

CHRISTIAN FENTON, SBN 272321  
THE LAW OFFICE OF CHRISTIAN FENTON  
5703 Oberlin Drive, Suite 201  
San Diego, California 92121  
Telephone (619) 866-6338  
cfenton@christianfentonlaw.com

Attorney for Plaintiff TURN-KEY-TECH, LLC

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

TURN-KEY-TECH, LLC, a California limited liability company,	)	Case No. <b>'16CV0644 GPC BGS</b>
	)	
Plaintiff,	)	<b>COMPLAINT FOR PATENT</b>
v.	)	<b>INFRINGEMENT; EXHIBITS A-B</b>
	)	
GPML, CO., an Arizona corporation; and	)	<b>DEMAND FOR JURY TRIAL</b>
DOES 1 – 100,	)	
	)	
Defendants.	)	
	)	
	)	
	)	
	)	

Plaintiff TURN-KEY-TECH, LLC (“TURNKEY”), for its Complaint against  
Defendants alleges as follows:

**THE PARTIES**

1. TURNKEY is a California limited liability company, and owner of all  
rights to United States Patent No. 6,960,316 (hereinafter the “316 patent”). A true

1 and correct copy of the '316 patent is attached hereto as Exhibit A.

2 2. Defendant GPML, CO. ("GPML") is a corporation organized under the  
3 laws of Arizona, having a principal office located at 1224 N. Hobson Street, Gilbert,  
4 Arizona 85233.

5 3. Defendants DOES 1 – 100 are other persons or entities, presently  
6 unidentified, that have also been engaged, directly or indirectly, in the manufacture,  
7 import, sale, and/or offer for sale in the United States of the products accused of a  
8 substantial likelihood of infringement herein.

9 4. On information and belief, Defendants have acted as agents of one or  
10 more of each other during some or all of the times relative to the subject matter of  
11 this Complaint.

12  
13 **JURISDICTION AND VENUE**  
14

15 5. This action arises under the patent laws of the United States of America,  
16 Title 35, United States Code. Jurisdiction is founded on Title 28, United States Code  
17 §§ 1331, 1332(a), and 1338(a).

18 6. On information and belief, venue in this district is proper under 28  
19 U.S.C. §§ 1391 and 1400(b) because Defendants have committed acts with a  
20 substantial likelihood of infringement in this District.

21 7. This Court has personal jurisdiction over Defendants because they have  
22 manufactured within, imported into, offered for sale, and/or sold products with a  
23 substantial likelihood of infringement in this District.

24  
25 **CLAIM FOR RELIEF**

26 **(Patent Infringement)**  
27

28 8. TURNKEY re-alleges and incorporates herein by reference paragraphs

1 through 7, inclusive, as though fully set forth herein.

9. The '316 patent, entitled "Injection-Molded Plastic Container or Closure with Turned-Under Rim and Method of Injection-Molding the Same," was issued on November 1, 2005.

10. On information and belief, Defendants have, within the past six years, made, imported into, sold or offered for sale within the United States and this District, products for which plastic component parts bear a substantial likelihood of being manufactured through processes which incorporate all elements of at least Claim 1 of the '316 patent (hereinafter "Accused Products").

11. The Accused Products include the products specifically identified below, and any other of Defendants' products sold under any name which were manufactured utilizing the same or similar processes, including but not limited to, any other product manufactured using the same or a similar injection mold as any of the following products:

**Scott's Liquid Gold Dust 'n Go Cloths (20)**  
**Four Peaks Cleaning Wipes (75)**  
**Four Peaks Automotive Protectant Wipes (75)**

12. Defendant GPMI has not obtained a license or any other valid authorization for import, sale, or offer for sale in the United States of products manufactured through use of the '316 patented process.

13. Defendants have been on constructive notice of the '316 patent at least since its issuance on November 1, 2005.

14. Defendant GPMI has been on actual express notice of the '316 patented process since at least November 20, 2013.

15. Upon information and belief, Defendants have engaged in design, manufacture, import, selling, and/or offering for sale within the United States, including this District, products that bear a substantial likelihood of employing the

1 '316 patented process.

2 16. On information and belief, the Accused Products identified herein and  
3 as-yet-unidentified products manufactured through the same or substantially similar  
4 processes meet all the structural elements and bear a substantial likelihood of having  
5 been manufactured through processes incorporating all elements of at least Claim 1  
6 of the '316 patent. Plaintiff's allegation is based upon a thorough physical  
7 inspection and analysis of actual specimens of the Accused Products, as well as a  
8 comparison of the structural elements of the Accused Products against the elements  
9 of Claim 1 of the '316 patent.

10 17. None of Defendants have obtained a license or any other authorization  
11 from the Plaintiff for manufacture, import, sale, and/or offer for sale in the United  
12 States of products manufactured through use of the '316 patented process.

13 18. The notice to Defendant GPMI dated January 22, 2016 from Plaintiff  
14 provided Defendant GPMI with drawings and an associated claim chart  
15 demonstrating the substantial likelihood, pursuant to 35 U.S.C. § 295, of  
16 infringement of the '316 patented process by the import, sale and/or offer for sale in  
17 this District and the United States of the identified Accused Products and all other  
18 said Defendant's products manufactured with processes which incorporate all  
19 elements of at least Claim 1 of the '316 patent. A true and correct copy of that notice  
20 to Defendant GPMI is attached hereto as Exhibit B.

21 19. The evidence and discussion provided to Defendant GPMI in that notice  
22 demonstrates the substantial likelihood that the Accused Products incorporated each  
23 element of at least Claim 1 of the '316 patent, and is incorporated by reference  
24 herein.

25 20. Defendant GPMI has been asked, pursuant to 35 U.S.C. § 295, to  
26 provide the factual information necessary to verify the manufacturing process used to  
27 make the Accused Products.

28 21. To date, Defendant GPMI has not produced any evidence demonstrating

1 the actual process used to manufacture any of the Accused Products.

2 22. Reasonable efforts have been made by Plaintiff to obtain the process  
3 information for the Accused Products, providing Defendants with an opportunity to  
4 prove that the Accused Products were not manufactured employing the '316 process.

5 23. On information and belief, based upon the substantial likelihood of  
6 infringement as discussed above, Defendants made, used, imported, sold and/or  
7 offered for sale within the United States and this District, during the past six years,  
8 the Accused Products bearing a substantial likelihood of being manufactured using  
9 the '316 patented process, without authority to do so, in violation of 35 U.S.C. § 271,  
10 knowingly and in wanton and willful disregard of Plaintiff's '316 patent rights.

11 24. On information and belief, based on the substantial likelihood of  
12 infringement as discussed above, Defendants contributed to the likely infringement  
13 of the '316 patent and actively induced others to likely infringe the '316 patent by  
14 virtue of making, importing, selling, using and/or offering for sale within the United  
15 States and this District, in violation of 35 U.S.C. § 271, Accused Products bearing a  
16 substantial likelihood of being manufactured using the '316 patent process in wanton  
17 and willful disregard of Plaintiff's '316 patent rights.

18 25. Based on the substantial likelihood of infringement as discussed above,  
19 the conduct of Defendants makes this an exceptional case within the meaning of 35  
20 U.S.C. § 285.

21 26. On information and belief, based on the substantial likelihood of  
22 infringement as discussed above, Plaintiff has suffered damages by reason of  
23 Defendants' likely infringing conduct alleged hereinabove, in an amount that  
24 constitutes at least a reasonable royalty for all of Defendants' sales of the Accused  
25 Products during the past six years, and for future sales during the enforcement period  
26 of the '316 patent, according to proof at trial.

27 27. On information and belief, based upon the substantial likelihood of  
28 infringement as discussed above, the reasonable royalty owed to TURNKEY from

1 Defendants should be trebled on account of the willful likely infringement by  
2 Defendants, and according to proof at trial.

3 **PRAYER FOR RELIEF**

4 **WHEREFORE**, TURNKEY prays that judgment be entered as follows:

5 a. That the Accused Products are presumed to infringe the ‘316 patent  
6 pursuant to 35 U.S.C. § 295;

7 b. That Defendants are adjudicated and decreed to have thus infringed the  
8 ‘316 patent;

9 c. That Defendants are adjudicated and decreed to have thus contributed to  
10 the infringement of the ‘316 patent and to have thus induced others to infringe the  
11 ‘316 patent;

12 d. That Defendants are ordered to account for damages adequate to  
13 compensate Plaintiff for thus infringing the ‘316 patent, thus contributorily  
14 infringing the ‘316 patent, and thus inducing infringement of the ‘316 patent,  
15 according to proof at trial, and that such damages are awarded to Plaintiff;

16 e. That such damages as are awarded are trebled by the Court pursuant to  
17 35 U.S.C. § 284 by reason of the willful, wanton, and deliberate nature of that  
18 infringement;

19 f. That this case is decreed an “exceptional case” and that Plaintiff is  
20 awarded reasonable attorneys’ fees by the Court pursuant to 35 U.S.C. § 285;

21 g. For interest thereon at the legal rate;

22 h. For costs of suit herein incurred; and

23 i. For such other and further relief as the Court may deem just and proper.

24  
25 **DEMAND FOR JURY TRIAL**

26  
27 TURNKEY respectfully requests that its claims be tried to a jury.  
28

1 DATED this Tuesday, March 08, 2016.

2  
3 TURN-KEY-TECH LLC, Plaintiff

4  
5 /sCHRISTIAN FENTON

6 Christian Fenton

7 Attorney for Plaintiff