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GLERK U.S DISTRICT COURT

JUN 1 2 2012

CENTRAL DISTRICT OF CALIFORNIA
BY DEPUTY

Attorneys for Plaintiff ECLIPSE IP LLC

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA

ECLIPSE IP LLC

Plaintiffs,

VS.

AMERICAN HONDA MOTOR CO., INC.,

Defendants.

Case No 2 - 05002 PGK DU

COMPLAINT FOR PATENT INFRINGEMENT

JURY TRIAL DEMANDED

Complaint Filed: Trial Date:

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Eclipse IP LLC ("Eclipse"), by counsel, complains of defendant American Honda Motor Co., Inc. ("Honda"), as follows:

NATURE OF LAWSUIT

1. This is a suit for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code § 1 *et seq*. This Court has exclusive jurisdiction over the subject matter of the Complaint under 28 U.S.C. §§ 1331 and 1338(a).

PARTIES AND PATENTS

2. Eclipse is a company organized and existing under the laws of Florida and having a principal place of business address at 115 NW 17th Street, Delray Beach, Florida 33444.

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- 3. Eclipse owns all right, title, and interest in and has standing to sue for infringement of United States Patent No. 7,482,952 ("the '952 patent"), entitled "Response Systems and Methods for Notification Systems for Modifying Future Notifications" (Exhibit A); and United States Patent No. 7,579,900 ("the '900 patent"), entitled "Notification Systems and Methods that Consider Traffic Flow Predicament Data" (Exhibit B) (collectively, "the Eclipse Patents").
- 4. On information and belief, Honda is a corporation incorporated in California and has its principal place of business at 1919 Torrance Boulevard, Torrance, California.
- 5. On information and belief, Honda does regular business in this judicial district and has committed acts of infringement in this judicial district.

JURISDICTION AND VENUE

- 6. This Court has personal jurisdiction over Honda because Honda is incorporated under the laws of the State of California; has its principle place of business in the State of California and in this District; is operating and/or supporting products or services that fall within one or more claims of Eclipse's patents in this District; and has committed the tort of patent infringement in this District.
- 7. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(d) and 1400(b) because Honda resides in this judicial district.

DEFENDANT'S ACTS OF PATENT INFRINGEMENT

- 8. Honda has knowingly infringed one or more claims of the '952 patent through, among other activities, the use of the AcuraLink Real-Time Traffic System in its vehicles to: alert and/or update drivers regarding changes in various traffic data; recalculate a change in route in response to such traffic data and communicate it to the driver; and allowing the driver to confirm or reject such change in route to the destination.
- 9. Honda has actively induced and/or contributed to the infringement by others of one or more claims of the '952 patent through, among other activities,

newport trial continuing to manufacture, distribute, and sell vehicles equipped with the AcuraLink Real-Time Traffic System to its customers after having received notice of its infringement of the '952 patent.

- 10. Honda has knowingly infringed one or more claims of the '900 patent through, among other activities, the use of the AcuraLink Real-Time Traffic System in its vehicles to: alert and/or update drivers regarding changes in various traffic data; monitoring such traffic data in relation the scheduled route to determine if it is necessary to initiate a communication with the driver to relay a change in route and/or estimated travel time.
- 11. Honda has actively induced and/or contributed to the infringement by others of one or more claims of the '900 patent through, among other activities, continuing to manufacture, distribute, and sell vehicles equipped with the AcuraLink Real-Time Traffic System to its customers after having received notice of its infringement of the '900 patent.
- 12. Through direct, induced, and contributory infringement Honda has injured Eclipse, and Eclipse is entitled to recover damages adequate to compensate it for such infringement, but in no event less than a reasonable royalty.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Eclipse asks this Court to enter judgment against the defendant and against each of the defendant's respective subsidiaries, affiliates, agents, servants, employees and all persons in active concert or participation with it, granting the following relief:

- (a) An award of damages adequate to compensate Eclipse for the infringement that has occurred, together with prejudgment interest from the date infringement of the Eclipse Patents began;
- (b) An award to Eclipse of all remedies available under 35 U.S.C. §§ 284 and 285; and,

(c) Such other and further relief as this Court or a jury may deem proper and just. **DEMAND FOR JURY TRIAL** Pursuant to Federal Rule of Civil Procedure 38 and Civil Local Rule 3-6, Eclipse hereby demands a jury trial on all issues so triable. Respectfully submitted this 5th day of June, 2012 NEWPORT TRIAL GROUP Attorney for Plaintiff ECLIPSE IP LLC NEWPORT TRIAL

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