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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10 **WESTERN DIVISION**

11 VOSSEN WHEELS, INC.,

12 Plaintiff,

13 v.

14 TOPRICH (U.S.A.), INC. D/B/A
15 REDLINE WHEELS, INC.; JAT
16 WHEELS, INC. D/B/A STR RACING;
A SPEC WHEELS & TIRES, LLC;
ALICIA LUO; AND DOES 1-10,

17 Defendants.
18

Case No. 13-CV-7747

VERIFIED COMPLAINT

JURY TRIAL REQUEST

19
20 COMES NOW the Plaintiff, Vossen Wheels, Inc. (hereinafter "Plaintiff" or
21 "Vossen"), and for its cause of action against Defendants, Toprich (U.S.A.), Inc.
22 doing business as Redline Wheels, Inc. ("Redline Wheels"), JAT Wheels, Inc. doing
23 business as STR Racing ("STR Racing"), A Spec Wheels & Tires, LLC ("A Spec
24 Wheels"), Alicia Luo, and Does 1-10 (herein being sometimes referred to as
25 "Defendants") for trademark and patent infringement, Vossen alleges:

26 **Parties and Jurisdiction**

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

1 2. Upon information and belief, Toprich (U.S.A.), Inc. d/b/a Redline
2 Wheels is a corporation formed under the laws of California, and having a place of
3 business at 9754 Alburtis Ave., Santa Fe Springs, California 90670, and at 2107-D
4 W. Commonwealth Ave. #392, Alhambra, California 91803.

5 3. Upon information and belief, JAT Wheels, Inc. d/b/a STR Racing is a
6 corporation formed under the laws of California, and having a place of business at
7 9754 Alburtis Avenue, Santa Fe Springs, California 90670, and at 2107-D
8 W. Commonwealth Ave. #392, Alhambra, California 91803.

9 4. Upon information and belief, A Spec Wheels is a limited liability
10 company formed under the laws of California having its principal place of business
11 at 2035 America Avenue, Hayward, California 94545.

12 5. Upon information and belief, Alicia Luo is an individual residing at
13 9754 Alburtis Avenue, Santa Fe Springs, California 90670, and at 2107-D W.
14 Commonwealth Ave. #392, Alhambra, California 91803.

15 6. Upon information and belief, Does 1-10 are various persons now
16 unknown residing within this district.

17 7. Defendants import, sell, offer to sell, and distribute products within this
18 district, including the “STR 613” wheels.

19 8. This is a complaint for infringement of U.S. Patent No. D681,541 (“the
20 ‘541 patent”) under 35 U.S.C. §271, common law trademark infringement of the
21 “VOSSSEN” trademark, and trademark infringement and false designation of origin
22 under 15 U.S.C. § 1125.

23 9. The Court has original and exclusive jurisdiction over the subject
24 matter of the complaint under 28 U.S.C. §§ 1331, 1338(a) and supplemental
25 jurisdiction over the pendant state law trademark infringement claim under 28
26 U.S.C. § 1367. Venue is proper under 28 U.S.C. §§ 1391 and 1400(a).

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28

1 10. This Court also has jurisdiction pursuant to 28 U.S.C. § 1332, diversity
2 of citizenship of the parties, the amount in controversy exclusive of interests and
3 costs exceeds the sum of seventy-five thousand dollars (\$75,000.00).

4 **General Allegations**

5 11. Plaintiff is an internationally known designer and seller of vehicle
6 wheels, including aftermarket vehicle wheels that may be retrofitted onto
7 automobiles. Plaintiff's products have attained an extraordinary level of popularity
8 and recognition in the United States and around the world, and are the subject of
9 public interest in the aftermarket wheel industry.

10 12. Plaintiff promotes and sells its vehicle wheel products in association
11 with its well-known trademark VOSSEN.

12 13. With over 25 years of experience, Vossen strives to provide its
13 customers with vehicle wheel products that are among the most innovative in the
14 industry and that are of the highest quality.

15 14. Vossen provides high quality customer service in the manufacturing,
16 sales and service of its products.

17 15. Plaintiff puts every one of its vehicle wheels through exacting
18 standards of testing and quality control. These high standards allow Plaintiff to
19 provide an industry leading five-year workmanship warranty and a lifetime
20 structural warranty, which proves Vossen stands behind its product 100%.

21 16. Plaintiff is a global company with worldwide distribution in over 30
22 countries. Vossen has gained worldwide recognition and reputation for its high
23 quality wheels marketed under its VOSSEN mark.

24 17. Plaintiff is the owner of the entire right, title and interest in the '541
25 patent by virtue of an assignment, which has been duly recorded at the United States
26 Patent and Trademark Office. A copy of the '541 patent is attached hereto as
27 Exhibit 1.

28

1 18. The '541 patent was filed on October 26, 2012, and issued on May 7,
2 2013.

3 19. The '541 patent is presumed valid by virtue of 35 U.S.C. § 282.

4 20. The '541 patent is in full force and effect.

5 21. Vossen is also the owner of the entire right, title and interest in the
6 trademark VOSSSEN as used on or in association with wheels, which trademark
7 VOSSSEN has been used on or in association with wheels since at least March 2007.
8 Vossen's use of its VOSSSEN mark is before any date that defendants may claim to
9 have used the designation Vossen.

10 22. Vossen filed for federal registration of the VOSSSEN trademark under
11 U.S. Trademark Application 85/843,870, which application has been allowed.
12 According to the U.S. Patent Office records, a federal registration will issue for the
13 VOSSSEN trademark on or around the week of November 18, 2013.

14 23. Among the wheels that Vossen markets under the mark VOSSSEN is the
15 CV-4 wheel, which is covered by the '541 Patent.

16 24. Vossen marks it patented wheel or the associated packaging in
17 accordance with 35 U.S.C. § 287.

18 25. Defendants are in the business of manufacturing, distributing and/or
19 selling wheels, including the infringing STR 613 wheel.

20 26. Defendants have promoted the STR 613 wheel using the VOSSSEN
21 trademark without authorization, permission or license.

22 **COUNT I**

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

24 27. Paragraphs 1 through 26 are adopted and incorporated herein by
25 reference as is fully set out in this paragraph 27.

26 28. Vossen is the owner of the '541 patent.

27 29. Defendants import, sell, distribute, and/or offer for sale within this
28 judicial district wheels, e.g., the STR 613 wheel, covered by the '541 patent.

1 45. Through its promotional efforts, business conduct, and continuous use
2 of Plaintiff's VOSSEN trademark, Plaintiff has developed and maintained customers
3 throughout the United States, including within California and within this district,
4 and around the world. Plaintiff's VOSSEN mark has become, through widespread
5 and favorable public acceptance and recognition, an asset of substantial value as a
6 symbol of Plaintiff, its high quality products, and its immeasurable goodwill.

7 46. Defendants have used and continue to use their confusingly similar
8 mark in California and elsewhere, or otherwise assist in the unauthorized and
9 infringing use of the VOSSEN mark by others, all of which has created confusion in
10 the marketplace regarding origin of the respective wheels of Vossen and
11 Defendants.

12 47. Defendants misconduct in using Plaintiff's VOSSEN mark on wheels
13 or closely related goods tarnishes and disparages Plaintiff's hard-earned goodwill.

14 48. Defendant's commercial use of the VOSSEN mark has caused, and will
15 likely continue to cause, confusion in the marketplace with Plaintiff's mark.
16 Defendants' use of Plaintiff's VOSSEN mark has caused and will likely continue to
17 cause consumer confusion, mistake or deception with respect to the association (or
18 lack thereof) of Defendants to Plaintiff, or as to the origin, sponsorship or approval
19 of Defendants' products by Plaintiff.

20 49. Further, Defendants' use of Plaintiff's VOSSEN mark or a mark
21 confusingly similar to Vossen in commercial advertising and promotion
22 misrepresents the nature, characteristics, qualities and origin of Defendants'
23 products.

24 50. Plaintiff has been, and continues to be, injured by Defendants'
25 unauthorized and unlawful use of Plaintiff's VOSSEN mark.

26 51. Defendant's use of Plaintiff's VOSSEN mark has caused, and continues
27 to cause, irreparable harm to Plaintiff and Plaintiff's goodwill and reputation.

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

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

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

12 6. That an order issue directing Defendants to deliver to Plaintiff for
13 immediate destruction all remaining products, advertisements, circulars, brochures
14 or other promotional or advertising items, web site or other materials for its
15 infringing wheels;

16 7. A preliminary and permanent injunction enjoining Defendants, their
17 employees, agents, officers, directors, attorneys, representatives, successors,
18 affiliates, subsidiaries and assigns, and all those in concert or participation with any
19 of them from:

20 (a) imitating, copying, using, reproducing, registering, attempting to
21 register and/or displaying any mark so resembling any Plaintiff's VOSSSEN
22 mark as to be likely to cause confusion, mistake or deception therewith; and

23 (b) using any false description or representation or any other thing
24 calculated or likely to cause consumer confusion, deception or mistake in the
25 marketplace with regard to Plaintiff's VOSSSEN mark or products sold
26 thereunder;

27 8. An order directing that Defendants remove all signage and deliver up
28 for destruction all materials and matter in its possession or custody or under its

1 control that infringe Plaintiff's VOSSEN mark, including, without limitation, all
2 advertising and promotional materials;

3 9. An order for corrective advertising in a form, manner and frequency
4 that is acceptable to Plaintiff and the Court;

5 10. An order directing that Defendants file with the Court and serve upon
6 counsel for Plaintiff within thirty (30) days after the entry of such order or
7 judgment, a report in writing and under oath setting forth in detail the manner and
8 form in which it has complied with this Court's orders;

9 11. Judgment against Defendants, awarding Plaintiff all profits of
10 Defendants resulting from their misconduct alleged herein, in an amount to be
11 proven at trial;

12 12. Judgment against Defendants, awarding Plaintiff treble damages based
13 upon Defendants' profits after an accounting thereof, including all statutory
14 enhancements and other enhancements on account of the willful nature of
15 Defendants' misconduct;

16 13. An award of prejudgment and post judgment interest;

17 14. An award of Plaintiff's costs and expenses, including, without
18 limitation, Plaintiff's attorneys' fees incurred herein; and

19 15. Plaintiff seeks such other and further relief as may be proper and just.
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21 DATED: October 18, 2013

Respectfully submitted,

22 FULWIDER PATTON LLP

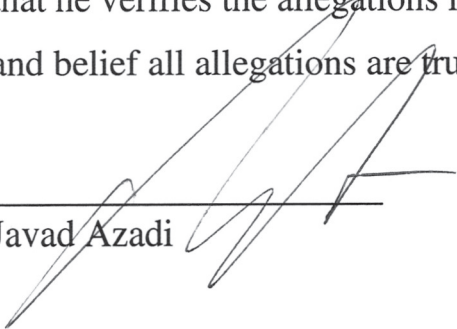
23 By: /s James Juo

24 Gary M. Anderson
25 James Juo
26 Attorneys for PLAINTIFF
27 Vossen Wheels, Inc.
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VERIFICATION

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Javad 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.



Javad Azadi