

HONORABLE JAMES L. ROBERT

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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NATIONAL PRODUCTS INC.,

Plaintiff,

v.

ARKON RESOURCES, INC.

Defendant.

Case No. 2:15-cv-01984-JLR

Lead Case

NATIONAL PRODUCTS, INC.,

Plaintiff,

v.

WIRELESS ACCESSORY SOLUTIONS,
LLC, d/b/a IBOLT – WIRELESS
ACCESSORY SOLUTIONS, LLC

Defendant.

Case No. 2:15-cv-02024-JLR

FIRST AMENDED COMPLAINT

JURY TRIAL DEMANDED

Plaintiff National Products, Inc. (“NPI”) brings this action against Defendant Wireless Accessory Solutions, LLC, d/b/a iBOLT – Wireless Accessory Solutions, LLC (“Defendant” or “iBOLT”) for an injunction, damages, and other appropriate relief to stop Defendant from violating NPI’s patent and trademark rights. NPI states and alleges as follows:

THE PARTIES

1. NPI is a corporation organized and existing under the laws of the State of Washington, having its principal place of business at 8410 Dallas Ave S., Seattle, Washington

1 98108.

2 2. NPI is a market leader in the design, manufacture, and sale of innovative
3 mounting systems, including mounts for tablets, cellular phones, and other portable devices,
4 which are used, for example, in cars, trucks, bikes, planes, boats and motorcycles.

5 3. Upon information and belief, Defendant iBOLT is a limited liability company
6 organized and existing under the laws of the State of Utah, which is registered to do business in
7 the State of California and which has its principal place of business at 11 Flower Street, Arcadia,
8 California 91006.

9 4. Upon information and belief, Defendant is a manufacturer and distributor of
10 mounts for cellular phones, which are used, for example, in cars. Defendant advertises, markets,
11 and sells its products, including the products that are the subject of the tortious acts alleged in
12 this lawsuit, to the public throughout the United States, including within this judicial district.

13 **NATURE OF THE ACTION**

14 5. This is a civil action for (1) patent infringement of United States Patent
15 No. 6,585,212 (“the ’212 patent”) under the patent laws of the United States, including without
16 limitation, 35 U.S.C. § 1 et seq.; (2) trade dress infringement of United States Trademark Reg.
17 No. 4,254,086 under 15 U.S.C. § 1114; (3) Unfair Competition and False Designation of Origin
18 under 15 U.S.C. § 1125(a); (4) trade dress infringement under Washington common law; (5)
19 Unfair Business Practices under RCW 19.86 *et seq.*; (6) Unfair Competition under Washington
20 common law; and (7) Unjust Enrichment under Washington common law.

21 **JURISDICTION AND VENUE**

22 6. This Court has subject matter jurisdiction pursuant to 15 U.S.C. §§ 1114, 1121,
23 and 1125, and 28 U.S.C. §§ 1331 and 1338(a) and (b). NPI also asserts claims under
24 Washington law, which are so related to the federal question claims that they are part of the same
25 case and controversy, and therefore fall within the scope of this Court’s supplemental jurisdiction
26 pursuant to 28 U.S.C. § 1367(a).

27 7. This Court has personal jurisdiction over Defendant because, among other things,

1 Defendant has engaged in business activities in and directed to this judicial district and the State
2 of Washington, and has committed the tortious acts complained of in this judicial district and the
3 State of Washington that led to foreseeable harm and injury to NPI. Defendant sells and offers to
4 sell its infringing products directly through its website to the public throughout the United States,
5 including this judicial district. Defendant also sells and offers to sell its infringing products
6 directly through Amazon.com, an online retailer with headquarters in this judicial district, to the
7 public throughout the United States, including this judicial district. Upon information and belief,
8 Defendant has contracted or otherwise formed agreements with Amazon.com to receive services
9 related to its selling and offering to sell its infringing products, including storage, shipping, and
10 customer service through Amazon.com's facilities and services. Defendant also distributes its
11 infringing products throughout the United States, including this judicial district, to retailers,
12 including Verizon Wireless.

13 8. Venue is proper in this judicial district under 28 U.S.C. §§ 1391 and 1400(b).

14 **THE '212 PATENT**

15 9. On July 1, 2003, U.S. Patent No. 6,585,212 ("the '212 patent"), entitled "Quick
16 Release Electronics Platform," was duly and legally issued to Jeffrey D. Carnevali. The '212
17 patent is generally directed to a mounting platform for an accessory device, such as, for example,
18 a cellular phone, phablet, tablet, laptop, radar detector, handheld device, or the like.

19 10. NPI is the owner, by assignment, of all right, title, and interest in the '212 patent,
20 including the rights to exclude others and to sue and recover damages for infringement.

21 11. To the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff
22 and/or all predecessors in interest and/or implied or express licensees of the '212 patent, if any,
23 have complied with the marking requirements of 35 U.S.C. § 287 by fixing the word "patented"
24 together with the address of NPI's website, which is accessible to the public without charge and
25 which associates the patented article with the '212 patent in the "Patent and Trademarks" page of
26 NPI's website, on all goods made, offered for sale, sold, and/or imported into the United States
27 that embody one or more claims of the '212 patent.

12. A true and correct copy of the '212 patent is attached as **Exhibit A**.

NPI'S TRADEMARK

13. NPI was founded by Jeff Carnevali in Seattle in 1992 and is in the business of manufacturing and selling, among other things, mounting systems and device mounting solutions including its highly successful product line of RAM Mounting Systems.

14. Since 1992, NPI has continuously and exclusively used in commerce a double-socket RAM Mounting device with a distinctive hourglass-shaped profile. NPI has aggressively enforced its hourglass design trade dress rights. For example, in 2005, after NPI's competitor Gamber-Johnson LLC had begun selling hourglass-shape double-socket arm mounts, NPI filed an Amended Complaint alleging, *inter alia*, infringement of its hourglass-shaped trade dress. A true and correct copy of the Amended Complaint in that action and Exhibit 2 attached thereto is attached hereto as **Exhibit B**. Following are true and correct excerpts from Exhibit 2 to that Amended Complaint comparing the trade dress infringing device with the RAM Mount device:



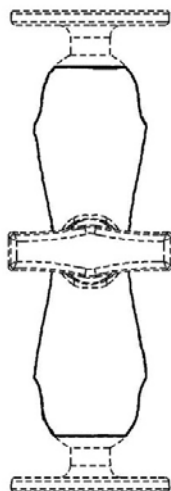
1 15. In the Amended Consent Judgment entered on October 2, 2006 by this Court, the
2 parties stipulated that “NPI also has a protectable trade dress in the hourglass shaped profile of
3 its double-socket RAM Mount products [and] this trade dress is nonfunctional and has acquired
4 secondary meaning with consumers.” Thus, the Court “enjoined [Gamber-Johnson] from
5 infringing NPI’s trade dress, comprising the distinctive hourglass-shaped profile of NPI’s
6 double-socket RAM Mount devices, for the life of the trade dress.” A true and correct copy of
7 the Amended Consent Judgment is attached hereto as **Exhibit C**.

8 16. On May 23, 2012, NPI filed an application with the United States Patent and
9 Trademark Office (“PTO”) to register its hourglass shaped profile trade dress on the Principal
10 Register. A true and correct copy of the application is attached hereto as **Exhibit D**. Following
11 are true and correct excerpted copies of specimens that were attached to the application as
12 exemplars of NPI’s trade dress:



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25 17. On December 4, 2012, the PTO granted the application as amended for the
26 “MARK CONSIST[ING] OF A THREE-DIMENSIONAL CONFIGURATION OF A
27 DOUBLE-SOCKET MOUNT ARM THAT IS TAPERED IN THE MIDDLE LIKE AN

1 HOURGLASS.” registered under U.S. Trademark Reg. No. 4,254,086 and issued to NPI. The
 2 registration certificate also contained a drawing of the following trade dress shape with the
 3 limitation: “THE DOTTED LINES OUTLINING THE ENDS OF THE MOUNT AND THE
 4 ADJUSTMENT KNOB INDICATE PLACEMENT OF THE MARK ON THE GOODS AND
 5 ARE NOT PART OF THE MARK”:



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 14 The registration is valid and subsisting, and NPI has been the continuous owner of the hourglass
 15 shaped profile of a double-socket mount device trade dress from 1992 to the present. NPI’s
 16 website provides notice that “[t]he Hourglass Shape® is a registered trademark of National
 17 Products Inc.”

18 18. NPI owns all rights, title, and interests in and to, and holds the first, superior, and
 19 exclusive rights to use the mark identified on the PTO Principle Register under Registration No.
 20 4,254,086.

21 19. A true and correct copy of the registration certificate is attached hereto as
 22 **Exhibit E.**

23 **COUNT I**
 24 **(Patent Infringement of United States Patent No. 6,585,212)**

25 20. NPI realleges and reincorporates the allegations in paragraphs 1-19 above.

26 21. Defendant has been, is currently, and continues to infringe at least claim 27 of the
 27 ’212 patent, directly, contributorily, and/or by inducement, by making, using, offering to sell,

1 and selling within the United States and/or importing into the United States products that infringe
2 the '212 patent, including all products that incorporate the miniPro, including but not limited to,
3 the miniPro Holder, the miniPro Connect Kit for NFC enabled Phones, the miniPro
4 Windshield/Dash Kit for all Smartphones (including without limitation, the miniPro Kit
5 Universal Holder, the miniPro Window/Dash Car Mount, and the miniPro Universal In-Car
6 Dock for iPhone, Samsung, HTC, Motorola, Nokia, LG and Sony), the miniPro Vent Universal
7 Car Dock, the Tripod miniPro, the Tripod miniPro + BT Selfie, the miniPro Charge & Play Kit,
8 and the miniPro Car Dock for the Amazon Fire Phone (collectively, “the miniPro products”); all
9 products that incorporate the sPro2, including but not limited to, the sPro2 Holder, the sPro2
10 Connect for NFC enabled Phones, the sPro2 Kit, and the sPro2 Windshield Dash and Vent
11 Combo Kit (collectively, “the sPro2 products”); and all products that incorporate the xProDock,
12 including but not limited to, the xProDock Holder, the xProDock 2 Connect Kit, the xProDock
13 Connect for NFC enabled Phones (including without limitation, the xProDock Active Car
14 Dock/Holder/Mount), the xProDock Connect Holder for NFC enabled Phones, the xProDock for
15 HTC Kit, the xProDock for HTC with 6ft USB charging cable, the xProDock for Samsung with
16 9ft aux/charge cable, the xProDock for Samsung with charging cable, xProDock Universal Kit
17 for all micro-USB smartphones, the xProDock NFC Bizmount, the xProDock Music & Charge
18 Kit, the xProDock iCharge & Sync, and the xProDock for Blackberry Kit (collectively, “the
19 xProDock products”).

20 22. Visual inspection of the miniPro Windshield/Dash Kit for all Smartphones
21 product, which incorporates the miniPro, demonstrates it literally infringes each and every
22 element of claim 27. For example, Defendant’s website depicts the miniPro as comprising the
23 mounting platform of claim 27:

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<https://ibolt.co/car-docks/minipro>.

23. Visual inspection of the sPro2 Windshield Dash and Vent Combo Kit product, which incorporates the sPro2, demonstrates that it literally infringes each and every element of claim 27. For example, Defendant’s website depicts the sPro2 as comprising the mounting platform of claim 27:



<https://ibolt.co/car-docks/smartphone-mounts/spro2-combo-kit>.

24. Visual inspection of the xProDock Connect for NFC enabled Phones product, which incorporates the xProDock, demonstrates that it literally infringes each and every element

1 of claim 27. For example, Defendant's website depicts the xProDock as comprising the
2 mounting platform of claim 27:



11 <https://ibolt.co/car-docks/smartphone-mounts/galaxy-s6-edge-plus/xprodock-connect>.

12 25. Defendant has been, is currently, and continues to induce infringement of the '212
13 patent by actively and knowingly inducing others to make, use, sell, offer for sale, or import
14 products, such as the Accused Products that embody or use the inventions claimed in the '212
15 patent. For example, by the Complaint dated December 29, 2015 (which Defendant answered on
16 January 25, 2016), NPI notified Defendant that the Accused Products infringe the '212 patent.
17 Upon information and belief, NPI's Complaint gave Defendant sufficient notice that the making
18 and the using of the Accused Products by any entity would constitute infringement and that
19 Defendant's customers and end users were infringing, at least through the assembling and using
20 of the Accused Products. Further, for example, by NPI's Disclosure of Asserted Claims and
21 Preliminary Infringement Contentions dated May 18, 2016, NPI notified Defendant that its
22 customers and end users were directly infringing, explained that the assembly and use of the
23 Accused Products by its customers and end users would constitute infringement, and described
24 how the Accused Products infringe the '212 patent. Despite learning of this infringement from at
25 least two different sources, Defendant (1) continued to make, sell, and offer to sell these products
26 to its customers, at least by selling such products to its customers on its websites and other
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1 websites such as Amazon.com, and (2) continued to provide product instructions with its
2 products and/or on its website instructing customers and end users to assemble and use those
3 products, all of which demonstrates that Defendant intends for its customers and end users to
4 infringe. Defendant therefore had knowledge of its customers' infringement of, and specifically
5 intended to infringe, the '212 patent.

6 26. Defendant has been, is currently, and continues to contributorily infringe the '212
7 patent by selling or offering to sell products, such as the miniPro, sPro2 and xProDock, knowing
8 them to be especially made or especially adapted for practicing the claimed invention of the '212
9 patent and not a staple article or commodity of commerce with substantial non-infringing uses.
10 For example, Defendant provides instructions and advertising for the Accused Products that
11 focus on the use of the products to hold an accessory device, such as, for example, a cellular
12 phone, phablet, tablet, laptop, radar detector, handheld device, or the like. The instructions and
13 advertising for Defendant's Accused Products solely and exclusively address infringing uses of
14 Defendant's Accused Products; they explain how the products are assembled and used
15 exclusively as a mount for holding an accessory device. Defendant's instructions and advertising
16 therefore demonstrate that the Accused Products have no substantial non-infringing uses and that
17 they are specifically intended for practicing the '212 patent. Further, Defendant had knowledge
18 of the '212 patent and the fact that its Accused Products are especially made or especially
19 adapted for use in an infringement of the '212 patent. For example, by NPI's Disclosure of
20 Asserted Claims and Preliminary Infringement Contentions dated May 18, 2016, NPI notified
21 Defendant that, by assembling the Accused Products containing the miniPro, sPro2, or xProDock
22 as directed by Defendant, and by using the Accused Products as directed by Defendant,
23 Defendant's customers and end users infringe the '212 patent. Defendant therefore had
24 knowledge that the combination for which its components were especially made was both
25 patented and infringing.

26 27. As a direct and proximate consequence of Defendant's infringement of the '212
27 patent, NPI has suffered irreparable harm, and NPI will continue to suffer irreparable harm in the

1 future unless Defendant is enjoined from infringing the '212 patent.

2 28. Upon information and belief, the continued infringement by Defendant of the
3 '212 patent is willful.

4 **COUNT II**

5 **(Federal Trade Dress Infringement under 15 U.S.C. § 1114)**

6 29. NPI realleges and incorporates by this reference herein each and every allegation
7 set forth in paragraphs 1 through 28 above.

8 30. Defendant has infringed and continues to infringe NPI's rights in its trade dress
9 by marketing, distributing, and selling within the United States products containing double-
10 socket mount arms tapered in the middle like an hourglass, including but not limited to the
11 following: all products that incorporate the Bizmount, including without limitation, the
12 xProDock NFC Bizmount, the iPro2 Bizmount, the TabDock Bizmount, and the Tabdock 2
13 Bizmount (collectively, "the Bizmount products"). On information and belief, Defendant sells
14 the Bizmount products from its website and from the Amazon.com online retail platform to
15 consumers throughout the United States, including this district and the State of Washington. On
16 information and belief, Defendant also distributes the Bizmount products to retailers for sale
17 throughout the United States, including this district and the State of Washington.

18 31. Visual inspection of the xProDock NFC Bizmount product, which incorporates
19 the Bizmount, demonstrates that it infringes NPI's rights in its trade dress. For example,
20 Defendant's website depicts the xProDock as comprising a double-socket mount arm tapered in
21 the middle like an hourglass:



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11 <https://ibolt.co/car-docks/smartphone-mounts/connect-kits/xpro-dock-bizmount>.

12 32. Defendant's use in its products of NPI's registered trade dress with a double-
13 socket mount arm tapered in the middle like an hourglass, or of a confusingly similar variation
14 thereof, is likely to cause confusion, or mistake, or to deceive others into believing that
15 Defendant's products are manufactured, offered, sponsored, authorized, licensed, of similar
16 quality to, or otherwise connected or affiliated with NPI and NPI's RAM Mounting Systems.

17 33. Defendant either had actual notice and knowledge, or had constructive notice by
18 the PTO's placement of the mark on the Principal Register and NPI's notice of ® with the mark
19 on NPI's RAM Mounts website prior to Plaintiff's adoption and use of NPI's registered trade
20 dress.

21 34. On information and belief, Defendant's acts are deliberate and intended to
22 confuse the public as to the source of the Bizmount products, to injure NPI, and to reap the
23 benefits of NPI's goodwill associated with NPI's trade dress.

24 35. On information and belief, Defendant's acts are deliberate and intended to
25 confuse the public as to the source of the Bizmount products, to injure NPI, and to reap the
26 benefits of NPI's goodwill associated with NPI's trade dress.

27 36. As a direct and proximate result of Defendant's willful and unlawful conduct,

1 Defendant has damaged and will continue to damage NPI's business, market, reputation, and
2 goodwill, and may discourage current and potential customers from dealing with NPI. Such
3 irreparable damage will continue unless Defendant is enjoined from infringing NPI's registered
4 trade dress.

5 37. Defendant's acts have damaged and will continue to damage NPI, and NPI has no
6 adequate remedy at law.

7 38. In light of the foregoing, NPI is entitled to injunctive relief prohibiting Defendant
8 from using NPI's trade dress or any trade dress confusingly similar thereto for any purpose, and
9 to recover from Defendant all damages that NPI has sustained and will sustain as a result of such
10 infringing acts, and all gains, profits and advantages obtained by Plaintiff as a result thereof, in
11 an amount not yet known well, as well as the costs of this action pursuant to 15 U.S.C. § 1117(a)
12 and attorneys' fees and treble damages pursuant to 15 U.S.C. § 1117(b).

13 39. Pursuant to 15 U.S.C. § 1118, NPI also asks the Court for an order forcing
14 Defendant to deliver up for destruction all products, labels, signs, prints, advertisements, and
15 other articles in Defendant's possession that infringe upon NPI's rights.

16 **COUNT III**

17 **(Federal Unfair Competition and False Designation of Origin
under 15 U.S.C. § 1125(a))**

18 40. NPI realleges and incorporates by this reference each and every allegation set
19 forth in paragraphs 1 through 39 above.

20 41. NPI's distinctive and non-functional registered trade dress is a designation of
21 origin that identifies NPI as the exclusive source of the RAM Mount double-socket mount arm
22 devices, and distinguishes NPI's goods from the goods of others in the marketplace.

23 42. Defendant's use of NPI's trade dress in its goods constitutes false designation of
24 origin and/or false or misleading representation. Defendant's use of an identical or confusingly
25 similar variation of NPI's trade dress is likely to cause confusion, or mistake, or to deceive others
26 into believing that Defendant's products are manufactured, offered, sponsored, authorized,
27 licensed, of similar quality to, or otherwise connected or affiliated with NPI and NPI's RAM

1 Mounting Systems.

2 43. Such false designation of origin and or representation constitutes unfair
3 competition and is an infringement of NPI's rights in its trade dress in violation of § 43(a) of the
4 Lanham Act, 15 U.S.C. § 1125(a).

5 44. Defendant either had actual notice and knowledge, or had constructive notice by
6 the PTO's placement of the mark on the Principal Register and NPI's notice of ® with the mark
7 on NPI's RAM Mounts website prior to Plaintiff's adoption and use of NPI's registered trade
8 dress.

9 45. On information and belief, Defendant's acts are deliberate and intended to
10 confuse the public as to the source of the Bizmount products, to injure NPI, and to reap the
11 benefits of NPI's goodwill associated with NPI's trade dress.

12 46. As a direct and proximate result of Defendant's willful and unlawful conduct,
13 Defendant has damaged and will continue to damage NPI's business, market, reputation, and
14 goodwill, and may discourage current and potential customers from dealing with NPI. Such
15 irreparable damage will continue unless Defendant is enjoined from infringing NPI's registered
16 trade dress.

17 47. Defendant's acts have damaged and will continue to damage NPI, and NPI has no
18 adequate remedy at law.

19 48. In light of the foregoing, NPI is entitled to injunctive relief prohibiting Defendant
20 from using NPI's trade dress or any trade dress confusingly similar thereto for any purpose, and
21 to recover from Defendant all damages that NPI has sustained and will sustain as a result of such
22 infringing acts, and all gains, profits and advantages obtained by Plaintiff as a result thereof, in
23 an amount not yet known well, as well as the costs of this action pursuant to 15 U.S.C. § 1117(a)
24 and attorneys' fees and treble damages pursuant to 15 U.S.C. § 1117(b).

25 49. Pursuant to 15 U.S.C. § 1118, NPI also asks the Court for an order forcing
26 Defendant to deliver up for destruction all products, labels, signs, prints, advertisements, and
27 other articles in Defendant's possession that infringe upon NPI's rights.

COUNT IV

(Washington Common Law Trade Dress Infringement)

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3 50. NPI realleges and incorporates by this reference each and every allegation set
4 forth in paragraphs 1 through 49 above.

5 51. Defendant's use of NPI's trade dress has infringed on its distinctive features in a
6 manner that tends to confuse, in the public mind, NPI's products with others.

7 52. Defendant's acts, as above alleged, constitute infringement of NPI's trade dress
8 rights in violation of the common law.

9 53. NPI has been and continues to be damaged in a manner that cannot be fully
10 measured or compensated in economic terms and for which there is no adequate remedy at law.
11 The actions of Defendant have damaged and will continue to damage NPI's market, reputation,
12 and goodwill.

13 54. NPI has been damaged by Defendant's actions in an amount to be proven at trial.

COUNT V

(Unfair Business Practices — RCW 19.86 *et seq.*)

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15 55. NPI realleges and incorporates by this reference each and every allegation set
16 forth in paragraphs 1 through 54 above.

17 56. Defendant's use of NPI's trade dress to promote, market, or sell products in
18 Washington constitutes an unfair business practice pursuant to RCW 19.86 *et seq.* Defendant's
19 use of NPI's trade dress is an unfair or deceptive practice occurring in trade or commerce that
20 impacts the public interest and has caused injury to NPI.

21 57. Defendant's actions violate RCW 19.86 *et seq.*

COUNT VI

(Washington Common Law Unfair Competition)

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24 58. NPI realleges and incorporates by this reference each and every allegation set
25 forth in paragraphs 1 through 57 above.

26 59. Defendant's use of NPI's trade dress has infringed on its distinctive features in a
27 manner that tends to confuse, in the public mind, NPI's products and/or advertising with the

1 products and/or advertising of others.

2 60. The acts of Defendant complained of herein constitute unfair competition in
3 violation of Washington common law.

4 **COUNT VII**

5 **(Washington Common Law Unjust Enrichment)**

6 61. NPI realleges and incorporates by this reference each and every allegation set
7 forth in paragraphs 1 through 60 above.

8 62. The acts of Defendant complained of herein constitute unjust enrichment of
9 Defendant at NPI's expense in violation of Washington common law.

10 **PRAYER FOR RELIEF**

11 WHEREFORE, NPI prays for the following relief:

12 a. A judgment that Defendant iBOLT has infringed the '212 patent;

13 b. An order preliminarily and permanently enjoining and restraining iBOLT, its
14 officers, directors, agents, servants, employees, licensees, attorneys, and all other persons acting
15 under or through it, directly or indirectly, from infringing the '212 patent;

16 c. A judgment that iBOLT acts are unlawful as constituting unfair competition, false
17 designation of origin, trade dress infringement, and unjust enrichment under the causes of action
18 asserted in this Complaint;

19 d. An order preliminarily and permanently enjoining and restraining iBOLT, its
20 officers, directors, agents, servants, employees, licensees, attorneys, and all other persons acting
21 under or through it, directly or indirectly, from offering for sale, marketing, or selling any
22 product which includes a configuration of a double-socket mount arm that is tapered in the
23 middle like an hourglass or any confusingly similar variation thereof;

24 e. A judgment and order requiring iBOLT to deliver up for destruction all products,
25 labels, signs, prints, advertisements, and other articles that infringe NPI's statutory and common
26 law trade dress rights, or are a result of any false designation of origin or unfair competition by
27 Defendant;

1 f. A judgment and order requiring that iBOLT pay damages under 35 U.S.C. § 284,
2 with prejudgment interest;

3 g. An order for an accounting of all gains, profits and advantages derived from
4 iBOLT's wrongful acts;

5 h. A judgment and order requiring that iBOLT pay NPI all gains, profits, and
6 advantages derived by Defendant for its unlawful acts;

7 i. A judgment and order requiring that iBOLT pay NPI all damages caused by
8 Defendant's unlawful acts;

9 j. A judgment and order directing iBOLT to pay the costs of this action, including
10 all disbursements, attorney fees and costs incurred herein, for example, as provided by 35 U.S.C.
11 § 285, with prejudgment and post-judgment interest;

12 k. A judgment and order requiring that iBOLT pay NPI treble damages as provided
13 by law; and

14 l. Such other and further relief as the Court may deem just and equitable.

15 **DEMAND FOR JURY TRIAL**

16 NPI hereby demands a trial by jury of all issues so triable.
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NATIONAL PRODUCTS, INC.

By its attorneys,

Dated: July 19, 2016

FENWICK & WEST LLP

By: s/David K. Tellekson

David K. Tellekson, WSBA No. 33523
Ewa M. Davison, WSBA No. 39524
Jonathan T. McMichael, WSBA No. 49895
1191 Second Avenue, 10th Floor
Seattle, WA 98101
Telephone: 206.389.4510
Facsimile: 206.389.4511
Email: dtellekson@fenwick.com
edavison@fenwick.com
jmcmichael@fenwick.com

*Attorneys for Plaintiff
National Products Inc.*

CERTIFICATE OF SERVICE

I, Sara McPhee, hereby certify that on July 19, 2016, I caused the foregoing **FIRST AMENDED COMPLAINT** to be served on the following parties as indicated below:

<p>Jayson W. Sowers (WSBA No. 27618) James E. Breitenbucher (WSBA No. 27670) RIDDELL WILLIAMS P.S. 1001 Fourth Avenue, Suite 4500 Seattle, WA 98154-1192 <i>Attorneys For Defendant Wireless Accessory Solutions, LLC, d/b/a iBolt – Wireless Accessory Solutions, LLC</i></p>	<p><input type="checkbox"/> By United States Mail <input type="checkbox"/> By Legal Messenger <input checked="" type="checkbox"/> By Electronic CM/ECF <input type="checkbox"/> By Overnight Express Mail <input type="checkbox"/> By Facsimile <input type="checkbox"/> By Email jsowers@riddellwilliams.com jbreitenbucher@riddellwilliams.com</p>
<p>Marc A. Karish (admitted <i>pro hac vice</i>) KARISH & BJORGUM, PC 119 E. Union Street, Suite B Pasadena, CA 91103 <i>Attorneys For Defendant Wireless Accessory Solutions, LLC, d/b/a iBolt – Wireless Accessory Solutions, LLC</i></p>	<p><input type="checkbox"/> By United States Mail <input type="checkbox"/> By Legal Messenger <input checked="" type="checkbox"/> By Electronic CM/ECF <input type="checkbox"/> By Overnight Express Mail <input type="checkbox"/> By Facsimile <input type="checkbox"/> By Email marc.karish@kb-ip.com</p>

Dated: July 19, 2016

By: s/Sara McPhee
 For David K. Tellekson, WSBA No. 33523
 FENWICK & WEST LLP