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14 Attorneys for Plaintiff
NATIONAL PRODUCTS INC.

15 UNITED STATES DISTRICT COURT
16 CENTRAL DISTRICT OF CALIFORNIA
17 WESTERN DIVISION
18

19 NATIONAL PRODUCTS INC.,

20 Plaintiff,

21 v.

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

24 Defendant.
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Case No.: 2:18-cv-03505-AG (SSx)

**SECOND AMENDED
COMPLAINT**

JURY TRIAL DEMANDED

Judge: Andrew J. Guilford

1 Pursuant to the Court’s Order (Dkt. No. 84), Plaintiff National Products Inc.
2 (“NPI”) files this Second Amended Complaint.

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

7 **THE PARTIES**

8 1. NPI is a corporation organized and existing under the laws of the State
9 of Washington, having its principal place of business at 8410 Dallas Ave S.,
10 Seattle, Washington 98108.

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

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

19 4. Upon information and belief, Defendant is a manufacturer and
20 distributor of mounts for cellular phones, which are used, for example, in cars.
21 Defendant advertises, markets, and sells its products, including the products that are
22 the subject of the patent infringement alleged in this lawsuit, to the public
23 throughout the United States, including within this judicial district.

24 **NATURE OF THE ACTION**

25 5. This is a civil action for infringement of United States Patent
26 No. 6,585,212 (“the ’212 patent”) under the patent laws of the United States,
27 including without limitation, 35 U.S.C. § 1 et seq.

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1 **JURISDICTION AND VENUE**

2 6. This Court has subject matter jurisdiction pursuant to 15 U.S.C.
3 §§ 1331 and 1338(a).

4 7. This Court has personal jurisdiction over Defendant because, among
5 other things, Defendant has engaged in business activities in and directed to this
6 judicial district, and has committed the patent infringement complained of in this
7 judicial district that led to foreseeable harm and injury to NPI. Defendant sells and
8 offers to sell its infringing products directly through its website to the public
9 throughout the United States, including this judicial district. Defendant also sells
10 and offers to sell its infringing products directly through Amazon.com to the public
11 throughout the United States, including this judicial district. Upon information and
12 belief, Defendant has contracted or otherwise formed agreements with
13 Amazon.com to receive services related to its selling and offering to sell its
14 infringing products, including storage, shipping, and customer service through
15 Amazon.com’s facilities and services. Defendant also distributes its infringing
16 products throughout the United States, including this judicial district, to retailers,
17 including Verizon Wireless.

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

19 **THE ’212 PATENT**

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

25 10. On December 15, 2015, Jeffrey Carnevali assigned to NPI his entire
26 right and title to, and interest in, the ’212 patent, including the right to bring legal
27 action for damages arising from infringement of the ’212 patent.

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1 11. On June 14, 2018, Jeffrey Carnevali executed an amendment to the
2 December 15, 2015 assignment whereby he assigned to NPI his entire right and title
3 to, and interest in, the '212 patent, including the right to bring legal action for past
4 infringement of the '212 patent and to recover for such past infringement.

5 12. NPI is the owner, by assignment, of all right, title, and interest in the
6 '212 patent, including the rights to exclude others and to sue and recover damages
7 for infringement, including infringement occurring prior to December 15, 2015.

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

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

17 **COUNT I**
18 **(PATENT INFRINGEMENT OF UNITED STATES PATENT NO. 6,585,212)**

19 15. NPI realleges and reincorporates the allegations in paragraphs 1-14
20 above.

21 16. Defendant has been, is currently, and continues to infringe at least
22 claim 27 of the '212 patent, directly, contributorily, and/or by inducement, by
23 making, using, offering to sell, and selling within the United States and/or
24 importing into the United States products that infringe the '212 patent, including all
25 products that incorporate the miniPro, including but not limited to, the miniPro
26 Holder, the miniPro Connect Kit for NFC enabled Phones, the miniPro
27 Windshield/Dash Kit for all Smartphones (including without limitation, the miniPro
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1 Kit Universal Holder, the miniPro Window/Dash Car Mount, and the miniPro
2 Universal In-Car Dock for iPhone, Samsung, HTC, Motorola, Nokia, LG and
3 Sony), the miniPro Vent Universal Car Dock, the Tripod miniPro, the Tripod
4 miniPro + BT Selfie, the miniPro Charge & Play Kit, and the miniPro Car Dock for
5 the Amazon Fire Phone (collectively, “the miniPro products”); all products that
6 incorporate the sPro2, including but not limited to, the sPro2 Holder, the sPro2
7 Connect for NFC enabled Phones, the sPro2 Kit, and the sPro2 Windshield Dash
8 and Vent Combo Kit (collectively, “the sPro2 products”); and all products that
9 incorporate the xProDock, including but not limited to, the xProDock Holder, the
10 xProDock 2 Connect Kit, the xProDock Connect for NFC enabled Phones
11 (including without limitation, the xProDock Active Car Dock/Holder/Mount), the
12 xProDock Connect Holder for NFC enabled Phones, the xProDock for HTC Kit,
13 the xProDock for HTC with 6ft USB charging cable, the xProDock for Samsung
14 with 9ft aux/charge cable, the xProDock for Samsung with charging cable,
15 xProDock Universal Kit for all micro-USB smartphones, the xProDock NFC
16 Bizmount, the xProDock Music & Charge Kit, the xProDock iCharge & Sync, and
17 the xProDock for Blackberry Kit (collectively, “the xProDock products”).

18 17. Visual inspection of the miniPro Windshield/Dash Kit for all
19 Smartphones product, which incorporates the miniPro, demonstrates it literally
20 infringes each and every element of claim 27. For example, Defendant’s website
21 depicts the miniPro as comprising the mounting platform of claim 27:
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<https://ibolt.co/car-docks/minipro>.

18. 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>.

19. Visual inspection of the xProDock Connect for NFC enabled Phones product, which incorporates the xProDock, demonstrates that it literally infringes each and every element of claim 27. For example, Defendant’s website depicts the xProDock as comprising the mounting platform of claim 27:

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

20. Defendant has been, is currently, and continues to induce infringement of the '212 patent by actively and knowingly inducing others to make, use, sell, offer for sale, or import products, such as the Accused Products that embody or use the inventions claimed in the '212 patent. For example, by the Complaint dated December 29, 2015 (which Defendant answered on January 25, 2016), NPI notified Defendant that the Accused Products infringe the '212 patent. Upon information and belief, NPI's Complaint gave Defendant sufficient notice that the making and the using of the Accused Products by any entity would constitute infringement and that Defendant's customers and end users were infringing, at least through the assembling and using of the Accused Products. Further, for example, by NPI's Disclosure of Asserted Claims and Preliminary Infringement Contentions dated May 18, 2016, NPI notified Defendant that its customers and end users were directly infringing, explained that the assembly and use of the Accused Products by its customers and end users would constitute infringement, and described how the Accused Products infringe the '212 patent. Despite learning of this infringement from at least two different sources, Defendant (1) continued to make, sell, and offer to sell these products to its customers, at least by selling such products to its

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1 customers on its websites and other websites such as Amazon.com, and (2)
2 continued to provide product instructions with its products and/or on its website
3 instructing customers and end users to assemble and use those products, all of
4 which demonstrates that Defendant intends for its customers and end users to
5 infringe. Defendant therefore had knowledge of its customers' infringement of, and
6 specifically intended to infringe, the '212 patent.

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

1 made was both patented and infringing.

2 22. As a direct and proximate consequence of Defendant’s infringement of
3 the ’212 patent, NPI has suffered irreparable harm, and NPI will continue to suffer
4 irreparable harm in the future unless Defendant is enjoined from infringing the ’212
5 patent.

6 23. Upon information and belief, the continued infringement by Defendant
7 of the ’212 patent is willful.

8 **PRAYER FOR RELIEF**

9 WHEREFORE, NPI prays for the following relief:

- 10 a. A judgment that Defendant iBOLT has infringed the ’212 patent;
- 11 b. An order preliminarily and permanently enjoining and restraining
12 iBOLT, its officers, directors, agents, servants, employees, licensees, attorneys, and
13 all other persons acting under or through it, directly or indirectly, from infringing
14 the ’212 patent;
- 15 c. A judgment and order requiring that iBOLT pay damages under 35
16 U.S.C. § 284, with prejudgment interest;
- 17 d. A judgment and order directing iBOLT to pay the costs of this action,
18 including all disbursements, attorney fees and costs incurred herein, for example, as
19 provided by 35 U.S.C. § 285, with prejudgment and post-judgment interest;
- 20 e. A judgment and order requiring that iBOLT pay NPI treble damages as
21 provided by law; and
- 22 f. Such other and further relief as the Court may deem just and equitable.

23 **DEMAND FOR JURY TRIAL**

24 NPI hereby demands a trial by jury of all issues so triable.
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Dated: September 11, 2018

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