1 2	Patrick F. Bright (SBN 68709) WAGNER, ANDERSON & BRIGHT, P 3541 Ocean View Boulevard	C							
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4		T.,421 T., .							
5	Attorneys for Plaintiff Mega Distribution	int i, inc.							
6									
7	UNITED STATES DIST								
8	CENTRAL DISTRICT O	F CALIFORNIA							
9	WESTERN DIV	ISION							
10									
11	MEGA DISTRIBUTION INT'L. INC., a California Corporation	Case No. <u>2:15-cv-6802</u>							
12	Plaintiff,	COMPLAINT FOR INFRINGEMENT OF UNITED STATES PATENT							
13	Vs.	NOS. D614,063; and D618,572.							
14		DEMAND FOR JURY TRIAL							
15	WOLO MANUFACTURING CORP., a New York Corporation;								
16	Defendant.								
17									
18									
19	Plaintiff Mega Distribution In	t'l, Inc., a California corporation							
20	("Mega"), for its complaint, and demanding	g trial by jury under Rule 38, Fed. R. Civ.							
21	P., and Local Rule 38-1, alleges that Defendant Wolo Manufacturing Corp.								
22	("Wolo"), a New York corporation, is infringing U.S. Design Patent D614,063 ("the								
23	'063 patent") and U.S. Design Patent D618,572 ("the '572 patent") (collectively,								
24	"the Mega patents"), by making, selling, and offering to sell, in this judicial district,								
25	lightbars that infringe the Mega patents.								
26	2. This is a civil action for patent infringement and arises under, among								
27	other things, the United States Patent Laws, 35 U. S. C. section 10, et seq.								
28	Jurisdiction is therefore based upon 28 U. S. C. sections 1331 and 1338(a),								
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providing for federal question jurisdiction of patent infringement actions and exclusive jurisdiction of patent infringement actions in the U. S. district courts.

- 3. Plaintiff Mega is informed and believes, and thereon alleges, that venue in this court is proper under 28 U. S. C. section 1391 (c) and section 1400 (b) because the acts of patent infringement alleged herein took place, at least in part, within this judicial district.
- 4. Plaintiff Mega is a California corporation, and has its principal place of business in Paramount, California.
- 5. Defendant Wolo is a New York corporation, and has its principal place of business in Deer Park, New York.
- 6. On April 20, 2010, the U. S. Patent and Trademark Office duly and lawfully issued the '063 patent under the title *Warning Light Lens*. A true and correct copy of the '063 patent is attached hereto as **Exhibit A**.
- 7. On June 29, 2010, the U.S. Patent and Trademark Office duly and lawfully issued the '572 patent under the title Warning Light Lens. A true and correct copy of the '572 patent is attached hereto as **Exhibit B.**
- 8. Since July 12, 2013, Wolo has infringed the '063 by selling, and offering to sell, in this judicial district and elsewhere in the United States, light bars with warning light lenses covered by the single claim of the '063 patent. Wolo's offers to sell and sale, in this judicial district, of Lights Bars, specifically models 3780M-R; 3775M-B; 3770M-A; SURESAFE 3720M-A, have infringed the '063 patent. Wolo has infringed the '572 patent by selling, and offering to sell, in this judicial district and elsewhere in the United States, light bars with warning lights lenses covered by the single claim of the '572 patent. Wolo's offer to sell and sale, in this judicial district, of LOOKOUT Light Bars, specifically models 7900-A; 7905-B; 7910-R; 7915-BR; 7920-RB; and 7950-A, have infringed the '572 patent. Photographs and a spreadsheet of Wolo's infringing products are attached hereto as **Exhibits C.**

- 8. Upon information and belief, Wolo's infringement has taken place with full knowledge of the Mega patents and has been intentional, deliberate, and willful.
- 9. Upon information and belief, Wolo has derived, and will continue to derive, and received from the above infringement, gains, profits, and advantages in an amount not presently known to Mega.
- 10. Wolo's infringement of the Mega patents has damaged Mega in an unknown amount. These damages continue to grow as Mega's infringement continues. Under Section 284 of Title 35 of the United States Code, Mega seeks damages adequate to compensate for this infringement in an amount no less than a reasonable royalty, together with interest and costs affixed by the Court. Under Section 289 of Title 35 of the United States Code, Mega also seeks its lost profit.
- 11. Wolo's continuing infringement of the Mega patents has caused and continues to cause irreparable harm to Mega, including impairing the value of the Mega patents in an amount yet to be determined. Pursuant to Section 283 of Title 35 of the United States Code, Mega seeks a preliminary and a permanent injunction against further infringement of the Mega patents.

### **PRAYER FOR RELIEF**

WHEREFORE, Mega prays for the following relief from this court against Defendant:

- 1. An order, pursuant to 35 U.S.C. Section 271, declaring that Wolo has infringed the single claim of the '063 patent and the single claim of the '572 patent;
- 2. A preliminary and a permanent injunction against Wolo, prohibiting Wolo from further infringement of the Mega patents;
- 3. An award of the actual damages Mega has suffered by reason of the infringement charged in this Complaint, in an amount not less than a reasonable royalty on Wolo's sales of the products charged with infringing the Mega patent;
  - 4. An award to Plaintiff Mega of its costs of suit herein; and

1	5. Such other and furth	er relief as the Court may deem just and proper.
2 3	Dated: September 2015	Respectfully submitted,
		WAGNER, ANDERSON & BRIGHT PC
4		WAGNER, ANDERSON & BRIGHT TO
5		By Garri Hours
6 7		By:Patrick F. Bright
8		Attorneys for Plaintiff Mega Distribution Int'l Inc.
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**DEMAND FOR JURY TRIAL** Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, and Local Rule 38-1, Plaintiff Mega does hereby demand trial by jury of each and every issue and claim as to which it is entitled to trial by jury under Rule 38(a) of the Federal Rules of Civil Procedure. Dated: September  $\frac{\$}{2}$ , 2015 Respectfully submitted, WAGNER, ANDERSON & BRIGHT PC Attorneys for Plaintiff Mega Distribution Int'l Inc. 

# **EXHIBIT A**



### (12) United States Design Patent

Shin

(10) Patent No.:

**US D614,063 S** 

(45) Date of Patent:

\*\* Apr. 20, 2010

(34)	WARNING	LIGHI	LENS

David D Shin, 7322 Madison St., Paramount, CA (US) 90723

(\*\*) Term: 14 Years

(21) Appl. No.: 29/352,301

(22)	Filed:	Dec. 18, 2009	
(51)	LOC (9)	Cl	10-05
(52)	U.S. Cl.		D10/114
(58)	Field of	Classification Search	D10/109,
	D10	/111, 114; D26/29–31, 60, 37, 24;	362/158,
		362/171–174	, 183–208

See application file for complete search history.

#### (56)References Cited

#### U.S. PATENT DOCUMENTS

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D205,957	S		10/1966	Skokie
D215,117	S		9/1969	Stahl
D221,106	S		7/1971	Tixier
4,020,047	Α		4/1977	Burland
D246,131	S		10/1977	Schifrin
D246,330	S	٠	11/1977	Krase et al D26/76
D248,791	S		8/1978	Tixier
D255,883	S		7/1980	Ferenc
D282,687	S		2/1986	McMahon
D352,914	S		11/1994	Sours
D375,180	S		10/1996	Lyons
D397,633	S	•	9/1998	Yang et al D10/111
D402,576	S		12/1998	Yang et al.
D407,168	S	*	3/1999	Arakelian D26/28
D414,712	S	+	10/1999	Yang et al D10/111
D483,511	S		12/2003	Lay
D530,437	S		10/2006	Neufeglise
D542,948	S		5/2007	Columbro
D564,108			3/2008	Lassen
D583,695		٠	12/2008	Grote, Jr D10/109
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D584,180	S	1/2009	Pokorny
D589,835	S		Pokorny
D591,187	S	4/2009	Pokorny
D591,188	S	4/2009	Pokorny
D593,428	S	6/2009	Lyons
D595,172	S	7/2009	Pokorny
2005/0190553	Al	9/2005	Lynch et al.

\* cited by examiner

Primary Examiner-Caron Veynar Assistant Examiner—George D Kirschbaum (74) Attorney, Agent, or Firm-Kirk A. Buhler; Buhler & Associates

(57) **CLAIM** 

The ornamental design of a warning light lens, as shown and described.

#### DESCRIPTION

FIG. 1 is a top perspective view for a warning light lens showing my new design;

FIG. 2 is a top view thereof;

FIG. 3 is a right view, the opposite left side is a mirror image thereof;

FIG. 4 is a bottom view thereof;

FIG. 5 is a front view, the opposite back side is a mirror image

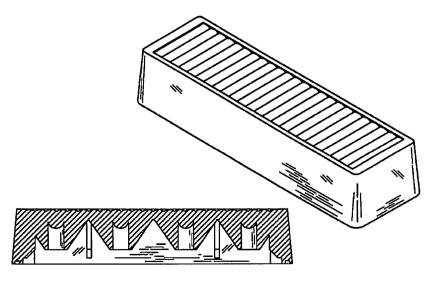
FIG. 6 is a cross-sectional view taken along lines 6—6 from FIG. 4 thereof;

FIG. 7 is a cross-sectional view taken along lines 7-7 from FIG. 4; and,

FIG. 8 is a perspective view of the warning light lens with environmental mounted hardware.

The broken lines in FIG. 8 depict environmental subject matter of mounting hardware for the invention only and form no part of the claimed design.

#### 1 Claim, 4 Drawing Sheets

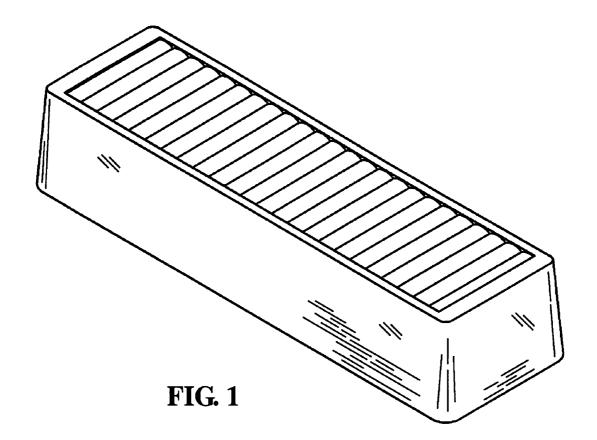


U.S. Patent

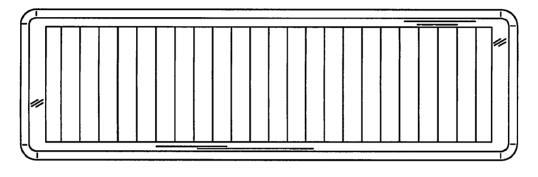
Apr. 20, 2010

Sheet 1 of 4

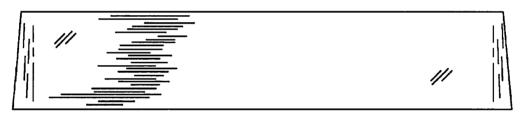
**US D614,063 S** 



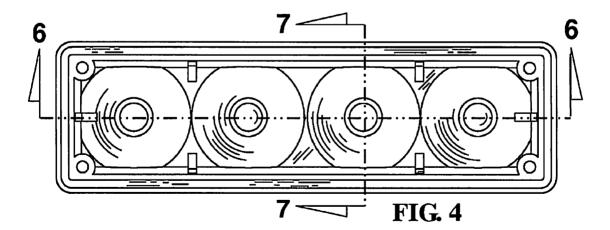
U.S. Patent Apr. 20, 2010 Sheet 2 of 4 US D614,063 S



**FIG. 2** 



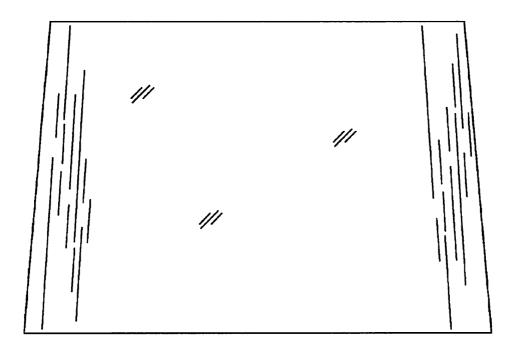
**FIG. 3** 



U.S. Patent

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**US D614,063 S** 



**FIG. 5** 

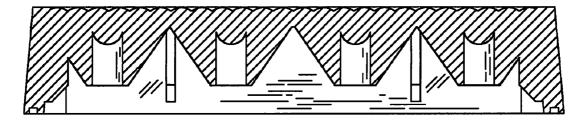
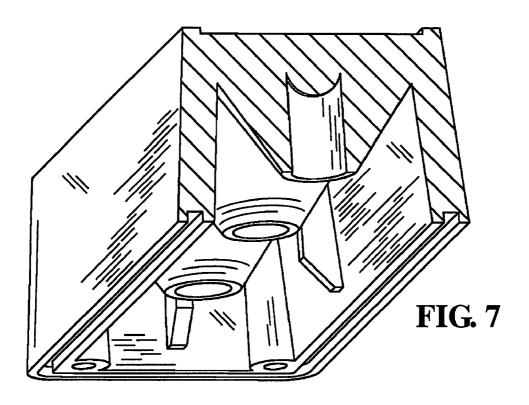
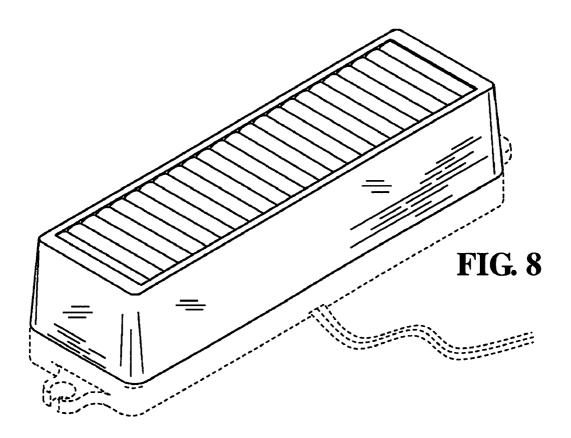


FIG. 6

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## EXHIBIT B

### (12) United States Design Patent

(45) Date of Patent:

(10) Patent No.:

**US D618,572 S** 

\*\* Jun. 29, 2010

#### (54) WARNING LIGHT LENS

(76) Inventor: David D Shin, 7322 Madison St., Paramount, CA (US) 90723

(\*\*) Term: 14 Years

(21) Appl. No.: 29/352,299

(22) Filed: Dec. 18, 2009

(51) LOC (9) Cl. ...... 10-05 (52) U.S. Cl. ..... D10/114 (58) Field of Classification Search ...... D10/109, D10/111, 114; D26/29-31, 60, 37, 24; 362/158,

See application file for complete search history.

362/171-174, 183-208

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D375,180	S		10/1996	Lyons
D397,633	S	•	9/1998	Yang et al D10/111
D402,576	S		12/1998	Yang et al.
D407,168	S	•	3/1999	Arakelian D26/28
D414,712	S	•	10/1999	Yang et al D10/111
D483,511	S		12/2003	Lay
D530,437	S		10/2006	Neufeglise
D542,948	S		5/2007	Columbro
D564,108	S		3/2008	Lassen
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D589,835 S	4/2009	Pokorny
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D591,188 S	4/2009	Pokorny
D593,428 S	6/2009	Lyons
D595,172 S	6/2009	Pokorny
2005/0190553 A	.1 9/2005	Lynch et al.

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Primary Examiner—Caron Veynar Assistant Examiner-George D Kirschbaum (74) Attorney, Agent, or Firm-Kirk A. Buhler; Buhler & Associates

#### **CLAIM** (57)

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#### DESCRIPTION

FIG. 1 is a top perspective view for a warning light lens showing my new design;

FIG. 2 is a top view thereof;

FIG. 3 is a right view, the opposite left side is a mirror image thereof;

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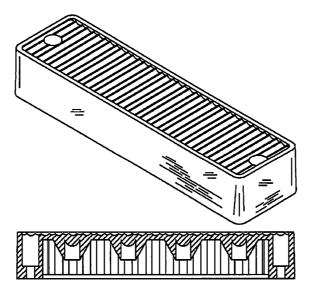
FIG. 6 is a cross-sectional view taken along the lines 6-6 from FIG. 4 thereof;

FIG. 7 is a cross-sectional view taken along the lines 7—7 from FIG. 4; and,

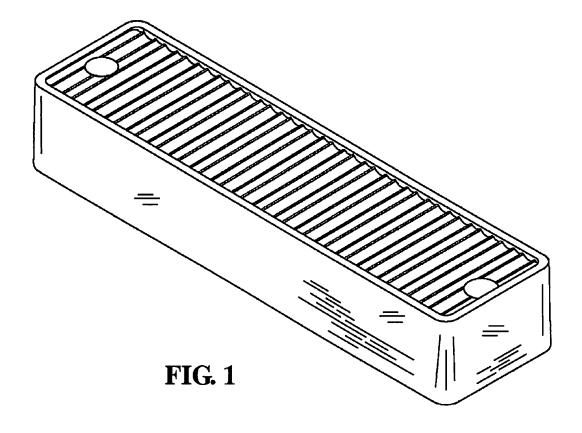
FIG. 8 is a perspective view of the warning light lens with environmental mounted hardware.

The broken lines in FIG. 8 depict environmental subject matter of mounting hardware for the invention only and form no part of the claimed design.

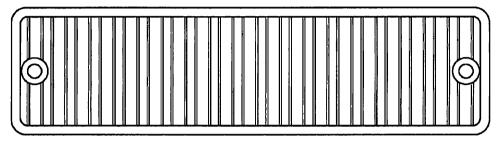
#### 1 Claim, 4 Drawing Sheets



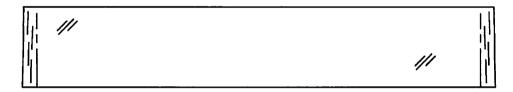
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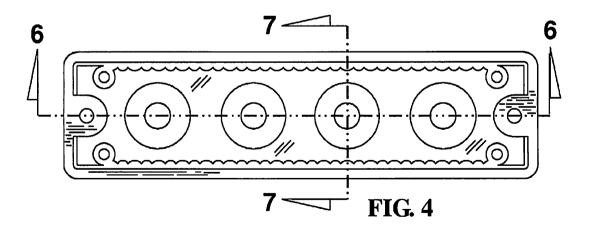
U.S. Patent Jun. 29, 2010 Sheet 2 of 4 US D618,572 S



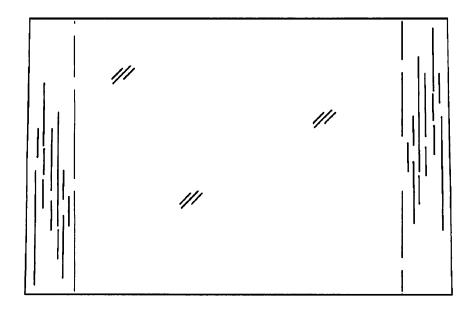
**FIG. 2** 



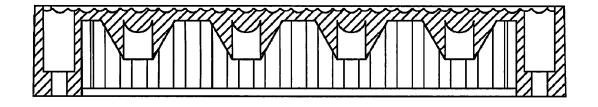
**FIG. 3** 



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**FIG. 5** 

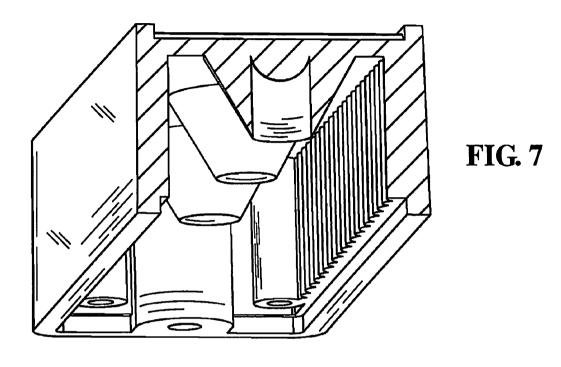


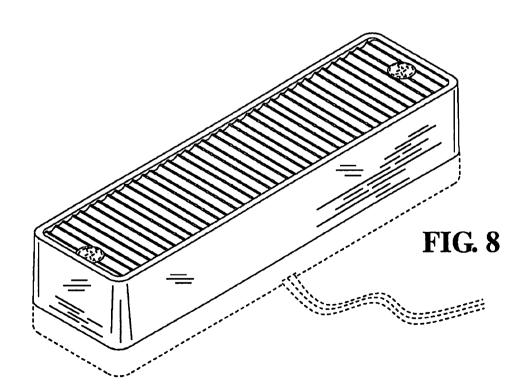
**FIG. 6** 

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# **EXHIBIT C**

WOLO'S PRODUCT 7900-A, 7905-B, 7910-R, 7915-BR, 7920-RB, 7950-A 3780M-R, 3775M-B, 3770M-A DESIGN PATENT

MODEL NUMBER



D614,063

3780M-R



D614,063

3775M-B



D614,063

3770M-A





D618,572

7900-A, 7905-B, 7910-R, 7915-BR, 7920-RB, 7950-A



D614,063

3720M-A