

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Innovenu Ltd.,

Plaintiff,

v.

**Henes USA, Inc.; Big Toys Green Country
LLC,**

Defendant.

Case No. 1:18-cv-01996

Patent Case

Jury Trial Demanded

AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, Innovenu Ltd. (“Innovenu”), through its attorney, Isaac Rabicoff, complains of Henes USA, Inc. (“Henes”) and Big Toys Green Country LLC (“Big Toys”) (collectively, “Defendants”) and alleges the following:

PARTIES

1. Plaintiff Innovenu Ltd. is a corporation organized and existing under the laws of Israel, and currently operates in Israel. See <http://www.stop-it.info/home>.
2. Defendant Henes USA, Inc. is a corporation organized and existing under the laws of Illinois that maintains its principal place of business at 15 E. Palatine Rd., #109, Prospect Heights, IL 60070.
3. Defendant Big Toys Green Country LLC is a corporation organized and existing under the laws of Oklahoma that maintains its principal place of business at 808 Callahan Street, Muskogee, OK 74403.

JURISDICTION

4. This is an action for patent infringement arises under the patent laws of the United States, Title 35 of the United States Code.

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

6. This Court has personal jurisdiction over Defendants because they have engaged in systematic and continuous business activities in the Northern District of Illinois. Specifically, Defendants provides their full range of services to residents in this District. As described below, Defendants have committed acts of patent infringement giving rise to this action within this District.

VENUE

7. Venue is proper in this District under 28 U.S.C. § 1400(b) because Defendants have committed acts of patent infringement in this District. Further, Henes is incorporated in this District and Big Toys has fulfillment centers in this District. Innovenue has also suffered harm in this District.

PATENT-IN-SUIT

8. Innovenue is the assignee of all right, title and interest in United States Patent No. 6,915,871 (the “’871 Patent”) including all rights to enforce and prosecute actions for infringement and to collect damages for all relevant times against infringers of the Patent-in-Suit. Accordingly, Innovenue possesses the exclusive right and standing to prosecute the present action for infringement of the Patent-in-Suit by Defendants.

The '871 Patent

9. On July 12, 2005, the United States Patent and Trademark Office issued the '871 Patent. The '871 Patent is titled "Method and Apparatus for Improving Child Safety and Adult Convenience While Using a Mobile Ride-On Toy." The application leading to the '871 Patent was filed on February 24, 2003 and claims priority to a provisional application filed on March 12, 2002. A true and correct copy of the '871 Patent is attached hereto as Exhibit A.

10. The '871 Patent is valid and enforceable.

11. The invention claimed in the '871 Patent relates to a method and apparatus for improving child safety and accompanying adult convenience when the child is using a ride-on toy such as: riding toy-motorcycle, a riding toy-jeep, a riding toy-horse, a riding toy-sheep, or any other shape of a ride-on toy. Ex. A at 1:24-30.

12. The inventors wanted to protect children riding a toy by having parents gain control of the toy through a wireless remote-control unit. *Id.* at 1:40-43. The wireless remote-control unit forces the toy to slow down, stop and protect the child from hazards. *Id.* at 1:43-47.

COUNT I: INFRINGEMENT OF THE '871 PATENT BY DEFENDANTS

13. Innovenu incorporates the above paragraphs herein by reference.

14. **Direct Infringement.** Defendants have been and continue to directly infringe at least claim 15 of the '871 Patent in this District and elsewhere in the United States, by providing a system, for example Defendants' Broon, that remotely controls a ride-on toy. Defendants also provide several other products

that remotely control ride-on toys, which infringe at least claim 15 of the '871 Patent. *See* <https://www.bigtoysgreencountry.com/officially-licensed-bentley-continental-gt-ride-on-car-white-remote-12v/>, <https://www.bigtoysgreencountry.com/mercedes-benz-s63-with-rc-ride-on-power-wheel-w-rubber-tires-pink/>, <https://www.bigtoysgreencountry.com/4-wheel-drive-power-wheel-4x4-pick-up-truck-with-remote-control-blue/>.

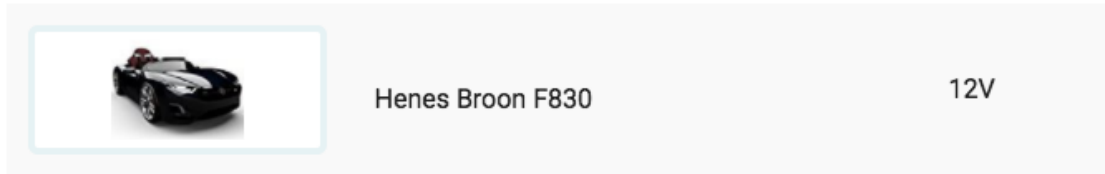
15. Defendants sell, offer for sale in the United States, and import into the United States, the Broon.

16. Defendants provide the Henes Broon F830 (“Broon”) that performs the step of remotely controlling a ride-on toy; the ride-on toy equipped with a toy control unit; the ride-on toy being foot-powered, gas-powered, battery powered, gasoline powered, or otherwise powered. For example, Defendants’ Broon is powered by a 12 V motor and has an Android tablet that allows parents to control the Broon the child can ride. *See* Figure 1;

<https://www.top9rated.com/best-henes-broon-t870-f830-f870-car-review/>;
<https://www.bigtoysgreencountry.com/henes-broon-f830-ride-on-car-2-4-ghz-remote-w-tablet-pc-red/>.


2. Henes Broon F830 Black Sports Car

Picture	Model	Motor Power
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The car includes the comfortable and well-designed leather bucket seat, the smooth steering and the realistic gear box, all of which enable your child to drive, stop or even take the car in the reverse direction.

The model also includes the 7 inch, an android tablet which can be mounted on the dashboard and used as desired. There are various options to select the right mode for the speed and drive, the gas filled shock absorbers, as well as the independent suspension, make it the smoothest and safest ride in the neighborhood.



HENES Broon F830 Ride On Car + 2.4 ghz Remote W/ Tablet PC RED

Price: **\$899.99**

★★★★★ 1 PRODUCT REVIEW

[f](#) [e](#) [p](#) [t](#)

Figure 1. Defendants' Broon is powered by a 12 V motor and has an Android tablet that allows parents to control the Broon the child can ride.

17. Defendants' Broon performs the step of setting the controlling instructions by operating a wireless remote control unit. For example, Defendants' Broon uses a remote controller. See Figure 2; <https://www.top9rated.com/best->

[henes-broon-t870-f830-f870-car-review/;](#)

<https://www.bigtoysgreencountry.com/henes-broon-f830-ride-on-car-2-4-ghz-remote-w-tablet-pc-red/>.

This model is suitable for children up to 66lbs in weight and is available in the most elegant black color. Comes with the Bluetooth remote controller which enables the adults to join in the fun and drive it around as they please!

Product Description

Henes Broon Fully Loaded Version W/ Tablet PC

Henes is the world's most advanced series of ride on cars. The Henes Broon F830 is the company's Car model. Some of its more notable features are electronic power steering and variable acceleration with smooth take off and start and different modes of riding, independent suspension & Gas Filled shock absorbers in front, leather bucket seat, 2.4Ghz RC Remote Control. Also bright front and rear LED lamps as well as turn signals and broke lights Just like a real car. There is no other car on the market that can give your child the realistic feel of "driving" which only the HENES Broon series brings, this Broon model has a trunk and hood that open/close as well as functioning doors. This Model is upgraded with an Android 7" Tablet PC on dashboard. Don't Miss out have the coolest kid on the block with this beautifully crafted sports car!

We are the official dealer for the Henes Brand and have all the replacement parts and up to date service, we also make sure you receive your car fully tested with the most up to date firmware installed and full warranty. Call now 800 595 2830

Figure 2. Defendants' Broon uses a remote controller.

18. Defendants' Broon performs the step of repeatedly and automatically performing wireless communication between the wireless remote control unit and the toy control unit; the wireless communication uses an RF (radio frequency) communication, or an IR (infra-red) communication, or any other type of wireless communication. For example, Defendants' Broon uses repeated and automatic communication to monitor the distance between the remote controller and the car. *See* Figure 3; <https://www.top9rated.com/best->

[henes-broon-t870-f830-f870-car-review/](#).

- Remote Control

This is a very important feature of these cars. This gives remote access and control to the parents and ensures that the car and children stay safe and within range. If in case the car is about to get out of the range, the controller starts vibrating to let you know and in case, the car happens to go completely out of range, it will come to a dead stop.

This inbuilt mechanism helps in minimizing all unforeseeable accidents that could take place and makes the ride much safer.

Figure 3. Defendants' Broon uses repeated and automatic communication to monitor the distance between the remote controller and the car.

19. Defendants' Broon performs the step of having the toy control unit automatically activating at least one control function over the ride-on toy in case the wireless communication is not received. For example, Defendants' Broon automatically activates the functions necessary to stop the car when it moves out of range of the remote controller. *See* Figure 3.

20. Defendants' Broon performs the step of having the toy control unit activate at least one control function over the ride-on toy, according to instructions received via the wireless communication. For example, Defendants' Broon allows adults to control the car's movements through Bluetooth communication. *See* Figure 2.

21. **Induced Infringement.** Defendants have also actively induced, and continues to induce, the infringement of at least claim 15 of the '871 Patent by actively inducing its customers, including merchants and end-users to use

Defendants' Broon in an infringing manner as described above. Upon information and belief, Defendants have specifically intended that its customers use its Broon in a manner that infringes at least claim 15 of the '871 Patent by, at a minimum, providing access to, support for, training and instructions for, its Broon to its customers to enable them to infringe at least claim 15 of the '871 Patent, as described above. Even where performance of the steps required to infringe at least claim 15 of the '871 Patent is accomplished by Defendants and Defendants' customer jointly, Defendants' actions have solely caused all of the steps to be performed.

22. Innovenu is entitled to recover damages adequate to compensate it for such infringement in an amount no less than a reasonable royalty under 35 U.S.C. § 284.

23. Innovenu will continue to be injured, and thereby caused irreparable harm, unless and until this Court enters an injunction prohibiting further infringement.

COUNT II: INFRINGEMENT OF THE '871 PATENT BY BIG TOYS GREEN COUNTRY

24. **Direct Infringement.** Big Toys has been and continues to directly infringe at least claim 15 of the '871 Patent in this District and elsewhere in the United States by performing the steps of "remotely controlling a ride-on toy; said ride-on toy equipped with a toy control unit; said ride-on toy foot powered, or battery powered, or gasoline powered, or otherwise powered."

25. For example, Big Toys sells the Range Rover Evoque 12V Power Wheel Ride On + Parental Remote ("Evoque") which has a wireless remote-

control unit that remotely controls a driving operation of the toy. *See* Figure 4, available at: <https://www.bigtoysgreencountry.com/range-rover-evoque-12v-power-wheel-ride-on-parental-remote-black/>.

12v Toddler Range Rover Evoque Ride on Power Wheel Car w/ parental RC remote

The Range Rover scale replica with all of the authentic badges, LED running lights, MP3 player input, sounds and all other functionalities your child can dream of. It features a Full Function Remote Control for parents whose kids cannot yet reach the foot pedal or otherwise maneuver the car. It can be fully operated by child using steering wheel/foot pedal or driven by parent via four-way remote. It comes complete with a pre-installed 12V battery and charger. Some assembly is required (15-20 minutes).



Figure 4. Big Toys' Evoque, which has a wireless remote-control feature controlling the driving of the car.

26. Big Toys' Evoque has claim element 15(a): "setting the controlling instructions by operating a wireless remote control unit." For example, Big Toys' Evoque has a 2.4GHz parental remote with FailSafe features. *See* Figure 5.

Some of the other Exclusive Features from Big Toys Green Country, include 2.4GHZ parental Remote with Failsafe (Example Ferrari comes to a stop if Loss of communication with Parental remote to keep collision and runaway from happening) Our Exclusive remote design also has a emergency stop button (Example when the child is operating the Range Rover you can stop them with the Emergency stop button at anytime to make sure they don't have a collision while driving)

Figure 5. Big Toys' Evoque has a 2.4GHz parental remote and the car stops if communication is lost.

27. Big Toys' Evoque has claim element 15(b): "repeatedly and automatically performing wireless communication between said wireless remote control unit and said toy control unit; said wireless communication use an RF (radio frequency) communication, or an IR (infra-red) communication, or any other type of wireless communication." For example, Big Toys' Evoque uses a parental remote controller, which needs to be in repeated and automatic communication with the car in order to monitor any losses in communication. *See* Figure 5.

28. Big Toys' Evoque has claim element 15(c): "said toy control unit automatically activating at least one control function over said ride-on toy in case said wireless communication is not received." For example, Big Toys' Evoque will stop if the ride-on toy is out of range of the remote control's wireless signal. *See* Figure 5.

29. Big Toys' Evoque has claim element 15(d): "said toy control unit activating at least one control function over said ride-on toy, according to instructions received via said wireless communication." For example, Big Toys' Evoque will operate if the user sends a wireless signal from the remote control to

the ride-on toy within the remote control's wireless range. *See* Figure 4.

Big Toys also provides several other products that remotely control ride-on toys, which similarly infringe at least claim 15 of the '871 Patent. *See*

<https://www.bigtoysgreencountry.com/officially-licensed-bentley-continental-gt-ride-on-car-white-remote-12v/>, <https://www.bigtoysgreencountry.com/mercedes-benz-s63-with-rc-ride-on-power-wheel-w-rubber-tires-pink/>, <https://www.bigtoysgreencountry.com/4-wheel-drive-power-wheel-4x4-pick-up-truck-with-remote-control-blue/>.

30. **Induced Infringement.** Big Toys has also actively induced, and continues to induce, the infringement of at least claim 15 of the '871 Patent by actively inducing its customers, including merchants and end-users to use Big Toys' methods in an infringing manner as described above. Upon information and belief, Big Toys has specifically intended that its customers use its method that infringe at least claim 15 of the '871 Patent by, at a minimum, providing access to support for, training and instructions for, its method to its customers to enable them to infringe at least claim 15 of the '871 Patent, as described above. Even where performance of the steps required to infringe at least claim 15 of the '871 Patent is accomplished by Big Toys and Big Toys' customer jointly Big Toys' actions have solely caused all of the steps to be performed.

31. Innovenu is entitled to recover damages adequate to compensate it for such infringement in an amount no less than a reasonable royalty under 35 U.S.C. § 284.

32. Innovenu will continue to be injured, and thereby caused irreparable harm, unless and until this Court enters an injunction prohibiting further infringement.

JURY DEMAND

33. Under Rule 38(b) of the Federal Rules of Civil Procedure, Innovenu respectfully requests a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Innovenu asks this Court to enter judgment against Henes USA, Inc. and Big Toys Green Country granting the following relief:

- A. A declaration that Defendants have infringed the Patent-in-Suit;
- B. A judgment that Defendants account to Innovenu for all infringing activities and other conduct complained of herein;
- C. An award of damages to compensate Innovenu for Defendants' direct infringement of the Patent-in-Suit;
- D. An order that Defendants and its officers, directors, agents, servants, employees, successors, assigns, and all persons in active concert or participation with them, be permanently enjoined from infringing the Patent-in-Suit under 35 U.S.C. § 283;
- E. A declaration that this case is exceptional, and an award to Innovenu of reasonable attorneys' fees, expenses and costs under 35 U.S.C. § 285;
- F. An award of prejudgment and post-judgment interest; and
- G. Such other and relief as this Court or jury may deem proper and just.

Respectfully submitted,

/s/ Isaac Rabicoff
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