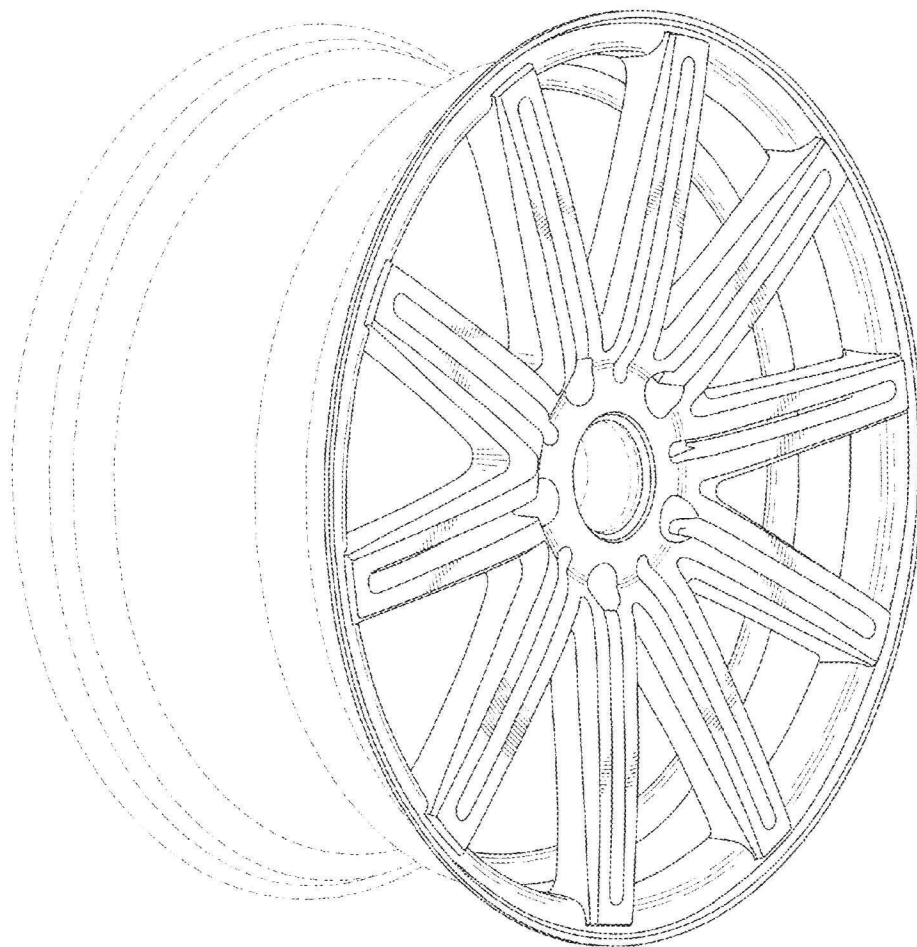


EXHIBIT 2

Vossen Wheels, Inc. v. Wheel World 3, Inc., d/b/a/ DC Rims

U.S. Patent D690643 ('643 Patent)



US00D690643S

(12) **United States Design Patent**
Kern

(10) **Patent No.:** **US D690,643 S**

(45) **Date of Patent:** **** Oct. 1, 2013**

(54) **FRONT FACE OF A VEHICLE WHEEL**

(71) Applicant: **Vossen Wheels**, Miami, FL (US)

(72) Inventor: **Steven Kern**, Miami Beach, FL (US)

(73) Assignee: **Vossen Wheels**, Miami, FL (US)

(**) Term: **14 Years**

(21) Appl. No.: **29/435,702**

(22) Filed: **Oct. 26, 2012**

(51) **LOC (9) Cl.** **12-16**

(52) **U.S. Cl.**
USPC **D12/211**

(58) **Field of Classification Search**
USPC D12/204-213; 301/37.101, 64.101,
301/65, 64.201

See application file for complete search history.

(56) **References Cited**

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* cited by examiner

Primary Examiner — Stacia Cadmus

(74) *Attorney, Agent, or Firm* — Berenato & White, LLC

(57) **CLAIM**

The ornamental design for a front face of a vehicle wheel, as shown and described.

DESCRIPTION

FIG. 1 is a perspective view of a front face of a vehicle wheel, showing my new design; and, FIG. 2 is a front view thereof.

The broken line showing of the rear portion of the wheel is included for the purpose of illustrating environment and forms no part of the claimed design.

1 Claim, 2 Drawing Sheets

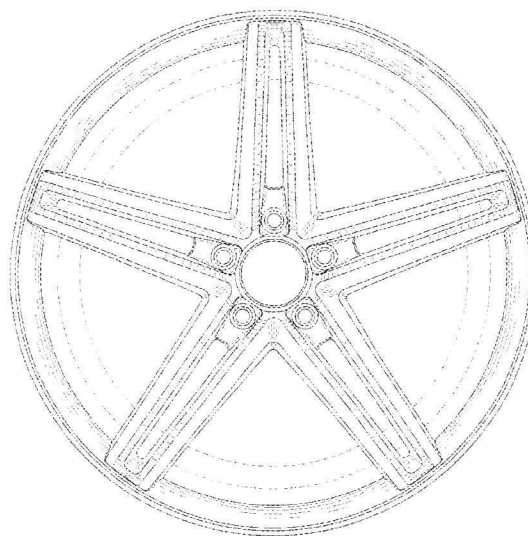
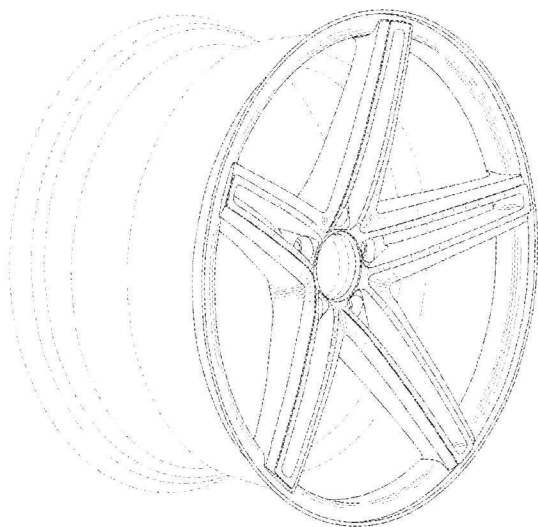


Fig. 1

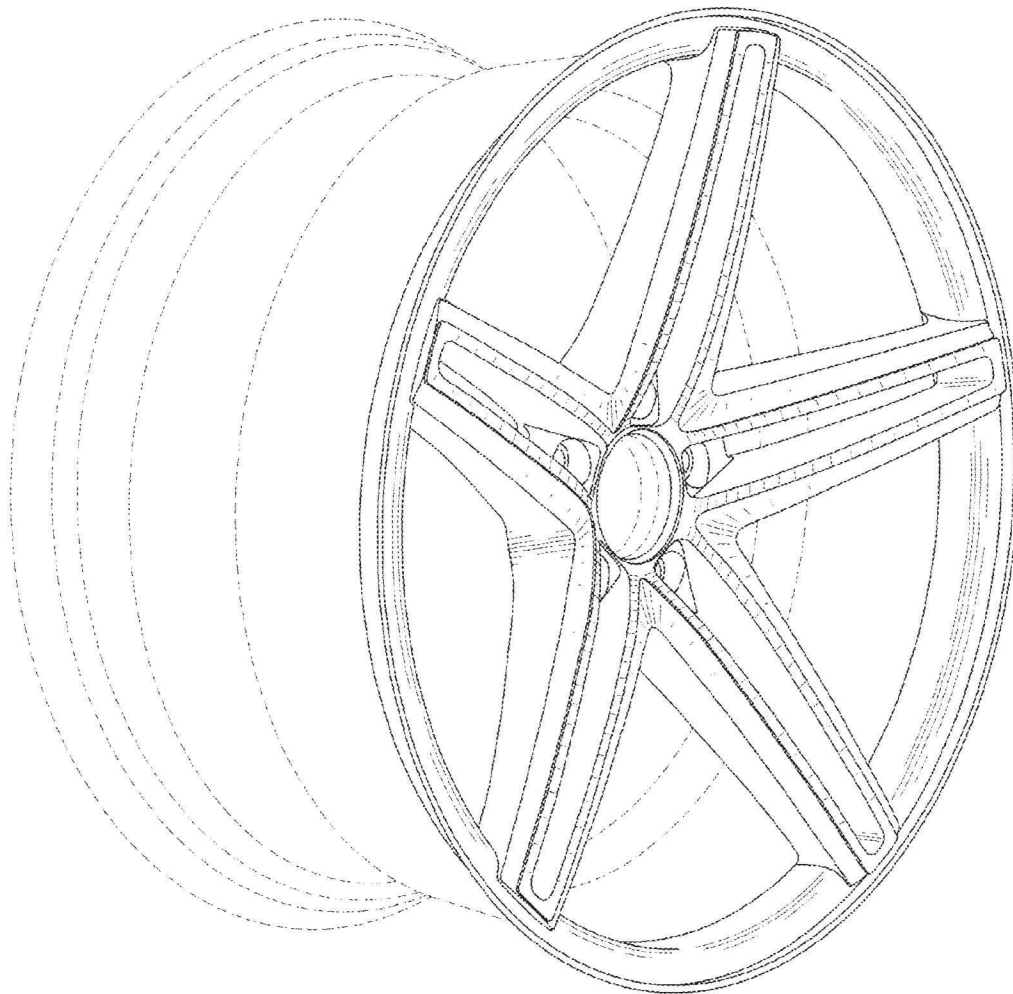


Fig. 2

