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TIMELY INVENTIONS, LLC
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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
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11 TIMELY INVENTIONS, LLC, a
Delaware Limited Liability Company,

12 Plaintiff,

13 vs.
14

15 COBRA ELECTRONICS
CORPORATION, a Delaware
Corporation,

16 Defendant.
17

Case No. 2:17-cv-08871

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

18
19 Plaintiff Timely Inventions, LLC (“Timely” or “Plaintiff”) through its
20 undersigned counsel, brings this action against Defendant Cobra Electronics
21 Corporation (“Defendant”). In support of the Complaint, Plaintiff alleges as
22 follows:

23 **JURISDICTION**

24 1. This is an action for patent infringement in violation of the patent
25 laws of the United States, 35 U.S.C. § 1, *et seq.* This Court has exclusive subject
26 matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338(a).

27 2. This Court has personal jurisdiction over Defendant. Defendant has
28 conducted and does conduct business within the State of California. Defendant,

1 directly or through subsidiaries or intermediaries, including distributors, retailers,
2 and others, ships, distributes, offers for sale and sells its products in the United
3 States, the State of California, and the Central District of California. Defendant,
4 directly and through subsidiaries or intermediaries, including distributors,
5 retailers and others, has purposefully and voluntarily placed one or more of its
6 infringing products, as described below, into the stream of commerce in the
7 Central District of California. On information and belief, these infringing
8 products have been and continued to be purchased and used by businesses,
9 including Costco, in the Central District of California. Defendant has committed
10 acts of patent infringement within the State of California and, more particularly,
11 within the Central District of California.

12 3. Venue is proper under 28 U.S.C. § 1391(b).

13 **THE PARTIES**

14 4. Plaintiff is a limited liability company organized and existing under
15 the laws of the State of Delaware having a principal place of business in Dover,
16 Delaware.

17 5. On information and belief, Defendant is a Delaware corporation
18 having a principal place of business in Chicago, Illinois.

19 **FACTUAL BACKGROUND AND NATURE OF ACTION**

20 6. United States Patent No. 7,861,865 (“the ’865 Patent”) is titled
21 “PACKAGING ASSEMBLY,” and was issued by the United States Patent and
22 Trademark Office on January 4, 2011. A true and correct copy of the ’865 Patent
23 is attached as Exhibit A.

24 7. Timely owns by assignment the entire right, title, and interest in and
25 to the ’865 Patent. As the owner of the entire right, title, and interest in and to the
26 ’865 Patent, Timely possesses the right to sue and to recover for infringement of
27 the ’865 Patent.
28

8. Defendant has infringed and continues to infringe one or more claims of the '865 Patent by engaging in acts that constitute infringement under 35 U.S.C. § 271 *et seq.*

10. On information and belief, Defendant's DRIVE HD packaging assembly which Defendant sells through Costco, and all reasonably similar products, meet all of the limitations of at least claim 1 of the '865 Patent (the "Accused Products"). As such, Defendant is infringing the '865 Patent in violation of 35 U.S.C. § 271.

11. A representative and preliminary infringement claim chart for claim 1 of the '865 Patent and the Accused Products is attached as Exhibit B and is incorporated by reference to this Complaint.

(Patent Infringement of U.S. Patent No. 7,861,865)

12. Plaintiff incorporates by reference the foregoing paragraphs of this Complaint as if fully set forth herein.

13. On information and belief, Defendant, alone or by directing and controlling others, has manufactured, used, imported, offered for sale, and/or sold and continues to sell in this district and elsewhere in the United States, the Accused Products which infringe at least claim 1 of the '865 Patent, as identified in Exhibit B in violation of 35 U.S.C. § 271.

14. On information and belief, the acts of infringement of Defendant will continue unless enjoined by this Court.

1 5. That Plaintiff be awarded damages covered by the acts of patent
2 infringement of Defendant in an amount not less than a reasonable royalty
3 pursuant to 25 U.S.C. § 284 or in an amount equal to Defendant's profits pursuant
4 to 35 U.S.C. § 289, whichever is greater and that such damages be trebled in
5 accordance with the provisions of 35 U.S.C. § 284;

6 6. That Defendant pay Plaintiff prejudgment interest on all
7 infringement damages;

8 7. That Plaintiff recover their costs in this action, including attorneys'
9 fees; and

10 8. That Plaintiff has such other or further relief as the Court may deem
11 just and proper.

12
13 Dated: December 8, 2017

Respectfully submitted,

14 LEWIS ROCA ROTHGERBER
15 CHRISTIE LLP

16 By /s/Art Hasan

17 Art Hasan
18 Anne Wang

19 Attorneys for Plaintiff
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DEMAND FOR JURY TRIAL

Plaintiff Timely Inventions, LLC, pursuant to Federal Rule of Civil Procedure 38, hereby demands a trial by jury of all issues so triable.

Dated: December 8, 2017

Respectfully submitted,

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CHRISTIE LLP

By /s/Art Hasan

Art Hasan
Anne Wang

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