

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

DELAWARE RADIO TECHNOLOGIES,  
LLC and WYNCOMM, LLC,

Plaintiffs,

v.

HYUNDAI MOTOR COMPANY,  
HYUNDAI MOTOR AMERICA, and  
HYUNDAI MOTOR MANUFACTURING  
ALABAMA, LLC,

Defendants.

Civil Action No. \_\_\_\_\_

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

Delaware Radio Technologies, LLC and Wyncomm, LLC (“Plaintiffs”), by way of this Complaint for Patent Infringement (“Complaint”) against Defendant Hyundai Motor Company (“Hyundai”), Defendant Hyundai Motor America (“Hyundai America”) and Defendant Hyundai Motor Manufacturing Alabama, LLC (“Hyundai Manufacturing” or collectively as “Defendants”), allege as follows:

**NATURE OF THE ACTION**

1. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 1 *et seq.*

**THE PARTIES**

2. Plaintiff Delaware Radio Technologies, LLC (“Delaware Radio”) is a limited liability company organized under the laws of the State of Delaware with a place of business at 1209 Orange Street, Wilmington, Delaware 19801.

3. Plaintiff Wyncomm, LLC (“Wyncomm”) is a limited liability company organized under the laws of the State of Delaware with a place of business at 113 Barksdale Professional Center, Newark, Delaware 19711.

4. Upon information and belief, Defendant Hyundai is a corporation organized under the laws of Korea with its principal place of business at 231, Yangjae-Dong, Seocho-Gu, Seoul, 137-938, South Korea.

5. Upon information and belief, Defendant Hyundai America, is a corporation organized under the laws of Delaware, with its principal place of business at 10550 Talbert Avenue, Fountain Valley, California, 92708, and a registered agent at National Registered Agents, Inc., 160 Greentree Drive, Suite 101, Dover, Delaware, 19904.

6. Upon information and belief, Defendant Hyundai Manufacturing is a corporation organized under the laws of Delaware with its principal place of business at 700 Hyundai Blvd., Montgomery, AL 36105 and a registered agent at The Corporation Trust Company, Corporation Trust Center, 1209 Orange St., Wilmington, Delaware 19801.

### **JURISDICTION AND VENUE**

7. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 271, *et seq.*

8. This Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338(a).

9. This Court has personal jurisdiction over Defendants at least because Defendants have ongoing and systematic contacts with this District and the United States. Specifically, Defendants Hyundai America and Hyundai Manufacturing are corporations organized under the laws of Delaware, have registered agents for service of process in Delaware, and have thereby availed themselves of the privileges and the protections of the laws of the State of Delaware.

Defendants sell and/or offer to sell products and/or services throughout the United States, including in this Judicial District. Further, Defendants introduce infringing products and/or services into the stream of commerce knowing that they would be sold in this Judicial District and elsewhere in the United States.

10. Venue is proper in this District under 28 U.S.C. §§ 1400 (b) and 1391.

### **JOINDER**

11. Joinder is proper under 35 U.S.C. § 299. The allegations of infringement contained herein are asserted against the Defendants jointly, severally, or in the alternative and arise, at least in part, out of the same series of transactions or occurrences relating to Defendants' manufacture, use, sale, offer for sale, and importation of the same accused products. On information and belief, the Defendants are part of the same corporate family of companies, and the infringement allegations arise at least in part from the Defendants' collective activities with respect to the Defendants' accused products. Questions of fact common to the Defendants will arise in the action, including questions relating to the structure and operation of the accused products, Defendants' infringing acts and, on information and belief, the validity of the patents-in-suit.

### **COUNT I – INFRINGEMENT OF U.S. PATENT NO. 5,506,866**

12. The allegations set forth in the foregoing paragraphs 1 through 11 are hereby realleged and incorporated herein by reference.

13. On April 9, 1996, U.S. Patent No. 5,506,866 (the "'866 Patent"), entitled "Side-Channel Communications in Simultaneous Voice and Data Transmission," was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the '866 Patent is attached as Exhibit A to this Complaint.

14. Wyncomm is the owner of any and all right, title, and interest in and to the patent excluding the field of HD Radio and any related technology.

15. Delaware Radio is the exclusive licensee of the '866 Patent in the field of HD Radio, including the exclusive right to assert all causes of action arising under said patent in the field of HD Radio and any related technology and the right to any remedies for infringement of it.

16. In violation of 35 U.S.C. § 271, Defendants, including their affiliates, have directly infringed and continue to directly infringe, both literally and under the doctrine of equivalents, one or more claims of the '866 Patent by, without limitation, making, using, importing, selling and/or offering for sale automobiles, including but not limited to Hyundai Azera, Equus, Genesis, Genesis Coupe, Sonata and Santa Fe, equipped to receive HD Radio broadcasts further described in the IBOC Digital Radio Broadcasting Standard (the "Accused Instrumentalities").

17. Because of Defendants' infringement of the '866 Patent, Plaintiffs have suffered damages and will continue to suffer damages in the future.

18. Defendants will be deemed to have knowledge of the '866 Patent and their infringement thereof at least as of the filing date of this Complaint.

**COUNT II – INFRINGEMENT OF U.S. PATENT NO. 5,642,379**

19. The allegations set forth in the foregoing paragraphs 1 through 18 are hereby realleged and incorporated herein by reference.

20. On June 24, 1997, U.S. Patent No. 5,642,379 (the "'379 Patent"), entitled "Technique for Modulating Orthogonal Signals with One or More Analog or Digital Signals," was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the '379 Patent is attached as Exhibit B to this Complaint.

21. Delaware Radio is the assignee and owner of the right, title and interest in and to the '379 Patent, including the right to assert all causes of action arising under said patent and the right to any remedies for infringement of it.

22. In violation of 35 U.S.C. § 271(a), Defendants, including their affiliates, have directly infringed and continue to directly infringe, both literally and under the doctrine of equivalents, one or more claims of the '379 Patent by, without limitation, making, using, importing, selling and/or offering for sale automobiles, including but not limited to the Accused Instrumentalities, equipped to receive HD Radio broadcasts further described in the IBOC Digital Radio Broadcasting Standard.

23. Because of Defendants' infringement of the '379 Patent, Plaintiff Delaware Radio Technologies has suffered damages and will continue to suffer damages in the future.

24. Defendants will be deemed to have knowledge of the '379 Patent and their infringement thereof at least as of the filing date of this Complaint.

25. At least as of the filing of this Complaint, in violation of 35 U.S.C. § 271(b), Defendants, including their affiliates and dealerships, are, on information and belief, inducing infringement, both literally and under the doctrine of equivalents, of one or more claims of the '379 Patent by, without limitation, making, using, importing, selling and/or offering for sale automobiles, including but not limited to the Accused Instrumentalities, equipped to receive HD Radio broadcasts further described in the IBOC Digital Radio Broadcasting Standard for use by their customers and others. Upon information and belief, Defendants' customers and others have infringed and are continuing to infringe the '379 Patent.

### **JURY DEMAND**

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiffs demand a trial by

jury on all issues so triable.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs demand judgment for themselves and against Defendants as follows:

- A. An adjudication that Defendants have infringed the '866 and '379 Patents;
- B. An award of damages to be paid by Defendants adequate to compensate Plaintiffs for their past infringement of the '866 and '379 Patents, and any continuing or future infringement through the date such judgment is entered, including interest, costs, and expenses;
- C. An accounting of all infringing acts including, but not limited to, those acts not presented at trial and an award for Plaintiffs' damages for any such acts;
- D. A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of Plaintiffs' reasonable attorneys' fees; and
- E. An award to Plaintiffs of such further relief at law or in equity as the Court deems just and proper.

Dated: November 20, 2013

Respectfully submitted,

STAMOULIS & WEINBLATT LLC

/s/ Richard C. Weinblatt

Richard C. Weinblatt #5080

*weinblatt@swdelaw.com*

Stamatios Stamoulis #4606

*stamoulis@swdelaw.com*

Two Fox Point Centre

6 Denny Road, Suite 307

Wilmington, DE 19809

Telephone: (302) 999-1540

*Attorneys for Plaintiffs*

*Delaware Radio Technologies, LLC*

*and Wyncomm, LLC*

