

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

Vossen Wheels, Inc.	)	
10460 SW 186 Street	)	
Miami, Florida 33157	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civ. Action No. 1:14-CV-24444-DPG
	)	
Hua Liu	)	
t/a JNC Wheels	)	
t/a JNC Wheels USA	)	
t/a JNC Wheels Collection	)	
4525 Whittier Blvd.	)	
Los Angeles, CA 90022	)	
	)	
and	)	
	)	
S-H Auto Accessories, Inc.	)	
4525 Whittier Blvd.	)	
Los Angeles, CA 90022	)	
	)	
Defendants.	)	

FIRST AMENDED COMPLAINT AND  
JURY TRIAL REQUEST

COMES NOW the Plaintiff, Vossen Wheels, Inc. (hereinafter “Vossen” or “Plaintiff”), and for its cause of action against Defendants, Hua Liu, on information and belief an individual trading as JNC Wheels, JNC Wheels USA, and/or JNC Wheels Collection (“JNC Wheels”), and S-H Auto Accessories, Inc. (“S-H Auto”) (herein sometimes referred to individually as a “Defendant” and collectively as “Defendants”) for patent infringement, Vossen alleges:

NATURE OF ACTION

1. This is a civil action for patent infringement under the Patent Laws of the United States, 35 U.S.C. § 100 *et seq.*, including 35 U.S.C. § 271.

PARTIES

2. Vossen is a corporation formed under the laws of Florida and having its principal place of business at 10460 SW 186 Street, Miami, Florida 33157.

3. Upon information and belief, Hua Liu is an individual doing business under the name JNC Wheels and having a principal place of business at 4525 Whittier Boulevard, Los Angeles, California 90022.

4. Upon information and belief, S-H Auto is a corporation formed under the laws of California and having its principal place of business at 4525 Whittier Boulevard, Los Angeles, California 90022.

JURISDICTION AND VENUE

5. The Court has original and exclusive jurisdiction over the subject matter of the complaint under 28 U.S.C. §§ 1331, 1332, and 1338(a).

6. Venue is proper under 28 U.S.C. §§ 1391 and 1400(b).

7. Personal jurisdiction exists over Defendants because, upon information and belief, they have sufficient minimum contacts with the forum as a result of business conducted within the State of Florida and within this judicial district. Personal jurisdiction exists over Defendants because, upon information and belief, they have systematic and continuous contacts with Florida. Personal jurisdiction also exists over Defendants because, upon information and belief, they have: (i) distributed, sold and

offered to sell infringing products, including the JNC038 and JNC027 wheels, in the State of Florida and within this district; (ii) caused the distribution, use, sale, and offer for sale of infringing products, including the JNC038 and JNC027 wheels, in the State of Florida and within this judicial district; (iii) induced acts of patent infringement in the State of Florida and within this judicial district; and/or (iv) placed and purposefully directed infringing products, including the JNC038 and JNC027 wheels, into the stream of commerce by either distributing or having distributed those products into the State of Florida and this judicial district, shipping, distributing, having shipped, or having distributed those products into the State of Florida and this judicial district, advertising or having advertised the sale of those products in the State of Florida and this judicial district, and/or knowing or expecting that the infringing products would be distributed, used, shipped, sold and/or advertised for sale in the State of Florida and this judicial district, and such products therefore have been offered, purchased, and sold in the State of Florida and this judicial district. Upon information and belief, Defendants had derived and continue to derive substantial revenue from the distribution and sale of the infringing products, including the JNC038 and JNC027 wheels.

#### THE PATENTS-IN-SUIT

8. United States Patent No. D701,813 (“the ‘813 patent”) was filed on October 21, 2013 and issued on April 1, 2014. A copy of the ‘813 patent is attached hereto as Exhibit 1.

9. United States Patent No. D717,711 (“the ‘711 patent”) was filed on April 1, 2014 and issued on November 18, 2014. A copy of the ‘711 patent is attached hereto as Exhibit 2.

10. United States Patent No. D721,317 (“the ‘317 patent”) was filed on October 26, 2012 and issued on January 20, 2015. A copy of the ‘317 patent is attached hereto as Exhibit 3.

11. Vossen is the owner of the entire right, title and interest in the ‘813 patent, the ‘711 patent, and the ‘317 patent (collectively the “Patents-in-Suit”) by virtue of an assignment duly recorded at the United States Patent and Trademark Office on October 21, 2013 at Reel/Frame 031445/0268 and on April 1, 2014 at Reel/Frame 032575/0847, an assignment duly recorded at the United States Patent on Trademark Office on November 7, 2012 at Reel/Frame 029260/0060, and an assignment duly recorded at the United States Patent and Trademark Office on November 13, 2014 at Reel/Frame 034226/0067.

12. The ‘813 patent, the ‘711 patent, and the ‘317 patent are presumed valid by virtue of 35 U.S.C. § 282.

13. The ‘813 patent, the ‘711 patent, and the ‘317 patent are in full force and effect.

#### ACTS GIVING RISE TO THIS ACTION

14. Upon information and belief, Defendants have engaged and continue to engage in (i) making, using, offering for sale, and selling in the United States, including in Florida and this judicial district, wheels, including the JNC038 and JNC027 wheels, as

taught and claimed in the Patents-in-Suit, (ii) importing into the United States such wheels as taught and claimed in the Patents-in-Suit, and (iii) inducing others to infringe by using such wheels in the United States. Upon information and belief, Defendants' accused wheels, including the JNC038 and JNC027 wheels, are covered by the respective claim of at least one of the Patents-in-Suit.

15. Upon information and belief, Defendants operate an active website at [www.jncwheels.com](http://www.jncwheels.com) through which wheels, including the JNC038 and JNC027 wheels, are displayed and advertised to consumers throughout the United States, including within this judicial district, and are available for direct purchase by consumers throughout the United States, including within this judicial district.

16. Defendants have, with full knowledge of the Patents-in-Suit, continued infringement of, induced infringement of, and/or otherwise acted in violation of Plaintiff's rights with respect to the Patents-in-Suit in willful disregard of Plaintiff's rights thereunder.

17. Defendants were placed on notice of the '813 patent and the '711 patent and their infringement thereof by Plaintiff in November 2014.

18. Defendants were placed on notice of the '317 patent and their infringement thereof by Plaintiff in January 2015.

## COUNT I

### Patent Infringement: U.S. Patent No. D701,813

19. Paragraphs 1 through 18 are adopted and incorporated herein by reference as is fully set out in this paragraph.

20. Vossen is the owner of the '813 patent.

21. Defendants ship, distribute, sell, and/or offer for sale within the United States and this judicial district and import into the United States wheels, including the JNC038 wheels, covered by the '813 patent.

22. Defendants have infringed and continue to infringe upon the '813 patent in violation of Title 35 U.S.C. § 271 by making, using, selling, and/or offering to sell in the United States and/or importing into the United States wheels, including the JNC038 wheels, that infringe the '813 patent, all to the damage and injury of the Plaintiff Vossen.

23. Defendants have used, sold, offered to sell, and imported wheels that infringe the '813 patent after actual and constructive notice of the '813 patent, and upon information and belief continue to use, sell, offer for sale, and import the accused JNC038 wheels after having received actual notice of the infringement.

24. Defendants ship, distribute, sell and offer to sell and have shipped, distributed, sold and offered for sale infringing wheels within the United States, including within this district, without license, authorization, consent, or permission from Vossen.

25. On information and belief, each of the Defendants have actively induced infringement of the '813 patent by others, without authority or license from Plaintiff. Among other infringements induced, on information and belief, Defendants have actively induced consumers to use, within the United States and this judicial district, wheels covered by the claim of the '813 patent. On information and belief, Defendants know that the induced acts constitute infringement of the '813 patent.

26. Upon information and belief Defendants' actions were and are willful and in disregard of Vossen's rights in the '813 patent.

27. Plaintiff Vossen has suffered and continues to suffer irreparable damage and injury for which there is no adequate remedy at law against the Defendants on account of their infringement of the '813 patent.

## COUNT II

### Patent Infringement: U.S. Patent No. D717,711

28. Paragraphs 1 through 18 are adopted and incorporated herein by reference as is fully set out in this paragraph.

29. Vossen is the owner of the '711 patent.

30. Defendants ship, distribute, sell, and/or offer for sale within the United States and this judicial district and import into the United States wheels, including the JNC038 wheels, covered by the '711 patent.

31. Defendants have infringed and continue to infringe upon the '711 patent in violation of Title 35 U.S.C. § 271 by making, using, selling, and/or offering to sell in the United States and/or importing into the United States wheels, including the JNC038 wheels, that infringe the '711 patent, all to the damage and injury of the Plaintiff Vossen.

32. Defendants have used, sold, offered to sell, and imported wheels that infringe the '711 patent after actual and constructive notice of the '711 patent, and upon information and belief continue to use, sell, offer for sale, and import the accused JNC038 wheels after having received actual notice of the infringement.

33. Defendants ship, distribute, sell, and offer to sell and have shipped, distributed, sold, and offered for sale infringing wheels within the United States,

including within this district, without license, authorization, consent, or permission from Vossen.

34. On information and belief, each of the Defendants have actively induced infringement of the '711 patent by others, without authority or license from Plaintiff. Among other infringements induced, on information and belief, Defendants have actively induced consumers to use, within the United States and this judicial district, wheels covered by the claim of the '711 patent. On information and belief, Defendants know that the induced acts constitute infringement of the '711 patent.

35. Upon information and belief Defendants' actions were and are willful and in disregard of Vossen's rights in the '711 patent.

36. Plaintiff Vossen has suffered and continues to suffer irreparable damage and injury for which there is no adequate remedy at law against the Defendants on account of their infringement of the '711 patent.

### COUNT III

#### Patent Infringement: U.S. Patent No. D721,317

37. Paragraphs 1 through 18 are adopted and incorporated herein by reference as is fully set out in this paragraph.

38. Vossen is the owner of the '317 patent.

39. Defendants ship, distribute, sell, and/or offer for sale within the United States and this judicial district and import into the United States wheels, including the JNC027 wheels, covered by the '317 patent.

40. Defendants have infringed and continue to infringe upon the '317 patent in



violation of Title 35 U.S.C. § 271 by making, using, selling, and/or offering to sell in the United States and/or importing into the United States wheels, including the JNC027 wheels, that infringe the '317 patent, all to the damage and injury of the Plaintiff Vossen.

41. Defendants have used, sold, offered to sell, and imported wheels that infringe the '317 patent after actual and constructive notice of the '317 patent, and upon information and belief continue to use, sell, offer for sale, and import the accused JNC027 wheels after having received actual notice of the infringement.

42. Defendants ship, distribute, sell, and offer to sell and have shipped, distributed, sold, and offered for sale infringing wheels within the United States, including within this district, without license, authorization, consent, or permission from Vossen.

43. On information and belief, each of the Defendants have actively induced infringement of the '317 patent by others, without authority or license from Plaintiff. Among other infringements induced, on information and belief, Defendants have actively induced consumers to use, within the United States and this judicial district, wheels covered by the claim of the '317 patent. On information and belief, Defendants know that the induced acts constitute infringement of the '317 patent.

44. Upon information and belief Defendants' actions were and are willful and in disregard of Vossen's rights in the '317 patent.

45. Plaintiff Vossen has suffered and continues to suffer irreparable damage and injury for which there is no adequate remedy at law against the Defendants on account of their infringement of the '317 patent.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Vossen prays that judgment be entered by this Court in its favor and against the Defendants Hua Liu and S-H Auto providing the following relief:

1. That declares Defendants have infringed and induced infringement of the Patents-in-Suit as identified above;

2. That declares Defendants, their agents, affiliates, subsidiaries, servants, employees and attorneys and those persons in active concert with or controlled by Defendants be preliminarily and permanently enjoined from making, using, offering to sell, and selling within the United States and importing into the United States products that infringe the '813 patent, the '711 patent, and the '317 patent;

3. That declares Defendants be required to account to Plaintiff for Plaintiff's lost profits and for all damages sustained by and entitled to Plaintiff by reason of the infringement of the '813 patent, the '711 patent, and the '317 patent (35 U.S.C. § 284);

4. That declares Defendants be required to account to Plaintiff for Defendants' profits and be liable to Plaintiff to the extent of their total profit as a result of the infringement of the '813 patent, the '711 patent, and the '317 patent (35 U.S.C. § 289);

5. That awards Plaintiff damages in an amount to be determined, and prejudgment interest based upon infringement damages accruing from the date of Defendants' acts of infringement;

6. That declares that Defendants' actions and infringement were and are in willful disregard of Plaintiff's rights and awards Plaintiff its costs of this action and Plaintiff's reasonable attorneys' fees (35 U.S.C. § 285), and that trebles such damages;

7. That directs Defendants to deliver to Plaintiff for immediate destruction all remaining products, advertisements, circulars, brochures or other promotional or advertising items, web site or other materials for its infringing wheels; and

8. That awards Plaintiff such other and further relief as may be proper and just.

JURY REQUEST

Plaintiff Vossen Wheels, Inc. requests a trial by jury on all issues presented herein that are so triable.

DATED: FEBRUARY 11, 2015

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*Counsel for Plaintiff  
Vossen Wheels, Inc.*

VERIFICATION

Javad Azadi states that he is duly authorized representative of Plaintiff and that he verifies the allegations in the First Amended Complaint and that to the best of his knowledge and belief all allegations are true and correct.

  
\_\_\_\_\_  
Javad Azadi

2/11/15  
Date

CERTIFICATE OF SERVICE

I, Stephen MacIsaac, do hereby certify that on this 11th day of February, 2015, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record identified on the Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by the CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notice of Electronic Filing System:

/s/ Steven MacIsaac /  
Stephen MacIsaac

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