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

11  
12 SIGNAL IP, INC., a California  
corporation,

13 Plaintiff,

14 vs.

15 KIA MOTORS AMERICA, INC., a  
16 California corporation,

17 Defendant.

Case No. 2:14-cv-02457

**COMPLAINT FOR PATENT  
INFRINGEMENT**

**JURY TRIAL DEMANDED**

18  
19 Plaintiff Signal IP, Inc. (“Signal IP” or “Plaintiff”) brings this Complaint  
20 against Defendant KIA Motors America, Inc. (“KIA” or “Defendant”), alleging as  
21 follows:

22 **PARTIES**

23 1. Plaintiff Signal IP is a California corporation with its principal place of  
24 business at 11100 Santa Monica Blvd., Suite 380, Los Angeles, CA 90025.

25 2. On information and belief, KIA Motors America, Inc. is a California  
26 corporation with its principal place of business at 111 Peters Canyon Rd., Irvine, CA  
27 92606.

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**JURISDICTION, VENUE AND JOINDER**

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3. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. This Court has personal jurisdiction over Defendant. Defendant has conducted extensive commercial activities and continue to conduct extensive commercial activities within the State of California. Defendant KIA Motors America, Inc. maintains its principal place of business within this judicial district. Additionally, on information and belief, Defendant, directly and/or through intermediaries (including Defendant’s entities, subsidiaries, distributors, sales agents, partners and others), distributes, offers for sale, sells, and/or advertises its products (including but not limited to the products and services that are accused of infringement in this lawsuit) in the United States, in the State of California, and in this judicial district, under the “KIA” brand name. Defendant has purposefully and voluntarily placed one or more of its infringing products and services into the stream of commerce with the expectation that the products and services will be purchased or used by customers in California and within this judicial district. Accordingly, Defendant has infringed Signal IP’s patents within the State of California and in this judicial district as alleged in more detail below.

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

**BACKGROUND**

6. Signal IP, Inc. is a California corporation with a principal place of business at 11100 Santa Monica Blvd., Suite 380, Los Angeles, CA 90025. It is the owner of the entire right, title and interest in and to U.S. Patent Nos. 5,714,927; 5,732,375; 6,434,486; 6,775,601; and 6,012,007 (the “Patents-in-Suit”).

7. On information and belief, Defendant is a direct or indirect subsidiary of global car manufacturer and distributor KIA Motors Corporation. (“KIA Motors”), which is headquartered in South Korea. KIA Motors manufactures and

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1 distributes cars under the “KIA” brand name.

2 **FIRST CLAIM FOR RELIEF**  
3 **(Infringement of the ‘927 Patent)**

4 8. Plaintiff incorporates paragraphs 1 through 7 of this complaint as if set  
5 forth in full herein.

6 9. Signal IP is the owner of the entire right, title, and interest in and to  
7 U.S. Patent No. 5,714,927 (the ‘927 Patent), entitled “Method of Improving Zone of  
8 Coverage Response of Automotive Radar.” The ‘927 Patent was duly and legally  
9 issued by the U.S. Patent and Trademark Office on February 3, 1998. A true and  
10 correct copy of the ‘927 Patent is attached as Exhibit A.

11 10. Defendant has directly infringed and continues to infringe, literally  
12 and/or under the doctrine of equivalents, the ‘927 Patent by making, using, offering  
13 for sale, and/or selling in the United States certain methods or systems disclosed and  
14 claimed in the ‘927 Patent, including but not limited to the Blind Spot Detection  
15 System (BSDS) used in products including but not limited to the Kia Cadenza,  
16 Optima, Sorento and K900.

17 11. Defendant has contributorily infringed and is currently contributorily  
18 infringing the ‘927 Patent by making, using, offering for sale, and/or selling in the  
19 United States certain methods or systems disclosed and claimed in the ‘927 Patent,  
20 including but not limited to the Blind Spot Detection System (BSDS) used in  
21 products including but not limited to the Kia Cadenza, Optima, Sorento and K900.

22 12. Defendant has actively induced and is actively inducing the  
23 infringement of the ‘927 Patent by making, using, offering for sale, and/or selling in  
24 the United States certain methods or systems disclosed and claimed in the ‘927  
25 Patent, including but not limited to the Blind Spot Detection System (BSDS) used in  
26 products including but not limited to the Kia Cadenza, Optima, Sorento and K900.

27 13. Defendant’s infringement of the ‘927 Patent has been and continues to  
28 be willful, rendering this case exceptional within the meaning of 35 U.S.C. § 285.

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1 14. Unless enjoined by this Court, Defendant will continue to infringe the  
2 ‘927 Patent.

3 15. As a direct and proximate result of the Defendant’s conduct, Plaintiff  
4 has suffered, and will continue to suffer, irreparable injury for which it has no  
5 adequate remedy at law. Plaintiff also has been damaged and, until an injunction  
6 issues, will continue to be damaged in an amount yet to be determined.

7 **SECOND CLAIM FOR RELIEF**

8 **(Infringement of the ‘375 Patent)**

9 16. Plaintiff incorporates paragraphs 1 through 15 of this complaint as if set  
10 forth in full herein.

11 17. Signal IP is the owner of the entire right, title, and interest in and to  
12 U.S. Patent No. 5,732,375 (the ‘375 Patent), entitled “Method of Inhibiting or  
13 Allowing Airbag Deployment.” The ‘375 Patent was duly and legally issued by the  
14 U.S. Patent and Trademark Office on March 24, 1998. A true and correct copy of  
15 the ‘375 Patent is attached as Exhibit B.

16 18. Defendant has directly infringed and continues to infringe, literally  
17 and/or under the doctrine of equivalents, the ‘375 Patent by making, using, offering  
18 for sale, and/or selling in the United States certain methods or systems disclosed and  
19 claimed in the ‘375 Patent, including but not limited to the Supplemental Restraint  
20 System (SRS) airbag with Occupant Classification System (OCS) used in products  
21 including but not limited to the Kia Forte, Optima, Rio, Sedona, Sorento, Soul,  
22 Amanti, Rondo, Spectra, and Optima Hybrid.

23 19. Defendant has contributorily infringed and is currently contributorily  
24 infringing the ‘375 Patent by making, using, offering for sale, and/or selling in the  
25 United States certain methods or systems disclosed and claimed in the ‘375 Patent,  
26 including but not limited to the Supplemental Restraint System (SRS) airbag with  
27 Occupant Classification System (OCS) used in products including but not limited to  
28 the Kia Forte, Optima, Rio, Sedona, Sorento, Soul, Amanti, Rondo, Spectra, and

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1 Optima Hybrid.

2 20. Defendant has actively induced and is actively inducing the  
3 infringement of the ‘375 Patent by making, using, offering for sale, and/or selling in  
4 the United States certain methods or systems disclosed and claimed in the ‘375  
5 Patent, including but not limited to the Supplemental Restraint System (SRS) airbag  
6 with Occupant Classification System (OCS) used in products including but not  
7 limited to the Kia Forte, Optima, Rio, Sedona, Sorento, Soul, Amanti, Rondo,  
8 Spectra, and Optima Hybrid.

9 21. Defendant’s infringement of the ‘375 Patent has been and continues to  
10 be willful, rendering this case exceptional within the meaning of 35 U.S.C. § 285.

11 22. Unless enjoined by this Court, Defendant will continue to infringe the  
12 ‘375 Patent.

13 23. As a direct and proximate result of the Defendant’s conduct, Plaintiff  
14 has suffered, and will continue to suffer, irreparable injury for which it has no  
15 adequate remedy at law. Plaintiff also has been damaged and, until an injunction  
16 issues, will continue to be damaged in an amount yet to be determined.

17 **THIRD CLAIM FOR RELIEF**

18 **(Infringement of the ‘486 Patent)**

19 24. Plaintiff incorporates paragraphs 1 through 23 of this complaint as if set  
20 forth in full herein.

21 25. Signal IP is the owner of the entire right, title, and interest in and to  
22 U.S. Patent No. 6,434,486 (the ‘486 Patent), entitled “Technique for Limiting the  
23 Range of an Object Sensing System in a Vehicle.” The ‘486 Patent duly and legally  
24 issued by the U.S. Patent and Trademark Office on August 13, 2002. A true and  
25 correct copy of the ‘486 Patent is attached as Exhibit C.

26 26. Defendant has directly infringed and continues to infringe, literally  
27 and/or under the doctrine of equivalents, the ‘486 Patent by making, using, offering  
28 for sale, and/or selling in the United States certain methods or systems disclosed and

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1 claimed in the '486 Patent, including but not limited to the Advanced Smart Cruise  
2 Control (ASCC) used in products including but not limited to the Kia Cadenza,  
3 Forte, Optima, Optima Hybrid, and Kia K900, and the Around View Monitor used  
4 in products including but not limited to the Kia K900.

5       27. Defendant has contributorily infringed and is currently contributorily  
6 infringing the '486 Patent by making, using, offering for sale, and/or selling in the  
7 United States certain methods or systems disclosed and claimed in the '486 Patent,  
8 including but not limited to the Advanced Smart Cruise Control (ASCC) used in  
9 products including but not limited to the Kia Cadenza, Forte, Optima, Optima  
10 Hybrid, and Kia K900, and the Around View Monitor used in products including  
11 but not limited to the Kia K900.

12       28. Defendant has actively induced and is actively inducing the  
13 infringement of the '486 Patent by making, using, offering for sale, and/or selling in  
14 the United States certain methods or systems disclosed and claimed in the '486  
15 Patent, including but not limited to the Advanced Smart Cruise Control (ASCC)  
16 used in products including but not limited to the Kia Cadenza, Forte, Optima,  
17 Optima Hybrid, and Kia K900, and the Around View Monitor used in products  
18 including but not limited to the Kia K900.

19       29. Defendant's infringement of the '486 Patent has been and continues to  
20 be willful, rendering this case exceptional within the meaning of 35 U.S.C. § 285.

21       30. Unless enjoined by this Court, Defendant will continue to infringe the  
22 '486 Patent.

23       31. As a direct and proximate result of the Defendant's conduct, Plaintiff  
24 has suffered, and will continue to suffer, irreparable injury for which it has no  
25 adequate remedy at law. Plaintiff also has been damaged and, until an injunction  
26 issues, will continue to be damaged in an amount yet to be determined.

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**FOURTH CLAIM FOR RELIEF**  
**(Infringement of the ‘601 Patent)**

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32. Plaintiff incorporates paragraphs 1 through 31 of this complaint as if set forth in full herein.

33. Signal IP is the owner of the entire right, title, and interest in and to U.S. Patent No. 6,775,601 (the ‘601 Patent), entitled “Method and Control System for Controlling Propulsion in a Hybrid Vehicle.” The ‘601 Patent was duly and legally issued by the U.S. Patent and Trademark Office on August 10, 2004. A true and correct copy of the ‘601 Patent is attached as Exhibit D.

34. Defendant has directly infringed and continues to infringe, literally and/or under the doctrine of equivalents, the ‘601 Patent by making, using, offering for sale, and/or selling in the United States certain methods or systems for hybrid vehicles disclosed and claimed in the ‘601 Patent, including but not limited to the hybrid versions of the Kia Optima.

35. Defendant has contributorily infringed and is currently contributorily infringing the ‘601 Patent by making, using, offering for sale, and/or selling in the United States certain methods or systems disclosed and claimed in the ‘601 Patent, including but not limited to the hybrid versions of the Kia Optima.

36. Defendant has actively induced and is actively inducing the infringement of the ‘601 Patent by making, using, offering for sale, and/or selling in the United States certain methods or systems disclosed and claimed in the ‘601 Patent, including but not limited to the hybrid versions of the Kia Optima.

37. Defendant’s infringement of the ‘601 Patent has been and continues to be willful, rendering this case exceptional within the meaning of 35 U.S.C. § 285.

38. Unless enjoined by this Court, Defendant will continue to infringe on the ‘601 Patent.

39. As a direct and proximate result of the Defendant’s conduct, Plaintiff has suffered, and will continue to suffer, irreparable injury for which it has no



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1 adequate remedy at law. Plaintiff also has been damaged and, until an injunction  
2 issues, will continue to be damaged in an amount yet to be determined.

3 **FIFTH CLAIM FOR RELIEF**

4 **(Infringement of the ‘007 Patent)**

5 40. Plaintiff incorporates paragraphs 1 through 39 of this complaint as if set  
6 forth in full herein.

7 41. Signal IP is the owner of the entire right, title, and interest in and to  
8 U.S. Patent No. 6,012,007 (the ‘007 Patent), entitled “Occupant Detection Method  
9 and Apparatus for Air Bag System.” The ‘007 Patent was duly and legally issued by  
10 the U.S. Patent and Trademark Office on January 4, 2000. A true and correct copy  
11 of the ‘007 Patent is attached as Exhibit E.

12 42. Defendant has directly infringed and continues to infringe, literally  
13 and/or under the doctrine of equivalents, the ‘007 Patent by making, using, offering  
14 for sale, and/or selling in the United States certain methods or systems for hybrid  
15 vehicles disclosed and claimed in the ‘007 Patent, including but not limited to the  
16 Occupant Classification System (OCS) used in products including but not limited to  
17 the Kia Cadenza, Forte, Optima, Rio, Sedona, Sorento, Soul, Sportage, Amanti,  
18 Borrego, Spectra, Optima and Optima Hybrid.

19 43. Defendant has contributorily infringed and is currently contributorily  
20 infringing the ‘007 Patent by making, using, offering for sale, and/or selling in the  
21 United States certain methods or systems disclosed and claimed in the ‘007 Patent,  
22 including but not limited to the Occupant Classification System (OCS) used in  
23 products including but not limited to the Kia Cadenza, Forte, Optima, Rio, Sedona,  
24 Sorento, Soul, Sportage, Amanti, Borrego, Spectra, Optima and Optima Hybrid.

25 44. Defendant has actively induced and is actively inducing the  
26 infringement of the ‘007 Patent by making, using, offering for sale, and/or selling in  
27 the United States certain methods or systems disclosed and claimed in the ‘007  
28 Patent, including but not limited to the Occupant Classification System (OCS) used



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1 in products including but not limited to the Kia Cadenza, Forte, Optima, Rio,  
2 Sedona, Sorento, Soul, Sportage, Amanti, Borrego, Spectra, Optima and Optima  
3 Hybrid.

4 45. Defendant’s infringement of the ‘007 Patent has been and continues to  
5 be willful, rendering this case exceptional within the meaning of 35 U.S.C. § 285.

6 46. Unless enjoined by this Court, Defendant will continue to infringe on  
7 the ‘007 Patent.

8 47. As a direct and proximate result of the Defendant’s conduct, Plaintiff  
9 has suffered, and will continue to suffer, irreparable injury for which it has no  
10 adequate remedy at law. Plaintiff also has been damaged and, until an injunction  
11 issues, will continue to be damaged in an amount yet to be determined.

12 **PRAYER FOR RELIEF**

13 Wherefore, Signal IP respectfully requests that the Court enter judgment  
14 against Defendant as follows:

- 15 1. That Defendant has directly infringed the Patents-in-Suit;
- 16 2. That Defendant has contributorily infringed the Patents-in-Suit;
- 17 3. That Defendant has induced the infringement of the Patents-in-Suit;
- 18 4. That Defendant’s infringement be adjudged willful and deliberate;
- 19 5. That Defendant and its affiliates, subsidiaries, officers, directors,  
20 employees, agents, representatives, successors, assigns, and all those acting in  
21 concert, participation, or privity with them or on their behalf, including customers,  
22 be enjoined from infringing, inducing others to infringe or contributing to the  
23 infringement of the Patents-in-Suit;
- 24 6. For damages, according to proof, for Defendant’s infringement,  
25 together with pre-judgment and post-judgment interest, as allowed by law and that  
26 such damages be trebled as provided by 35 U.S.C. § 284;
- 27 7. That this Court determine that this is an exceptional case under 35  
28 U.S.C. § 285 and an award of attorneys’ fees and costs to Signal IP is warranted;

1 and

2 For such other and further relief as the Court may deem just and proper.

3 Dated: April 1, 2014

LINER LLP

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6 By:           /s/ Ryan E. Hatch          

Randall J. Sunshine

Ryan E. Hatch

Jason L. Haas

Attorneys for Plaintiff SIGNAL IP, INC

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JURY DEMAND

Pursuant to Federal Rules of Civil Procedure Rule 38(b), Plaintiff Signal IP, Inc. respectfully demands a jury trial on any and all issues triable as of right by a jury in this action.

Dated: April 1, 2014

LINER LLP

By:           /s/ Ryan E. Hatch          

Randall J. Sunshine

Ryan E. Hatch

Jason L. Haas

Attorneys for Plaintiff SIGNAL IP, INC

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