

1 Randall J. Sunshine (SBN 137363)
rsunshine@linerlaw.com
2 Ryan E. Hatch (SBN 235577)
rhatch@linerlaw.com
3 Jason L. Haas (SBN 217290)
jhaas@linerlaw.com
4 LINER LLP
1100 Glendon Avenue, 14th Floor
5 Los Angeles, California 90024.3503
Telephone: (310) 500-3500
6 Facsimile: (310) 500-3501
7 Attorneys for Plaintiff SIGNAL IP, INC.

8
9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**
11

12 SIGNAL IP, INC., a California
corporation,

13 Plaintiff,

14 vs.

15 MITSUBISHI MOTORS NORTH
16 AMERICA, INC., a California
corporation,

17 Defendant.
18

Case No. 2:14-cv-02462

**COMPLAINT FOR PATENT
INFRINGEMENT**

JURY TRIAL DEMANDED

19 Plaintiff Signal IP, Inc. (“Signal IP” or “Plaintiff”) brings this Complaint
20 against Defendant Mitsubishi Motors North America, Inc. (“Mitsubishi” or
21 “Defendant”), alleging as 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, Mitsubishi Motors North America, Inc. is a
26 California corporation with its principal place of business at 6400 Katella Ave.,
27 Cypress, CA 90630.
28

JURISDICTION, VENUE AND JOINDER

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 Mitsubishi Motors North 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 "Mitsubishi" 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. 5,732,375; 6,434,486; and 6,012,007; and 5,463,374 (the "Patents-in-Suit").

7. On information and belief, Defendant is a direct or indirect subsidiary of global car manufacturer and distributor Mitsubishi Motors Corporation. ("Mitsubishi Motors"), which is headquartered in Japan. Mitsubishi Motors

1 manufactures and distributes cars under the “Mitsubishi” brand name.

2 **FIRST CLAIM FOR RELIEF**

3 **(Infringement of the ‘375 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. 5,732,375 (the ‘375 Patent), entitled “Method of Inhibiting or
8 Allowing Airbag Deployment.” The ‘375 Patent was duly and legally issued by the
9 U.S. Patent and Trademark Office on March 24, 1998. A true and correct copy of
10 the ‘375 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 ‘375 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 ‘375 Patent, including but not limited to the Supplemental Restraint
15 System (SRS) used in products including but not limited to the Mitsubishi Eclipse,
16 Endeavor, Galant, Lancer, Mirage, and Lancer Evolution X.

17 11. Defendant has contributorily infringed and is currently contributorily
18 infringing the ‘375 Patent by making, using, offering for sale, and/or selling in the
19 United States certain methods or systems disclosed and claimed in the ‘375 Patent,
20 including but not limited to the Supplemental Restraint System (SRS) used in
21 products including but not limited to the Mitsubishi Eclipse, Endeavor, Galant,
22 Lancer, Mirage, and Lancer Evolution X.

23 12. Defendant has actively induced and is actively inducing the
24 infringement of the ‘375 Patent by making, using, offering for sale, and/or selling in
25 the United States certain methods or systems disclosed and claimed in the ‘375
26 Patent, including but not limited to the Supplemental Restraint System (SRS) used
27 in products including but not limited to the Mitsubishi Eclipse, Endeavor, Galant,
28 Lancer, Mirage, and Lancer Evolution X.

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

14. Unless enjoined by this Court, Defendant will continue to infringe the '375 Patent.

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

SECOND CLAIM FOR RELIEF

(Infringement of the '486 Patent)

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

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

18. Defendant has directly infringed and continues to infringe, literally and/or under the doctrine of equivalents, the '486 Patent by making, using, offering for sale, and/or selling in the United States certain methods or systems disclosed and claimed in the '486 Patent, including but not limited to the Adaptive Cruise Control (ACC) used in products including but not limited to the Mitsubishi Eclipse, Endeavor, Galant, Mirage, Outlander, Outlander Sport/RVR, and i-MiEV, and the Forward Collision Warning (FCW) system used in products including but not limited to the Mitsubishi Outlander.

19. Defendant has contributorily infringed and is currently contributorily infringing the '486 Patent by making, using, offering for sale, and/or selling in the United States certain methods or systems disclosed and claimed in the '486 Patent,

1 including but not limited to the Adaptive Cruise Control (ACC) used in products
 2 including but not limited to the Mitsubishi Eclipse, Endeavor, Galant, Mirage,
 3 Outlander, Outlander Sport/RVR, and i-MiEV, and the Forward Collision Warning
 4 (FCW) system used in products including but not limited to the Mitsubishi
 5 Outlander.

6 20. Defendant has actively induced and is actively inducing the
 7 infringement of the '486 Patent by making, using, offering for sale, and/or selling in
 8 the United States certain methods or systems disclosed and claimed in the '486
 9 Patent, including but not limited to the Adaptive Cruise Control (ACC) used in
 10 products including but not limited to the Mitsubishi Eclipse, Endeavor, Galant,
 11 Mirage, Outlander, Outlander Sport/RVR, and i-MiEV, and the Forward Collision
 12 Warning (FCW) system used in products including but not limited to the Mitsubishi
 13 Outlander.

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

16 22. Unless enjoined by this Court, Defendant will continue to infringe the
 17 '486 Patent.

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

THIRD CLAIM FOR RELIEF

(Infringement of the '007 Patent)

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

26 25. Signal IP is the owner of the entire right, title, and interest in and to
 27 U.S. Patent No. 6,012,007 (the '007 Patent), entitled "Occupant Detection Method
 28 and Apparatus for Air Bag System." The '007 Patent was duly and legally issued by

1 the U.S. Patent and Trademark Office on January 4, 2000. A true and correct copy
 2 of the '007 Patent is attached as Exhibit C.

3 26. Defendant has directly infringed and continues to infringe, literally
 4 and/or under the doctrine of equivalents, the '007 Patent by making, using, offering
 5 for sale, and/or selling in the United States certain methods or systems for hybrid
 6 vehicles disclosed and claimed in the '007 Patent, including but not limited to the
 7 Occupant Classification System (OCS) used in products including but not limited to
 8 the Mitsubishi Eclipse, Endeavor, Galant, Lancer, Mirage, Outlander, Outlander
 9 Sport/RVR, and i-MiEV.

10 27. Defendant has contributorily infringed and is currently contributorily
 11 infringing the '007 Patent by making, using, offering for sale, and/or selling in the
 12 United States certain methods or systems disclosed and claimed in the '007 Patent,
 13 including but not limited to the Occupant Classification System (OCS) used in
 14 products including but not limited to the Mitsubishi Eclipse, Endeavor, Galant,
 15 Lancer, Mirage, Outlander, Outlander Sport/RVR, and i-MiEV.

16 28. Defendant has actively induced and is actively inducing the
 17 infringement of the '007 Patent by making, using, offering for sale, and/or selling in
 18 the United States certain methods or systems disclosed and claimed in the '007
 19 Patent, including but not limited to the Occupant Classification System (OCS) used
 20 in products including but not limited to the Mitsubishi Eclipse, Endeavor, Galant,
 21 Lancer, Mirage, Outlander, Outlander Sport/RVR, and i-MiEV.

22 29. Defendant's infringement of the '007 Patent has been and continues to
 23 be willful, rendering this case exceptional within the meaning of 35 U.S.C. § 285.

24 30. Unless enjoined by this Court, Defendant will continue to infringe on
 25 the '007 Patent.

26 31. As a direct and proximate result of the Defendant's conduct, Plaintiff
 27 has suffered, and will continue to suffer, irreparable injury for which it has no
 28 adequate remedy at law. Plaintiff also has been damaged and, until an injunction

1 issues, will continue to be damaged in an amount yet to be determined.

2 **FOURTH CLAIM FOR RELIEF**

3 **(Infringement of the ‘374 Patent)**

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

6 33. Signal IP is the owner of the entire right, title, and interest in and to
 7 U.S. Patent No. 5,463,374 (the ‘374 Patent), entitled “Method and Apparatus for tire
 8 Pressure Monitoring and for Shared Keyless Entry Control.” The ‘374 Patent was
 9 duly and legally issued by the U.S. Patent and Trademark Office on October 31,
 10 1995. A true and correct copy of the ‘374 Patent is attached as Exhibit D.

11 34. Defendant has directly infringed, literally and/or under the doctrine of
 12 equivalents, the ‘374 Patent by making, using, offering for sale, and/or selling in the
 13 United States certain methods or systems for hybrid vehicles disclosed and claimed
 14 in the ‘374 Patent, including but not limited to the Keyless Operation System (KOS)
 15 used in products including but not limited to the Mitsubishi Lancer, Lancer
 16 Evolution X, Outlander, and Outlander Sport/RVR.

17 35. Defendant has contributorily infringed the ‘374 Patent by making,
 18 using, offering for sale, and/or selling in the United States certain methods or
 19 systems disclosed and claimed in the ‘374 Patent, including but not limited to the
 20 Keyless Operation System (KOS) used in products including but not limited to the
 21 Mitsubishi Lancer, Lancer Evolution X, Outlander, and Outlander Sport/RVR.

22 36. Defendant has actively induced the infringement of the ‘374 Patent by
 23 making, using, offering for sale, and/or selling in the United States certain methods
 24 or systems disclosed and claimed in the ‘374 Patent, including but not limited to the
 25 Keyless Operation System (KOS) used in products including but not limited to the
 26 Mitsubishi Lancer, Lancer Evolution X, Outlander, and Outlander Sport/RVR.

27 37. As a direct and proximate result of the Defendant’s conduct, Plaintiff
 28 has suffered irreparable injury for which it has no adequate remedy at law. Plaintiff

also has been damaged in an amount yet to be determined.

PRAYER FOR RELIEF

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

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

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

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

LINER
1100 Glendon Avenue, 14th Floor
Los Angeles, California 90024, 3505