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14 Attorneys for Plaintiff, Johnson Safety, Inc.

15 **UNITED STATES DISTRICT COURT**
16 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

17 JOHNSON SAFETY, INC.,)
18)
Plaintiff,)
19)
vs.)
20)
21 VOXX INTERNATIONAL)
CORPORATION,)
22 VOXX ELECTRONICS)
CORPORATION, and)
23 INVISON AUTOMOTIVE SYSTEMS)
INC.,)
24)
Defendants.)
25 _____)

CASE NO. _____
**COMPLAINT FOR PATENT
INFRINGEMENT**
35 U.S.C. § 271
Jury Trial Demanded

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1 Plaintiff Johnson Safety, Inc., for its Complaint against Defendants Voxx
2 International Corporation, Voxx Electronics Corporation, and Invision Automotive
3 Systems Inc., alleges as follows:

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5 **THE PARTIES**

6 1. Plaintiff Johnson Safety, Inc., (hereinafter “Johnson Safety” or
7 “Plaintiff”) is a California Corporation with its corporate headquarters and
8 principal place of business at 1425 Cooley Ct., San Bernardino, CA 92408.

9 2. Upon information and belief, Voxx International Corporation,
10 previously known as Audiovox Corporation (hereinafter “Voxx” or “Audiovox”),
11 is a corporation organized and existing under the laws of the State of Delaware,
12 with its principal place of business at 180 Marcus Blvd., Hauppauge, NY 11788.
13 Voxx is also a registered corporation with the California Secretary of State and
14 may be served with process by serving its California registered agent: Corporation
15 Service Company, 2710 Gateway Oaks Dr., Suite 150N, Sacramento, CA 95833.

16 3. Upon information and belief, Voxx Electronics Corporation,
17 previously known as Audiovox Electronics Corporation (hereinafter “VEC” or
18 “AEC”) is a wholly-owned subsidiary of Defendant Voxx International
19 Corporation, and is a corporation organized and existing under the laws of the
20 State of Delaware, with its principal place of business at 150 Marcus Blvd.,
21 Hauppauge, NY 11788. VEC is also a registered corporation with the California
22 Secretary of State and may be served with process through its California registered
23 agent: Corporation Service Company, doing business as CSC - Lawyers
24 Incorporating Service, 2710 Gateway Oaks Dr., Suite 150N, Sacramento, CA
25 95833.

26 4. Upon information and belief, Invision Automotive Systems Inc.
27 (hereinafter “Invision”) is a wholly-owned subsidiary of Defendant Voxx
28 International Corporation, and is a Delaware corporation, with its principal place

1 of business at 150 Marcus Blvd., Hauppauge, NY 11788. Invision is also a
2 registered corporation with the California Secretary of State and may be served
3 with process by serving its California registered agent: Corporation Service
4 Company, doing business as CSC - Lawyers Incorporating Service, 2710 Gateway
5 Oaks Dr., Suite 150N, Sacramento, CA 95833.

6 5. Upon information and belief, Voxx, VEC and Invision, by virtue of
7 their corporate relationship with one another (e.g., the parent-subsiary-affiliate
8 relationship, as well as from a corporate governance perspective), each shared the
9 same knowledge with respect to the patents-in-suit. Examples of this include,
10 Thomas C. Malone who serves (or has served) as the President of Voxx
11 Electronics Corp., the Senior Vice President of Sales of Voxx International
12 Corporation, the President of Audiovox Electronics Corporation, a subsidiary of
13 Voxx International Corporation, the President of Invision Automotive Systems,
14 Inc., as well as other roles in various Voxx related entities, including Audiovox
15 Advanced Accessories Group LLC and Audiovox Atlanta Corp. In addition to Mr.
16 Malone, there are other individuals that serve (or have served) as officers or other
17 roles in multiple Voxx related entities, including at least Ms. Loriann Shelton and
18 Mr. Charles M. Stoehr.

19 6. Throughout this pleading, and unless specifically noted otherwise,
20 Defendants Voxx, VEC, and Invision will be referenced collectively as the
21 “Defendants” and individually as the “Defendant.” The terms “Defendants” or
22 “Defendant”, as well as a reference to a specific Defendant, also includes those
23 employees, agents, and all other persons or entities that the Defendant(s) direct
24 and/or control.

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1 **THE PATENTS**

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3 **U.S. Patent No. 6,871,356**

4 7. On March 22, 2005, United States Patent No. 6,871,356, entitled
5 “Mobile Video System” (the “‘356 patent”), was duly and legally issued by the
6 United States Patent and Trademark Office (“USPTO”). A true and correct copy
7 of the ‘356 patent is attached as Exhibit “A.”

8 8. Pursuant to 35 U.S.C. § 282, the ‘356 patent is presumed valid.

9 9. The ‘356 patent was the subject of an *Inter Partes* Reexamination
10 (Ser. No. 95/000,103), requested on August 1, 2005. Audiovox Corporation
11 requested the reexamination and was a real party in interest to that reexamination.
12 The USPTO confirmed the patentability of all claims of the ‘356 patent as
13 originally issued. A copy of the reexamination certificate is included within
14 Exhibit “A.”

15 10. Defendants, by virtue of their corporate relationship to one another,
16 are thus estopped from asserting the invalidity of all claims in the ‘356 patent on
17 any ground which was raised or could have been raised during the *inter partes*
18 reexamination proceedings per 35 U.S.C. § 315(c) (2006). At a minimum, at least
19 one of the Defendants, Voxx International Corporation, formerly known as
20 Audiovox Corporation, is estopped from asserting the invalidity of all claims in the
21 ‘356 patent on any ground it raised or could have raised during the *inter partes*
22 reexamination proceedings per 35 U.S.C. § 315(c) (2006).

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24 **U.S. Patent No. 7,267,402**

25 11. On September 11, 2007, United States Patent No. 7,267,402, entitled
26 “Headrest-Mounted Monitor” (the “‘402 patent”) was duly and legally issued by
27 the USPTO. A true and correct copy of the ‘402 patent is attached as Exhibit “B.”

28 12. Pursuant to 35 U.S.C. § 282, the ‘402 patent is presumed valid.

1 **U.S. Patent No. 7,379,125**

2 13. On May 27, 2008, United States Patent No. 7,379,125, entitled “Flat
3 Thin Screen TV/Monitor Automotive Roof Mount” (the “‘125 patent”) was duly
4 and legally issued by the USPTO. A true and correct copy of the ‘125 patent is
5 attached as Exhibit “C.”

6 14. Pursuant to 35 U.S.C. § 282, the ‘125 patent is presumed valid.
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8 **U.S. Patent No. 7,448,679**

9 15. On November 11, 2008, United States Patent No. 7,448,679, entitled
10 “Headrest-Mounted Monitor” (the “‘679 patent”) was duly and legally issued by
11 the USPTO. A true and correct copy of the ‘679 patent is attached as Exhibit “D.”

12 16. Pursuant to 35 U.S.C. § 282, the ‘679 patent is presumed valid.
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14 **U.S. Patent No. 7,894,003**

15 17. On February 22, 2011, United States Patent No. 7,894,003, entitled
16 “Flat Thin Screen TV/Monitor Automotive Roof Mount” (the “‘003 patent”) was
17 duly and legally issued by the USPTO. A true and correct copy of the ‘003 patent
18 is attached as Exhibit “E.”

19 18. Pursuant to 35 U.S.C. § 282, the ‘003 patent is presumed valid.
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21 **The Patents-In-Suit**

22 19. The ‘356 patent, ‘402 patent, ‘125 patent, ‘679 patent, and ‘003 patent
23 are collectively referred to as “the Patents-in-Suit”.

24 20. Johnson Safety is the assignee of the Patents-in-Suit and has all
25 rights, title, and interest in and to each of the Patents-in-Suit, including all
26 substantial rights in and to the Patents-in-Suit, and including the right to sue and
27 collect damages for past, present, and future infringement.

28 21. Johnson Safety designs, manufactures and sells mobile entertainment
systems that include in-vehicle headrest-mounted video systems and overhead

1 video systems. The Defendants are direct competitors of Johnson Safety in the
2 area of in-vehicle video systems.

3 22. Voxx, VEC, and Invision also manufacture and/or sell in-vehicle
4 headrest-mounted video systems and overhead video systems, including those
5 referred to herein as the “Accused Products,” which are further described below,
6 under product lines branded as Advent, Audiovox, and Invision.¹

7 23. Prior to filing this suit, Johnson Safety complied with the marking
8 requirement pursuant to 35 U.S.C. § 287(a) and is thus entitled to recover past
9 damages for Defendants’ infringement of the Patents-in-Suit, as more fully
10 described below.

11 **JURISDICTION AND VENUE**

12 24. This action arises under the patent laws of the United States, Title 35
13 United States Code, particularly §§ 271, 281, 283, 284 and 285. This Court has
14 jurisdiction over these claims for patent infringement under Title 28 United States
15 Code §§ 1331 and 1338(a).

16 25. Upon information and belief, personal jurisdiction exists generally
17 and specifically over each of the Defendants because: each Defendant has
18 sufficient minimum contacts with the forum as a result of business conducted
19 within the State of California and within the Central District of California; each
20 Defendant has purposefully availed itself of the privileges of conducting business
21 in the State of California and in the Central District of California; each Defendant
22 has sought protection and benefit from the laws of the State of California; each
23 Defendant has transacted business in a continuous and systematic manner within
24 the State of California and within the Central District of California, including but
25 not limited to, making, using, selling, offering to sell, and/or leasing products
26 and/or methods, as described and claimed in the Patents-in-Suit either directly, or
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28 ¹ <http://investors.voxxintl.com/> (“Corporate Profile”).

1 through inducing or contributing to the infringing acts of others, including
2 subsidiaries and/or intermediaries; and because Johnson Safety's claims for relief
3 arise directly from the Defendants' business contacts and other activities in the
4 State of California and in the Central District of California. The Defendants
5 placed the Accused Products into the stream of commerce, and they knew, or
6 should have known, that the Accused Products would be sold and used in the State
7 of California and within this District, such as infringing headrest-mounted video
8 systems sold and used in the State of California and within this District that
9 include the Accused Products.

10 26. Upon information and belief, the Defendants derive substantial
11 revenue from the sale of the Accused Products through interstate and international
12 commerce.

13 27. Upon information and belief, the Defendants expect or should
14 reasonably expect their actions to have consequences within this District.

15 28. The above acts, and those further described herein, have injured, and
16 continue to injure, Johnson Safety within this District.

17 29. Venue is proper in this Court under Title 28 United States Code §§
18 1391(b)–(d) and 1400(b). Johnson Safety has been headquartered in this District
19 since 1984 and does business in this District.

20 **COUNT I: FIRST CLAIM FOR RELIEF**

21
22 **(INFRINGEMENT OF U.S. PATENT NO. 6,871,356)**

23 30. The Plaintiff incorporates its previous allegations by the reference.
24

25 **Accused Products**

26 31. Voxx and VEC have been and are now making, using, selling,
27 offering for sale within the United States, and/or importing into the United States,
28 at least the following headrest-mounted video systems: HR7011PKG, DD7012,

1 DM7012, MM7012, and other headrest-mounted video systems, that infringe
2 claims in the ‘356 patent (hereinafter collectively referred as the “Accused
3 Headrest Systems-I”).

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5 **Direct Infringement**

6 32. Voxx and VEC have directly infringed and continue to infringe at
7 least claims 1 and 5 of the ‘356 patent, either literally or under the doctrine of
8 equivalents, by installing the Accused Headrest Systems-I into vehicles during
9 testing, development, production, and/or exhibition.

10 **Inducement of Infringement**

11 33. Voxx and VEC have had actual knowledge of the ‘356 patent at least
12 since the serving of the underlying Complaint in this case.

13 34. Upon information and belief, Voxx and VEC, by virtue of its
14 corporate relationship with Voxx, knew of, or were willfully blind towards, the
15 ‘356 patent, at least since August 1, 2005 when Audiovox Corporation was a real
16 party in interest to the *Inter Partes* Reexamination (Ser. No. 95/000,103) of the
17 ‘356 patent before the USPTO.

18 35. For example, Thomas C. Malone serves (or has served) as the
19 President of Voxx Electronics Corp., the Senior Vice President of Sales of Voxx
20 International Corporation, the President of Audiovox Electronics Corporation, a
21 subsidiary of Voxx International Corporation, the President of Invision
22 Automotive Systems, Inc., as well as other roles in various Voxx related entities,
23 including Audiovox Advanced Accessories Group LLC and Audiovox Atlanta
24 Corp.

25 36. In addition to Mr. Malone, there are other individuals that serve (or
26 have served) as officers or in other roles in multiple Voxx related entities,
27 including at least Ms. Loriann Shelton and Mr. Charles M. Stoehr.

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1 37. Upon information and belief, Voxx and VEC, by virtue of its
2 corporate relationship with Voxx, knew, of, or were willfully blind towards, the
3 ‘356 patent by virtue of the ‘356 patent being cited by at least 19 of Voxx’s patents
4 during the prosecution thereof, and also by virtue of being Johnson Safety’s
5 competitors in the area of in-vehicle video systems.

6 38. Since becoming aware of, or being willfully blind towards, the ‘356
7 patent, Voxx and VEC have continued to intentionally, actively, and knowingly
8 make, use, sell, offer to sell, and/or import one or more of the Accused Headrest
9 Systems-I through their retailers, resellers, distributors, websites (including but not
10 limited to www.voxxintl.com), as well as in other ways.

11 39. Since becoming aware of, or being willfully blind towards, the ‘356
12 patent, Voxx’s and VEC’s advertising, sales, and/or installation materials in
13 relation to the Accused Headrest Systems-I have intentionally, actively,
14 knowingly, and willfully contained and continue to contain instructions, directions,
15 suggestions, and/or invitations that intentionally, actively, and knowingly invite,
16 entice, lead on, influence, encourage, prevail on, move by persuasion, cause,
17 and/or influence the public, Voxx’s and VEC’s distributors, retailers, customers,
18 and/or www.voxxintl.com website users to install the Accused Headrest Systems-I
19 into a vehicle and/or use the Accused Headrest Systems-I in a vehicle, and thereby
20 directly infringe at least claims 1 and 5 of the ‘356 patent, either literally or under
21 the doctrine of equivalents.

22 40. Since becoming aware of, or being willfully blind towards, the ‘356
23 patent, Voxx and VEC were willfully blind or knew that the public’s, the
24 distributors’, the retailers’, the customers’ and/or the website users’ acts relative to
25 installing the Accused Headrest Systems-I into a vehicle and/or using the Accused
26 Headrest Systems-I in a vehicle directly infringe, either literally or under the
27 doctrine of equivalents, at least claims 1 and 5 of the ‘356 patent.

28 41. For these reasons, Voxx and VEC are liable for inducing infringement

1 of the '356 patent, either literally or under the doctrine of equivalents.

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3 **Contributory Infringement**

4 42. At least for the reasons stated above, Voxx and VEC have had actual
5 knowledge of, or were willfully blind towards, the '356 patent.

6 43. Since becoming aware of, or being willfully blind towards, the '356
7 patent, Voxx and VEC have intentionally, actively, and knowingly sold, or offered
8 to sell the Accused Headrest Systems-I with wireless FM transmitters within the
9 United States or imported the Accused Headrest Systems-I with wireless FM
10 transmitters into the United States.

11 44. The Accused Headrest Systems-I are a component of a patented
12 machine, manufacture, and/or combination because the Accused Headrest
13 Systems-I meet at least one element of at least claim 1 of the '356 patent, either
14 literally or under the doctrine of equivalents.

15 45. The Accused Headrest Systems-I are a material part of the invention
16 of at least claims 1 and 5 of the '356 patent, either literally or under the doctrine of
17 equivalents, because the majority of the elements of claims 1 and 5 are present in
18 the Accused Headrest Systems-I with wireless FM transmitters, either literally or
19 under the doctrine of equivalents, and for the reasons stated herein, in relation to
20 the lack of substantial non-infringing use.

21 46. The Accused Headrest Systems-I with wireless FM transmitters are
22 especially made or especially adapted for use in the infringement of at least claims
23 1 and 5 of the '356 patent, either literally or under the doctrine of equivalents,
24 because the combination of a vehicle with the Accused Headrest Systems-I with
25 wireless FM transmitters directly infringe the '356 patent, either literally or under
26 the doctrine of equivalents.

27 47. Since becoming aware of, or being willfully blind towards, the '356
28 patent, Voxx and VEC were willfully blind or knew that the Accused Headrest

1 Systems-I with wireless FM transmitters were especially made or especially
2 adapted for use in the infringement of at least claims 1 and 5 of the ‘356 patent,
3 either literally or under the doctrine of equivalents.

4 48. The Accused Headrest Systems-I with wireless FM transmitters are
5 not a staple article or commodity of commerce suitable for substantial non-
6 infringing use because the only substantial use of the Accused Headrest Systems-I
7 with wireless FM transmitters is to be installed in a vehicle and function as an in-
8 vehicle headrest video system, which directly infringes at least claims 1 and 5 of
9 the ‘356 patent, either literally or under the doctrine of equivalents.

10 49. Since becoming aware of, or being willfully blind towards, the ‘356
11 patent, Voxx and VEC were willfully blind or knew that the Accused Headrest
12 Systems-I with wireless FM transmitters were not a staple article or commodity of
13 commerce suitable for substantial noninfringing use.

14 50. By selling, offering to sell, and/or importing into the United States
15 one or more of the Accused Headrest Systems-I with wireless FM transmitters
16 and/or the components thereof, Voxx and VEC have contributed to the
17 infringement by the public, the distributors, the retailers, the customers, and the
18 website users who import, make, use, sell, offer to sell, lease, and/or offer to lease
19 a vehicle installed with an Accused Headrest System-I with wireless FM
20 transmitters, and thus directly infringe at least claims 1 and 5 of the ‘356 patent,
21 either literally or under the doctrine of equivalents.

22 51. For these reasons, Voxx and VEC are contributory infringers of at
23 least claims 1 and 5 of the ‘356 patent, either literally or under the doctrine of
24 equivalents.

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1 make, use, sell, offer to sell, and/or import one or more of the Accused Headrest
2 Systems-II through their retailers, resellers, distributors, websites (including but
3 not limited to www.voxxintl.com), as well as in other ways.

4 58. Since becoming aware of, or being willfully blind towards, the ‘402
5 patent, Voxx’s and VEC’s advertising, sales, and/or installation materials in
6 relation to the Accused Headrest Systems-II have intentionally, actively,
7 knowingly, and willfully contained and continues to contain instructions,
8 directions, suggestions, and/or invitations that intentionally, actively, and
9 knowingly invite, entice, lead on, influence, encourage, prevail on, move by
10 persuasion, cause, and/or influence the public, Voxx’s and VEC’s distributors,
11 retailers, customers, and/or www.voxxintl.com website users to, at least, replace
12 existing headrest-mounted video systems with the Accused Headrest Systems-II,
13 and thereby directly infringe at least Claim 10 of the ‘402 patent, either literally or
14 under the doctrine of equivalents.

15 59. Since becoming aware of, or being willfully blind towards, the ‘402
16 patent, Voxx and VEC were willfully blind or knew that the public’s, the
17 distributors’, the retailers’, the customers’ and/or the website users’ acts relative to
18 replacing the existing headrest-mounted video systems with the Accused Headrest
19 Systems-II, directly infringe, either literally or under the doctrine of equivalents, at
20 least claim 10 of the ‘402 patent.

21 60. For these reasons, Voxx and VEC are liable for inducing infringement
22 of the ‘402 patent, either literally or under the doctrine of equivalents.

23 **COUNT III: THIRD CLAIM FOR RELIEF**

24 **(INFRINGEMENT OF U.S. PATENT NO. 7,379,125)**

25 61. The Plaintiff incorporates its previous allegations by the reference.
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Accused Products

62. At least Invision has been and is now making, using, selling, offering for sale within the United States, and/or importing into the United States, at least the following overhead video system: Invision G10. At least Voxx and VEC have been and are now making, using, selling, offering for sale within the United States, and/or importing into the United States, at least the following overhead video systems: Advent ADVDLX10. Both the Invision G10 and the Advent ADVDLX10, as well as the other of Defendants’ in-vehicle roof-mounted video systems, that infringe the ‘125 patent, will be collectively referred as the “Accused Overhead Systems-I” hereinafter.

Direct Infringement

63. By so making, using, selling, or offering to sell within the United States, and/or importing into the United States at least the aforementioned Accused Overhead Systems-I, one or more of the Defendants have directly infringed and continue to infringe at least claim 1 of the ‘125 patent, either literally or under the doctrine of equivalents.

64. To the extent that the other Defendants direct and/or control the acts of Invision, those Defendants are liable for Invision’s acts. Upon information and belief, at least Thomas C. Malone, President of Audiovox Electronics Corp., directed and controlled the actions of Invision after its purchase. Upon information and belief, Mr. Malone is also the Senior Vice President of Sales at Voxx International Corporation and has been since 2006.

Inducement of Infringement

65. The Defendants have had actual knowledge of the ‘125 patent at least since the serving of the underlying Complaint in this case.

1 66. Upon information and belief, each of the Defendants, by virtue of
2 their corporate relationship, knew of, or were willfully blind towards, the ‘125
3 patent at least since December 1, 2009, when Audiovox submitted an Information
4 Disclosure Statement during the prosecution of U.S. utility patent application Ser.
5 No. 11/649,121, identifying the ‘125 patent as one of the prior art references.

6 67. Upon information and belief, each of the Defendants, by virtue of
7 their corporate relationship, knew of, or was willfully blind towards, the ‘125
8 patent at least since October 10, 2009, when the ‘125 patent was cited by the
9 examiner during the prosecution of Audiovox’ U.S. utility patent application Ser.
10 No. 11/593,380 as one of the prior art references.

11 68. Upon information and belief, each of the Defendants, by virtue of
12 their corporate relationship, knew of, or was willfully blind towards, the ‘125
13 patent at least since February 22, 2012, when the ‘125 patent was cited by the
14 examiner during the prosecution of Voxx’ U.S. utility patent application Ser. No.
15 11/691,168 as one of the prior art references.

16 69. Upon information and belief, Invision is a competitor of Johnson
17 Safety and is thus aware of the ‘125 patent.

18 70. Invision assigned U.S. Pat. No. 6,339,455 to Johnson Safety and at
19 least since that time has, upon information and belief, had actual knowledge, or
20 been willfully blind towards, patents assigned to Johnson Safety.

21 71. Since becoming aware of, or being willfully blind towards, the ‘125
22 patent, the Defendants have continued to intentionally, actively, and knowingly
23 make, use, sell, offer to sell, and/or import one or more of the Accused Overhead
24 Systems-I through their retailers, resellers, distributors, websites (including but not
25 limited to www.voxxintlcorp.com and www.invisionautomotive.com), as well as
26 in other ways.

27 72. Since becoming aware of, or being willfully blind towards, the ‘125
28 patent, the Defendants’ advertising, sales, and/or installation in relation to the

1 Accused Overhead Systems-I have intentionally, actively, knowingly, and
2 willfully contained and continues to contain instructions, directions, suggestions,
3 and/or invitations that intentionally, actively, and knowingly invite, entice, lead on,
4 influence, encourage, prevail on, move by persuasion, cause, and/or influence the
5 public, the Defendants' distributors, retailers, customers, and/or
6 www.voxxintlcorp.com and www.invisionautomotive.com website users to, at
7 least, make, use, sell, offer to sell, or import one or more of the Accused Overhead
8 Systems-I to practice the inventions claimed in the '125 patent, and thus directly
9 infringe at least claim 1 of the '125 patent, either literally or under the doctrine of
10 equivalents.

11 73. Since becoming aware of, or being willfully blind towards, the '125
12 patent, the Defendants were willfully blind or knew that the public's, the
13 distributors', the retailers', the customers' and/or the website users' acts relative to
14 making, using, selling, offering to sell, importing, leasing, and/or offering to lease
15 one or more of the Accused Overhead Systems-I to practice the inventions claimed
16 in the '125 patent, directly infringe, either literally or under the doctrine of
17 equivalents, at least claim 1 of the '125 patent.

18 74. For these reasons, the Defendants are liable for inducing infringement
19 of at least claim 1 of the '125 patent, either literally or under the doctrine of
20 equivalents.

21
22 **Contributory Infringement**

23 75. At least for the reasons stated above, the Defendants have had actual
24 knowledge of, or were willfully blind towards, the '125 patent.

25 76. Since becoming aware of, or being willfully blind towards, the '125
26 patent, the Defendants have intentionally, actively, and knowingly sold, offered to
27 sell the Accused Overhead Systems-I within the United States, or imported the
28 Accused Overhead Systems-I into the United States.

1 77. The Accused Overhead Systems-I are a component of a patented
2 machine, manufacture, and/or combination because the Accused Overhead
3 Systems-I meet at least one element of at least claim 1 of the '125 patent, either
4 literally or under the doctrine of equivalents.

5 78. The Accused Overhead Systems-I are a material part of the invention
6 of at least claim 1 of the '125 patent, either literally or under the doctrine of
7 equivalents, because the majority of the elements of claim 1 are present in the
8 Accused Overhead Systems-I, either literally or under the doctrine of equivalents,
9 and for the reasons stated herein, in relation to the lack of substantial non-
10 infringing use.

11 79. The Accused Overhead Systems-I are especially made or especially
12 adapted for use in an infringement, at least because the act of using in any manner,
13 making, selling, offering to sell, or importing one or more of the Accused
14 Overhead Systems-I when not mounted to an interior surface of a roof of a vehicle,
15 as well as the act of mounting one or more of the Accused Overhead Systems-I to
16 an interior surface of a roof of a vehicle, are both a direct infringement of at least
17 claim 1 of the '125 patent, either literally or under the doctrine of equivalents.

18 80. Since becoming aware of, or being willfully blind towards, the '125
19 patent, the Defendants were willfully blind or knew that the Accused Overhead
20 Systems-I were especially made or especially adapted for use in an infringement.

21 81. The Accused Overhead Systems-I are not a staple article or
22 commodity of commerce suitable for substantial noninfringing use because the
23 Accused Overhead Systems-I themselves meet every element of at least claim 1 of
24 '125 patent, either literally or under the doctrine of equivalents, and thus cannot be
25 used, sold, offered for sale, or imported without infringing at least claim 1 of the
26 '125 patent, either literally or under the doctrine of equivalents. Alternatively, to
27 the extent that the Accused Overhead Systems-I themselves are found not to meet
28 every element (e.g., an interior surface of a roof of a vehicle) found to be part of at

1 least claim 1 of '125 patent, either literally or under the doctrine of equivalents, the
2 Accused Overhead Systems-I meet the vast majority of the elements of at least
3 claim 1 of the '125 patent, either literally or under the doctrine of equivalents, and
4 have no other substantial use than to be used in combination with the remaining
5 element(s) of at least claim 1 of the '125 patent, either literally or under the
6 doctrine of equivalents.

7 82. Since becoming aware of, or being willfully blind towards, the '125
8 patent, one or more of the Defendants were willfully blind or knew that the
9 Accused Overhead Systems-I were not a staple article or commodity of commerce
10 suitable for substantial noninfringing use.

11 83. By selling, offering to sell, and/or importing into the United States
12 one or more of the Accused Overhead Systems-I and/or the components thereof,
13 the Defendants have contributed to the infringement by the public, the distributors,
14 the retailers, the customers and the website users who mount one or more of the
15 Accused Overhead Systems-I to an interior surface of a roof of a vehicle, or
16 otherwise import, make, use, sell, offer to sell, lease, and/or offer to lease one or
17 more of the Accused Overhead Systems-I, and thus directly infringe at least claim
18 1 of the '125 patent, either literally or under the doctrine of equivalents.

19 84. For these reasons, the Defendants are contributory infringers of at
20 least claim 1 of the '125 patent, either literally or under the doctrine of equivalents.

21 **COUNT IV: FOURTH CLAIM FOR RELIEF**

22
23 **(INFRINGEMENT OF U.S. PATENT NO. 7,448,679)**

24 85. The Plaintiff incorporates its previous allegations by the reference.

25
26 **Accused Products**

27 86. Voxx and VEC have been and are now making, using, selling,
28 offering for sale within the United States, and/or importing into the United States,

1 at least the following headrest-mounted monitor sets: HR7011M, HR7012S,
2 HR7012M, and other in-vehicle headrest-mounted monitor sets, that infringe the
3 ‘679 patent (hereinafter collectively referred as the “Accused Headrest Monitors-
4 I”).

5
6 **Direct Infringement**

7 87. By so making, using, selling, or offering to sell within the United
8 States, and/or importing into the United States at least the aforementioned Accused
9 Headrest Monitors-I, Voxx and VEC have directly infringed and continue to
10 infringe at least claim 1 of the ‘679 patent, either literally or under the doctrine of
11 equivalents.

12 **Inducement of Infringement**

13 88. Voxx and VEC have had actual knowledge of the ‘679 patent at least
14 since the serving of the underlying Complaint in this case.

15 89. Upon information and belief, Voxx and VEC, by virtue of its
16 corporate relationship with Voxx, knew of, or were willfully blind towards, the
17 ‘679 patent at least since August 24, 2008, when the ‘679 patent was cited and
18 specifically mentioned by the examiner during the prosecution of Audiovox’s U.S.
19 utility patent application Ser. No. 11/272,002 as one of the prior art references.

20 90. Upon information and belief, Voxx and VEC, by virtue its corporate
21 relationship with Voxx, knew of, or were willfully blind towards, the ‘679 patent
22 at least since June 10, 2011, when the ‘679 patent was cited by the examiner
23 during the prosecution of Audiovox’s U.S. utility patent application Ser. No.
24 12/216,852 as one of the prior art references.

25 91. Since becoming aware of, or being willfully blind towards, the ‘679
26 patent, Voxx and VEC have continued to intentionally, actively, and knowingly
27 make, use, sell, offer to sell, and/or import one or more of the Accused Headrest
28

1 Monitors-I through their retailers, resellers, distributors, websites (including but
2 not limited to www.voxxintl.com), as well as in other ways.

3 92. Since becoming aware of, or being willfully blind towards, the ‘679
4 patent, Voxx’s and VEC’s advertising, sales, and/or installation materials in
5 relation to the Accused Headrest Monitors-I have intentionally, actively,
6 knowingly, and willfully contained and continues to contain instructions,
7 directions, suggestions, and/or invitations that intentionally, actively, and
8 knowingly invite, entice, lead on, influence, encourage, prevail on, move by
9 persuasion, cause, and/or influence the public, Voxx’s and VEC’s distributors,
10 retailers, customers, and/or www.voxxintl.com website users to, at least, make,
11 use, sell, offer to sell, import, lease and/or offer to lease one or more of the
12 Accused Headrest Monitors-I to practice the inventions claimed in the ‘679 patent,
13 and thus directly infringe at least claim 1 of the ‘679 patent, either literally or
14 under the doctrine of equivalents.

15 93. Since becoming aware of, or being willfully blind towards, the ‘679
16 patent, Voxx and VEC were willfully blind or knew that the public’s, the
17 distributors’, the retailers’, the customers’ and/or the website users’ acts relative to
18 making, using, selling, offering to sell, importing, leasing, and/or offering to lease
19 one or more of the Accused Headrest Monitors-I to practice the inventions claimed
20 in the ‘679 patent, directly infringe, either literally or under the doctrine of
21 equivalents, at least claim 1 of the ‘679 patent.

22 94. For these reasons, Voxx and VEC are liable for inducing infringement
23 of the ‘679 patent, either literally or under the doctrine of equivalents.

24
25 **Contributory Infringement**

26 95. At least for the reasons stated above, Voxx and VEC have had actual
27 knowledge of, or were willfully blind towards, the ‘679 patent.

28

1 96. Since becoming aware of, or being willfully blind towards, the ‘679
2 patent, Voxx and VEC have intentionally, actively, and knowingly sold, offered to
3 sell the Accused Headrest Monitors-I within the United States, or imported the
4 Accused Headrest Monitors-I into the United States.

5 97. The Accused Headrest Monitors-I are a component of a patented
6 machine, manufacture, and/or combination because the Accused Headrest
7 Monitors-I meet at least one element of at least claim 1 of the ‘679 patent, either
8 literally or under the doctrine of equivalents.

9 98. The Accused Headrest Monitors-I are a material part of the invention
10 of at least claim 1 of the ‘679 patent, either literally or under the doctrine of
11 equivalents, because the vast majority of the elements of claim 1, if not all, are
12 present in the Accused Headrest Systems-I, either literally or under the doctrine of
13 equivalents, and for the reasons stated herein, in relation to the lack of substantial
14 non-infringing use.

15 99. The Accused Headrest Monitors-I were especially made or especially
16 adapted for use in an infringement of at least claim 1 of the ‘679 patent, either
17 literally or under the doctrine of equivalents because the vast majority of the
18 elements of claim 1, if not all, are present in the Accused Headrest Monitors-I,
19 either literally or under the doctrine of equivalents, and for the reasons stated
20 herein, in relation to the lack of substantial non-infringing use.

21 100. Since becoming aware of, or being willfully blind towards, the ‘679
22 patent, Voxx and VEC were willfully blind or knew that the Accused Headrest
23 Monitors-I were especially made or especially adapted for use in an infringement
24 of at least claim 1 of the ‘679 patent, either literally or under the doctrine of
25 equivalents.

26 101. The Accused Headrest Monitors-I are not a staple article or
27 commodity of commerce suitable for substantial noninfringing use because their
28 only substantial use is to be installed in a vehicle and function as an in-vehicle

1 headrest video system, which directly infringes at least claim 1 of the ‘679 patent,
2 either literally or under the doctrine of equivalents, and for the reasons stated
3 above with respect to being especially made or especially adapted for use in an
4 infringement.

5 102. Since becoming aware of, or being willfully blind towards, the ‘679
6 patent, Voxx and VEC were willfully blind or knew that the Accused Headrest
7 Monitors-I were not a staple article or commodity of commerce suitable for
8 substantial noninfringing use.

9 103. By selling, offering to sell, and/or importing into the United States
10 one or more of the Accused Headrest Monitors-I and/or the components thereof,
11 Voxx and VEC have contributed to the infringement by the public, the distributors,
12 the retailers, the customers and the website users who import, make, use, sell, offer
13 to sell, lease, and/or offer to lease one or more of the Accused Headrest Monitors-I
14 to practice the inventions claimed in the ‘679 patent, and thus directly infringe at
15 least claim 1 of the ‘679 patent, either literally or under the doctrine of equivalents.

16 104. For these reasons, Voxx and VEC are contributory infringers of at
17 least claim 1 of the ‘679 patent, either literally or under the doctrine of equivalents.

18 **COUNT V: FIFTH CLAIM FOR RELIEF**

19
20 **(INFRINGEMENT OF U.S. PATENT NO. 7,894,003)**

21 105. The Plaintiff incorporates its previous allegations by the reference.

22
23 **Accused Products**

24 106. At least Invision has been and is now making, using, selling, offering
25 for sale within the United States, and/or importing into the United States, at least
26 the following overhead video systems: Invision G10, and other in-vehicle roof-
27 mounted video systems, as more fully described and claimed in the ‘003 patent
28 (hereinafter collectively referred as the “Accused Overhead Systems-II”).

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Direct Infringement

107. By so making, using, selling, or offering to sell within the United States, and/or importing into the United States at least the aforementioned Accused Overhead Systems-II, at least Invision has directly infringed, and continues to infringe, at least claim 1 of the ‘003 patent, either literally or under the doctrine of equivalents.

108. To the extent that the other Defendants direct and/or control the acts of Invision, those Defendants are liable for Invision’s acts. Upon information and belief, at least Thomas C. Malone, President of Audiovox Electronics Corp. directed and controlled the actions of Invision after its purchase. Upon information and belief, Mr. Malone is also the Senior Vice President of Sales at Voxx International Corporation and has been since 2006.

Inducement of Infringement

109. Invision had actual knowledge of the ‘003 patent at least since the serving of the underlying Complaint in this case.

110. Upon information and belief, Invision is a competitor of Johnson Safety and is thus aware of the ‘003 patent.

111. Invision assigned U.S. Pat. No. 6,339,455 to Johnson Safety and at least since that time has, upon information and belief, had actual knowledge, or been willfully blind towards, patents assigned to Johnson Safety.

112. Upon information and belief, Invision, by virtue of its corporate relationship with Voxx, knew or should have known of, or were willfully blind towards, the ‘003 patent at least since February 22, 2012, when the ‘125 patent, which is in the same patent family and has an almost identical specification to the ‘003 patent, was cited by the examiner during the prosecution of Voxx’s U.S. utility patent application Ser. No. 11/691,168 as one of the prior art references.

113. Since becoming aware of, or being willfully blind towards, the ‘003

1 patent, Invision has continued to intentionally, actively, and knowingly make, use,
2 sell, offer to sell, and/or import one or more of the Accused Overhead Systems-II
3 through its retailers, resellers, distributors, websites (including but not limited to
4 www.invisionautomotive.com), as well as in other ways.

5 114. Since becoming aware of, or being willfully blind towards, the '003
6 patent, Invision's manuals, advertising, and sales materials in relation to the
7 Accused Overhead Systems-II have intentionally, actively, knowingly, and
8 willfully contained and continues to contain instructions, directions, suggestions,
9 and/or invitations that intentionally, actively, and knowingly invite, entice, lead on,
10 influence, encourage, prevail on, move by persuasion, cause, and/or influence the
11 public, Invision's distributors, retailers, customers, and/or
12 www.invisionautomotive.com website users to, at least, make, use, sell, offer to
13 sell, or import one or more of the Accused Overhead Systems-II to practice the
14 inventions claimed in the '003 patent, and thus directly infringe at least claim 1 of
15 the '003 patent, either literally or under the doctrine of equivalents.

16 115. Since becoming aware of, or being willfully blind towards, the '003
17 patent, Invision was willfully blind or knew that the public's, the distributors', the
18 retailers', the customers' and/or the website users' acts relative to making, using,
19 selling, offering to sell, importing, leasing, and/or offering to lease one or more of
20 the Accused Overhead Systems-II to practice the inventions claimed in the '003
21 patent, directly infringe, either literally or under the doctrine of equivalents, at
22 least claim 1 of the '003 patent.

23 116. For these reasons, Invision is liable for inducing infringement of at
24 least claim 1 of the '003 patent, either literally or under the doctrine of equivalents.

25 **Contributory Infringement**

26 117. At least for the reasons stated above, Invision has had actual
27 knowledge of, or were willfully blind towards, the '003 patent.
28

1 118. Since becoming aware of, or being willfully blind towards, the ‘003
2 patent, Invision has intentionally, actively, and knowingly sold, offered to sell the
3 Accused Overhead Systems-II within the United States, or imported the Accused
4 Overhead Systems-II into the United States.

5 119. The Accused Overhead Systems-II are a component of a patented
6 machine, manufacture, and/or combination because the Accused Overhead
7 Systems-II meet at least one element of at least claim 1 of the ‘003 patent, either
8 literally or under the doctrine of equivalents.

9 120. The Accused Overhead Systems-II are especially made or especially
10 adapted for use in an infringement, at least because the act of using in any manner,
11 making, selling, offering to sell, or importing one or more of the Accused
12 Overhead Systems-II when not mounted to an interior surface of a roof of a
13 vehicle, as well as the act of mounting one or more of the Accused Overhead
14 Systems-II to an interior surface of a roof of a vehicle, are a direct infringement of
15 at least claim 1 of the ‘003 patent, either literally or under the doctrine of
16 equivalents, and for the reasons stated herein, in relation to the lack of substantial
17 non-infringing use.

18 121. Since becoming aware of, or being willfully blind towards, the ‘003
19 patent, Invision was willfully blind or knew that the Accused Overhead Systems-II
20 were especially made or especially adapted for use in an infringement.

21 122. The Accused Overhead Systems-II are not a staple article or
22 commodity of commerce suitable for substantial noninfringing use because the
23 Accused Overhead Systems-II themselves meet every element of at least claim 1
24 of ‘003 patent, either literally or under the doctrine of equivalents, and thus cannot
25 be used, sold, offered for sale, or imported without infringing at least claim 1 of
26 the ‘003 patent, either literally or under the doctrine of equivalents. Alternatively,
27 to the extent that the Accused Overhead Systems-II themselves are found not to
28 meet every element (e.g., an interior surface of a roof of a vehicle) found to be part

1 of at least claim 1 of '003 patent, either literally or under the doctrine of
2 equivalents, the Accused Overhead Systems-II meet the vast majority of the
3 elements of at least claim 1 of the '003 patent, either literally or under the doctrine
4 of equivalents, and have no other substantial use than to be used in combination
5 with the remaining element(s) of at least claim 1 of '003 patent, either literally or
6 under the doctrine of equivalents.

7 123. Since becoming aware of, or being willfully blind towards, the '003
8 patent, Invision was willfully blind or knew that the Accused Overhead Systems-II
9 were not a staple article or commodity of commerce suitable for substantial
10 noninfringing use.

11 124. By selling, offering to sell, and/or importing into the United States
12 one or more of the Accused Overhead Systems-II and/or the components thereof,
13 Invision has contributed to the infringement by the public, the distributors, the
14 retailers, the customers and the website users who mount one or more of the
15 Accused Overhead Systems-II to an interior surface of a roof of a vehicle, or
16 otherwise import, make, use, sell, offer to sell, lease, and/or offer to lease one or
17 more of the Accused Overhead Systems-II, and thus directly infringe at least claim
18 1 of the '003 patent, either literally or under the doctrine of equivalents.

19 125. For these reasons, Invision is a contributory infringer of at least claim
20 1 of the '003 patent, either literally or under the doctrine of equivalents.

21 DAMAGES

22
23 126. Johnson Safety has sustained the loss of sales with regard to its in-
24 vehicle headrest video systems/monitors and/or overhead video systems/monitors
25 as a direct and proximate result of the Defendants' infringement of the Patents-in-
26 Suit. The Defendants have diverted the sales from Johnson Safety with their
27 infringing products and there are no acceptable noninfringing substitutes.

28 127. The Defendants' acts of infringement of the Patents-in-Suit as alleged

1 above have injured Johnson Safety and thus Johnson Safety is entitled to recover
2 damages adequate to compensate it for its lost profits from that infringement,
3 including its costs, and pre-judgment and post-judgment interest per 35 U.S.C. §
4 284.

5 128. Alternatively, because of the Defendants' acts of infringement of the
6 Patents-in-Suit, Johnson Safety is entitled to recover damages which in no event
7 can be less than a reasonable royalty, including its costs, and pre-judgment and
8 post-judgment interest pursuant to 35 U.S.C. § 284.

9
10 **PERMANENT INJUNCTION**

11 129. Johnson Safety is suffering and will suffer irreparable harm from the
12 Defendants' infringement of the Patents-in-Suit.

13 130. Johnson Safety has no adequate remedy at law and unless enjoined,
14 the Defendants will continue their infringing conduct.

15 131. The harm to Johnson Safety from denying an injunction would
16 outweigh the harm to Defendants from granting one, and an injunction, in fact,
17 will serve the public interest.

18 132. The Court should therefore enjoin the Defendants' continuing
19 infringement of the Patents-in-Suit pursuant to 35 U.S.C. § 283, the principles of
20 equity, and/or other applicable authority.

21 **WILLFUL INFRINGEMENT**

22 133. Voxx and VEC have infringed and continued to infringe the Patents-
23 in-Suit despite an objectively high likelihood that their actions constituted
24 infringement of these valid patents.

25 134. Voxx and VEC knew or should have known this objectively high
26 likelihood, at least because the '356 patent has been the subject of a patent
27 reexamination proceeding with Voxx being the real party in interest, and the '402
28

1 patent, the '125 patent, the '679 patent, and the '003 patent have been brought to
2 their attention by the USPTO during the prosecution of Voxx's and VEC's patents,
3 as alleged hereinabove.

4 135. Invision has infringed and continues to infringe the '125 patent and
5 the '003 patent despite an objectively high likelihood that its actions constitute
6 infringement of these valid patents.

7 136. Upon information and belief, by virtue of its corporate relationship
8 with Voxx, Invision knew or should have known of this objectively high
9 likelihood, at least because the '125 patent and the '003 patent have been brought
10 to its attention during the prosecution of Voxx's and VEC's patents and by virtue
11 of Invision being a fully owned subsidiary of Voxx, as alleged hereinabove.

12 137. The infringement of the Patents-in-Suit alleged above has injured
13 Johnson Safety and thus, Johnson Safety is entitled to recover damages adequate to
14 compensate for the Defendants' infringement, which in no event can be less than a
15 reasonable royalty.

16 138. Because the Defendants willfully infringed the Patents-in-Suit, the
17 Plaintiff is permitted under 35 U.S.C. § 284 to recover treble the amount of actual
18 damages sustained by the Plaintiff.

19
20 **EXCEPTIONAL CASE**

21 139. The Defendants' acts, including at least their willful infringement,
22 have made the present case exceptional pursuant to 35 U.S.C. § 285 and/or other
23 applicable authority. Therefore, the prevailing party shall be entitled to attorneys'
24 fees.

25 **DEMAND FOR JURY TRIAL**

26 140. Johnson Safety hereby demands a jury trial on all claims and issues
27 triable of right by a jury, including the Defendants' affirmative defenses and
28 counterclaims, if any.

PRAYER FOR RELIEF

1
2 WHEREFORE, Johnson Safety prays for entry of judgment in its favor and
3 against Defendants Voxx International Corporation, Voxx Electronics
4 Corporation, and Invision Automotive Systems Inc.:

5 A. Finding Voxx International Corporation and Voxx Electronics
6 Corporation have infringed one or more claims of the '356 patent,
7 the '402 patent, the '125 patent, the '679 patent, and the '003
8 patent;

9 B. Finding Invision Automotive Systems Inc., has infringed one or
10 more claims of the '125 patent and the '003 patent;

11 C. Awarding Johnson Safety all allowable damages, including lost
12 profits, flowing from the infringement of the '356 patent, the '402
13 patent, the '125 patent, the '679 patent, and the '003 patent,
14 which can be no less than a reasonable royalty under 35 U.S.C. §
15 284;

16 D. Finding Voxx International Corporation and Voxx Electronics
17 Corporation have willfully infringed the '356 patent, the '402
18 patent, the '125 patent, the '679 patent, and the '003 patent, and
19 awarding Johnson Safety all allowable damages for their willful
20 infringement, including but not limited to an award of three times
21 Johnson Safety's actual damages pursuant to 35 U.S.C. § 284;

22 E. Finding Invision Automotive Systems Inc. has willfully infringed
23 the '125 patent and the '003 patent, and awarding Johnson Safety
24 all allowable damages for their willful infringement, including but
25 not limited to an award of three times Johnson Safety's damages
26 pursuant to 35 U.S.C. § 284;

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- F. Permanently enjoining the Defendants and their directors, officers, agents, servants, employees, affiliates, and all others in privy or in concert with them, and their parents, subsidiaries, divisions, successors and assigns, from directly or indirectly infringing the ‘356 patent, the ‘402 patent, the ‘125 patent, the ‘679 patent, and the ‘003 patent, pursuant to 35 U.S.C. § 283, principles of equity, and/or other applicable authority;
- G. Awarding Johnson Safety its costs, and pre-judgment and post-judgment interest on its damages caused by the Defendants’ infringement of the ‘356 patent, the ‘402 patent, the ‘125 patent, the ‘679 patent, and the ‘003 patent and/or otherwise, as the Court may deem just;
- H. Declaring this case exceptional, in Johnson Safety’s favor, and awarding Johnson Safety its attorneys’ fees in this action pursuant to 35 U.S.C. § 285 and/or other applicable authority; and
- I. Granting Johnson Safety such other and further relief that is just and proper under the circumstances.

Dated this 19th day of December, 2014.

Respectfully submitted,
FULWIDER • PATTON LLP

/Vern D. Schooley
Vern D. Schooley
James Juo
ATTORNEYS FOR PLAINTIFF,
JOHNSON SAFETY, INC.

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