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7 Attorneys for Plaintiff
8 BUSHWACKER, INC.

10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

BUSHWACKER, INC.)	Case No. 5:15-CV-1593
)	
Plaintiff,)	
)	COMPLAINT FOR
v.)	INFRINGEMENT OF
)	U.S. PATENT NO. 8,118,329
EGR INCORPORATED)	
)	DEMAND FOR JURY TRIAL
Defendant.)	
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COMPLAINT

Plaintiff Bushwacker, Inc., (“Plaintiff”) files this Complaint against Defendant EGR Incorporated (“Defendant”) and alleges the following:

NATURE OF ACTION

1. This is an action for patent infringement, arising out of Defendant’s infringement of Plaintiff’s U.S. Patent No. 8,118,329, issued on February 21, 2012, and entitled “Fender Flares and Vehicles with Fender Flares,” (“the ’329 Patent”). A true and correct copy of the ’329 Patent is attached hereto as Exhibit A.

THE PARTIES

2. Plaintiff is an Oregon corporation having its principal place of business at 6710 North Catlin Avenue, Portland, OR 97203.

3. Upon information and belief, Defendant is a Delaware corporation having its principal place of business at 4000 Greystone Drive, Ontario, CA 91761.

JURISDICTION AND VENUE

4. This is an action for patent infringement arising under the Patent Laws of the United States (Title 35 of the United States Code).

5. This Court has jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

6. This Court has personal jurisdiction over Defendant because Defendant resides in this district.

7. Venue lies in this district under 28 U.S.C. §§ 1391(b) and (c) and 1400(b) because Defendant resides in this district and has committed acts of infringement in this district.

CLAIM FOR RELIEF

8. Plaintiff repeats and re-alleges the allegations of paragraphs 1–7 of this Complaint as if set forth fully herein.

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1 9. Plaintiff is the owner by assignment of the '329 Patent, which
2 names Roberto M. Braga as the inventor. As the owner, Plaintiff has the right to
3 sue for infringement of the '329 Patent.

4 10. The '329 Patent is directed to fender flares configured to fit onto
5 the wheel wells of vehicles with mud flaps and vehicles with such fender flares.

6 11. Plaintiff marks with the '329 Patent number any of the products it
7 sells that fall within the scope of any claim of the '329 Patent.

8 12. Defendant infringes, both directly and indirectly, one or more
9 claims of the '329 Patent, in violation of 35 U.S.C. § 271, by making, using,
10 offering for sale, selling, and/or importing its "Fender Flare" products, including
11 Fender Flares sold for use with Toyota® Tundra® vehicles with and without
12 factory fitted mud flaps. Defendant's infringing Fender Flare products include,
13 but are not limited to, the following Fender Flares, identified by part number:
14 755094, 755095, 795094, 795095, 755394, 795394, and 795395.

15 13. Defendant's Fender Flares are for attachment to a vehicle having a
16 mud flap and a wheel well, wherein the wheel well has an outer lateral edge and
17 generally defines a volume, and the mud flap includes a front side that faces the
18 volume of the wheel well and a rear side that faces away from the volume of the
19 wheel well.

20 14. Defendant's Fender Flares comprise a fender flare body including a
21 first surface and a second surface, the first and second surfaces defining a mud-
22 flap channel adapted to receive a mud flap therein, wherein the first surface
23 faces a front side of the mud flap and the second surface faces a rear side of the
24 mud flap when the mud flap is received in the mud-flap channel.

25 15. The fender flare body of Defendant's Fender Flares is configured
26 to extend along at least a substantial portion of the lateral edge of the wheel
27 well.

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1 16. Defendant's acts of infringement are undertaken without
2 permission or license from Plaintiff.

3 17. Plaintiff is informed and believes, and thereon alleges, that
4 Defendant has derived and received, and will continue to derive and receive,
5 gains, profits, and advantages from the aforesaid acts of infringement in an
6 amount that is not presently known to Plaintiff. By reason of the aforesaid
7 infringing acts, Plaintiff has been damaged and will continue to suffer harm and
8 injury, including monetary damages.

9 18. On information and belief, unless enjoined, Defendant will
10 continue infringing the '329 Patent, thereby causing additional irreparable injury
11 to Plaintiff for which there is no adequate remedy at law.

12 **PRAYER FOR JUDGMENT AND RELIEF**

13 WHEREFORE, Plaintiff requests the following relief:

14 (A) A judgment that Defendant has infringed U.S. Patent No.
15 8,118,329 under 35 U.S.C. §271;

16 (B) An injunction barring Defendant and its officers, agents, servants,
17 employees, attorneys, and all others in active concert or participation with them
18 from any further infringement of the '329 Patent;

19 (C) An award of damages adequate to compensate Plaintiff for
20 Defendant's infringement of the 329 Patent;

21 (D) An award of the costs incurred by Plaintiff in this action; and

22 (E) Such other and further relief as the Court deems equitable and just
23 in the circumstances.

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KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: August 6, 2015

By: /s/ Joseph F. Jennings
Joseph F. Jennings
Marissa M. Calcagno
Attorneys for Plaintiff
BUSHWACKER, INC.

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JURY DEMAND

Plaintiff Bushwacker, Inc., hereby demands trial by jury on all issues triable to a jury.

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: August 6, 2015

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