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7 Attorneys for Plaintiff
SIGNAL IP, INC.

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

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

13 Plaintiff,

14 vs.

15 SUBARU OF AMERICA, INC., a New
16 Jersey corporation,

17 Defendant.

Case No. 2:14-cv-02963

**COMPLAINT FOR PATENT
INFRINGEMENT**

JURY TRIAL DEMANDED

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

21 **PARTIES**

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

24 2. On information and belief, Subaru of America, Inc. is a New Jersey
25 corporation with its principal place of business at 2235 Route 70 West, Cherry Hill,
26 New Jersey 08002.

27 **JURISDICTION, VENUE AND JOINDER**

28 3. This action arises under the patent laws of the United States, Title 35 of

1 the United States Code. This Court has subject matter jurisdiction pursuant to 28
2 U.S.C. §§ 1331 and 1338(a).

3 4. This Court has personal jurisdiction over Defendant. Defendant has
4 conducted extensive commercial activities and continues to conduct extensive
5 commercial activities within the State of California. Defendant is registered to do
6 business in California. On information and belief, Defendant, directly and/or
7 through intermediaries (including Defendant's entities, subsidiaries, distributors,
8 sales agents, partners and others), distributes, offers for sale, sells, and/or advertises
9 its products (including but not limited to the products and services that are accused
10 of infringement in this lawsuit) in the United States, in the State of California, and in
11 this judicial district, under the "Subaru" brand name. Defendant has purposefully
12 and voluntarily placed one or more of its infringing products and services into the
13 stream of commerce with the expectation that the products and services will be
14 purchased or used by customers in California and within this judicial district.
15 Accordingly, Defendant has infringed Signal IP's patents within the State of
16 California and in this judicial district as alleged in more detail below.

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

18 **BACKGROUND**

19 6. Signal IP, Inc. is a California corporation with a principal place of
20 business at 11100 Santa Monica Blvd., Suite 380, Los Angeles, CA 90025. It is the
21 owner of the entire right, title and interest in and to U.S. Patent Nos. 6,434,486;
22 6,775,601; 6,012,007; and 5,463,374 (the "Patents-in-Suit").

23 7. On information and belief, Defendant is a direct or indirect subsidiary
24 of global car manufacturer and distributor Fuji Heavy Industries, Ltd., ("Fuji"),
25 which is headquartered in Japan. Fuji manufactures and distributes vehicles under
26 the "Subaru" brand name.

FIRST CLAIM FOR RELIEF**(Infringement of the '486 Patent)**

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

9. 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 A.

10. 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 (1) the EyeSight and Adaptive Cruise Control (ACC) Systems, used in products including but not limited to the Subaru Forester, Legacy, and Outback; and (2) the Reverse Assist Sensors, used in products including but not limited to the Subaru Forester and Tribeca.

11. 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, including but not limited to (1) the EyeSight and Adaptive Cruise Control (ACC) Systems, used in products including but not limited to the Subaru Forester, Legacy, and Outback; and (2) the Reverse Assist Sensors, used in products including but not limited to the Subaru Forester and Tribeca.

12. Defendant has actively induced and is actively inducing the infringement of 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 (1) the EyeSight and Adaptive Cruise Control (ACC) Systems, used in products including but not limited to the Subaru Forester,

1 Legacy, and Outback; and (2) the Reverse Assist Sensors, used in products
2 including but not limited to the Subaru Forester and Tribeca.

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

5 14. Unless enjoined by this Court, Defendant will continue to infringe the
6 '486 Patent.

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

11 **SECOND CLAIM FOR RELIEF**

12 **(Infringement of the '601 Patent)**

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

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

20 18. Defendant has directly infringed and continues to infringe, literally
21 and/or under the doctrine of equivalents, the '601 Patent by making, using, offering
22 for sale, and/or selling in the United States certain methods or systems disclosed and
23 claimed in the '601 Patent, including but not limited to the Subaru Hybrid System,
24 used in products including but not limited to the Subaru XV Crosstrek Hybrid.

25 19. Defendant has contributorily infringed and is currently contributorily
26 infringing the '601 Patent by making, using, offering for sale, and/or selling in the
27 United States certain methods or systems disclosed and claimed in the '601 Patent,
28 including but not limited to the Subaru Hybrid System, used in products including

1 but not limited to the Subaru XV Crosstrek Hybrid.

2 20. Defendant has actively induced and is actively inducing the
 3 infringement of the '601 Patent by making, using, offering for sale, and/or selling in
 4 the United States certain methods or systems disclosed and claimed in the '601
 5 Patent, including but not limited to the Subaru Hybrid System, used in products
 6 including but not limited to the Subaru XV Crosstrek Hybrid.

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

9 22. Unless enjoined by this Court, Defendant will continue to infringe on
 10 the '601 Patent.

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

15 **THIRD CLAIM FOR RELIEF**

16 **(Infringement of the '007 Patent)**

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

19 25. Signal IP is the owner of the entire right, title, and interest in and to
 20 U.S. Patent No. 6,012,007 (the '007 Patent), entitled "Occupant Detection Method
 21 and Apparatus for Air Bag System." The '007 Patent was duly and legally issued by
 22 the U.S. Patent and Trademark Office on January 4, 2000. A true and correct copy
 23 of the '007 Patent is attached as Exhibit C.

24 26. Defendant has directly infringed and continues to infringe, literally
 25 and/or under the doctrine of equivalents, the '007 Patent by making, using, offering
 26 for sale, and/or selling in the United States certain methods or systems for vehicles
 27 disclosed and claimed in the '007 Patent, including but not limited to the Occupant
 28 Detection System, used in products including but not limited to the Subaru Forester,

1 Impreza, Impreza WRX, Legacy, Outback, Tribeca, XV Crosstrek, XV Crosstrek
 2 Hybrid, and STI.

3 27. Defendant has contributorily infringed and is currently contributorily
 4 infringing the '007 Patent by making, using, offering for sale, and/or selling in the
 5 United States certain methods or systems disclosed and claimed in the '007 Patent,
 6 including but not limited to the Occupant Detection System, used in products
 7 including but not limited to the Subaru Forester, Impreza, Impreza WRX, Legacy,
 8 Outback, Tribeca, XV Crosstrek, XV Crosstrek Hybrid, and STI.

9 28. Defendant has actively induced and is actively inducing the
 10 infringement of the '007 Patent by making, using, offering for sale, and/or selling in
 11 the United States certain methods or systems disclosed and claimed in the '007
 12 Patent, including but not limited to the Occupant Detection System, used in products
 13 including but not limited to the Subaru Forester, Impreza, Impreza WRX, Legacy,
 14 Outback, Tribeca, XV Crosstrek, XV Crosstrek Hybrid, and STI.

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

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

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

23 **FOURTH CLAIM FOR RELIEF**

24 **(Infringement of the '374 Patent)**

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

27 33. Signal IP is the owner of the entire right, title, and interest in and to
 28 U.S. Patent No. 5,463,374 (the '374 Patent), entitled "Method and Apparatus for

1 Tire Pressure Monitoring and for Shared Keyless Entry Control.” The ‘374 Patent
 2 was duly and legally issued by the U.S. Patent and Trademark Office on October 31,
 3 1995. A true and correct copy of the ‘374 Patent is attached as Exhibit D.

4 34. Defendant has directly infringed, literally and/or under the doctrine of
 5 equivalents, the ‘374 Patent by making, using, offering for sale, and/or selling in the
 6 United States certain methods or systems for vehicles disclosed and claimed in the
 7 ‘374 Patent, including but not limited to the integrated Remote Keyless Entry (RKE)
 8 and Tire Pressure Monitor Systems (TPMS), used in products including but not
 9 limited to the Subaru BRZ, Impreza, Impreza WRX, Outback, Tribeca, XV
 10 Crosstrek, XV Crosstrek Hybrid, and STI.

11 35. Defendant has contributorily infringed the ‘374 Patent by making,
 12 using, offering for sale, and/or selling in the United States certain methods or
 13 systems disclosed and claimed in the ‘374 Patent, including but not limited to the
 14 integrated Remote Keyless Entry (RKE) and Tire Pressure Monitor Systems
 15 (TPMS), used in products including but not limited to the Subaru BRZ, Impreza,
 16 Impreza WRX, Outback, Tribeca, XV Crosstrek, XV Crosstrek Hybrid, and STI.

17 36. Defendant has actively induced infringement of the ‘374 Patent by
 18 making, using, offering for sale, and/or selling in the United States certain methods
 19 or systems disclosed and claimed in the ‘374 Patent, including but not limited to the
 20 integrated Remote Keyless Entry (RKE) and Tire Pressure Monitor Systems
 21 (TPMS), used in products including but not limited to the Subaru BRZ, Impreza,
 22 Impreza WRX, Outback, Tribeca, XV Crosstrek, XV Crosstrek Hybrid, and STI.

23 37. As a direct and proximate result of the Defendant’ conduct, Plaintiff
 24 has suffered irreparable injury for which it has no adequate remedy at law. Plaintiff
 25 also has been damaged in an amount yet to be determined.

26 **PRAYER FOR RELIEF**

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

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

Dated: April 17, 2014

LINER LLP

By: /s/ Ryan E. Hatch
Randall J. Sunshine
Ryan E. Hatch
Jason L. Haas
Attorneys for Plaintiff SIGNAL IP, INC.