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Attorneys for Plaintiff
EBS AUTOMOTIVE SERVICES

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

EBS AUTOMOTIVE SERVICES, a Cal. Corp.;

Plaintiffs,

vs.

NORCO INDUSTRIES, INC., dba Flo-
Dynamics, a California Corporation; ABF
TECHNOLOGIES, INC., a California
Corporation

Defendants

'12CV2020 MMAMDD

**COMPLAINT FOR INFRINGEMENT
OF U.S. PATENT NO. 6,206,055**

[Demand for Jury Trial]

For its complaint against NORCO INDUSTRIES, INC., dba Flo-Dynamics, ("Flo-Dynamics"), and ABF Technologies, Inc. ("ABF"), which is named as an Involuntary Plaintiff, Plaintiff EBS AUTOMOTIVE SERVICES ("EBS" or "Plaintiff") and alleges as follows:

JURISDICTION AND VENUE

1. This is a civil action arising in part under laws of the United States relating to patents (35 U.S.C. §§ 271, 281, 283, 284, and 285). This Court has federal jurisdiction of such federal question claims pursuant to 28 U.S.C. §§ 1331 and 1338(a).

2. The acts and transactions complained of herein were conceived, carried out, made effective, and had effect within the State of California and within this district, among other places. Venue is proper under 28 U.S.C. §§ 1391(b), 1391(c) and 1400(a), because Flo-Dynamics has committed acts of infringement in the County of San Diego.

THE PARTIES

3. Plaintiff EBS is a corporation duly organized and existing under the laws of the State of California, with its principal place of business located in Westminster, California.

4. ABF is a corporation duly organized and existing under the laws of the State of California with its principal place of business in Fresno, California. EBS names ABF as an involuntary plaintiff pursuant to the doctrine set forth in *Independent Wireless Tel. Co. v. RCA* 269 U.S. 459, 469-470 (1926) because ABF has an ownership interest in the '055 Patent.

5. Flo-Dynamics is a corporation organized under the laws of the State of California and maintains its principal place of business in Compton, California. Plaintiffs are informed and believe that Flo-Dynamics does business in this judicial district by selling products that infringe the '055 patent in this judicial district.

CLAIM FOR RELIEF

INFRINGEMENT OF U.S. PATENT NO. 6,206,055

6. EBS incorporates by reference the preceding allegations of this Complaint.

7. EBS is an owner by assignment of U.S. Patent No. 6,206,055 (the "'055 Patent") which was duly granted by the United States Patent and Trademark Office on March 27, 2001. A true and correct copy of the '055 Patent is attached hereto as Exhibit 1.

8. Flo-Dynamics has infringed and continues to infringe the '055 Patent by making, using, selling, or offering to sell in the United States products, devices or methods that embody or otherwise practice one or more of the claims of the '055 Patent, or by otherwise contributing to infringement or inducing others to infringe the '055 Patent. The infringing products, devices, or methods include, but are not limited to, Flo-Dynamics's manufacture, use, and sale of the Flo-Dynamics Brake Mate brake flush and exchange machine.

9. Flo-Dynamic's infringement of the '055 Patent is, has been willful and deliberate.

10. As a direct and proximate result of Flo-Dynamics' infringement of the '055 Patent, EBS has been and continue to be damaged in an amount to be proven at trial.

11. Flo-Dynamics' infringement is ongoing and has caused, and, unless enjoined and restrained by this Court, will continue to cause EBS great and irreparable injury to, among other things, EBS's good will, business reputation, and market share. EBS is therefore entitled to injunctive relief enjoining and restraining Flo-Dynamics and its respective officers, agents, servants, and employees, and all persons acting in concert with them, and each of them, from further infringement of the '055 Patent.

PRAYER FOR RELIEF

WHEREFORE, EBS prays for judgment against Flo-Dynamics as follows:

- (1) For a judicial determination and declaration that Flo-Dynamics has infringed the '055 Patent;
- (2) For a judicial determination and decree that Flo-Dynamics' infringement of the '055 Patent has been willful;
- (3) For damages resulting from Flo-Dynamics' infringement of the '055 Patent, and the trebling of such damages because of the willful and deliberate nature of Flo-Dynamics' infringement;
- (4) For injunctive relief enjoining against further infringement of the '055 Patent by Flo-Dynamics, its officers, directors, shareholders, agents, servants, employees, and all other entities and individuals acting in concert with it or on its behalf;
- (5) For an assessment of prejudgment interest on damages;
- (6) For a declaration that this is an exceptional case under 35 U.S.C. Section 285 and for an award of attorneys' fees and costs in this action;
- (7) For such other and further relief as the Court deems just and equitable.

DATED: August 16, 2012

KNEAFSEY & FRIEND LLP

By /s/ Sean M. Kneafsey
Sean M. Kneafsey

Attorneys for Plaintiff EBS AUTOMOTIVE SERVICES

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury of any issue triable by right of a jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

DATED: August 25, 2012

KNEAFSEY & FRIEND LLP

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