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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 ARKON RESOURCES INC.,

23 Defendant.  
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Case No.: 2:18-CV-02936-AG (SSx)

**SECOND AMENDED  
COMPLAINT**

**JURY TRIAL DEMANDED**

Judge: Andrew J. Guilford

1 Pursuant to the Court’s Order (Dkt. No. 162), Plaintiff National Products Inc.  
2 (“NPI”) files this Second Amended Complaint.

3 NPI brings this action against Defendant ARKON RESOURCES, INC.  
4 (“Defendant” or “Arkon”) for an injunction, damages, and other appropriate relief  
5 to stop Defendant from violating NPI’s patent rights. NPI states and alleges as  
6 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 Arkon is a corporation  
16 organized and existing under the laws of the State of California, having its principal  
17 place of business at 20 La Porte Street, Arcadia, California 91006.

18 4. Upon information and belief, Arkon is a manufacturer and distributor  
19 of mounting systems for consumer electronics. Arkon advertises, markets, and sells  
20 its products, including the products that are the subject of the patent infringement  
21 alleged in this lawsuit, to the public throughout the United States, including within  
22 this judicial district.

23 **NATURE OF THE ACTION**

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

27 **JURISDICTION AND VENUE**

28 6. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and

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1 1338(a).

2 7. This Court has personal jurisdiction over Arkon because, among other  
3 things, Arkon has committed, aided, abetted, contributed to, and/or participated in  
4 the commission of patent infringement in this judicial district and elsewhere that led  
5 to foreseeable harm and injury to NPI. Arkon sells and offers to sell its infringing  
6 products directly through its website to the public throughout the United States,  
7 including this judicial district. Arkon also sells and offers to sell its infringing  
8 products directly through Amazon.com throughout the United States, including this  
9 judicial district. Upon information and belief, Arkon has contracted or otherwise  
10 formed agreements with Amazon.com to receive services related to its selling and  
11 offering to sell its infringing products, including storage, shipping, and customer  
12 service through Amazon.com’s facilities and services. Arkon also distributes its  
13 infringing products throughout the United States, including this judicial district, to  
14 retailers including Sears.

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

16 **THE '212 PATENT**

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

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

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

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1 12. NPI is the owner, by assignment, of all right, title, and interest in the  
2 '212 patent, including the rights to exclude others and to sue and recover damages  
3 for infringement, including infringement occurring prior to December 15, 2015.

4 13. To the extent any marking or notice was required by 35 U.S.C. § 287,  
5 Plaintiff and/or all predecessors in interest and/or implied or express licensees of  
6 the '212 patent, if any, have complied with the marking requirements of 35 U.S.C.  
7 § 287 by fixing the word “patented” together with the address of NPI’s website,  
8 which is accessible to the public without charge and which associates the patented  
9 article with the '212 patent in the “Patent and Trademarks” page of NPI’s website,  
10 on all goods made, offered for sale, sold, and/or imported into the United States that  
11 embody one or more claims of the '212 patent.

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

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

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

17 16. Arkon has been, is currently, and continues to infringe at least claim  
18 27 of the '212 patent, directly, contributorily, and/or by inducement, by making,  
19 using, offering to sell, and selling within the United States and/or importing into the  
20 United States products that infringe the '212 patent, including all products that  
21 incorporate the RoadVise Premium Universal Smartphone Holder with Ring  
22 (RV001WR), including without limitation, RV001WR, RV127, RV134, RV179,  
23 RV180, RV188, RVAMPS, RVM2B, RVMC2C, TWBHD8SM6, and  
24 TWBHD8TAB (collectively, “RoadVise Products”); all products that incorporate  
25 the Mobile Grip 2 Universal Smartphone Holder (MG002), including without  
26 limitation, MG002WR, MG210, MG215, MG220, MG222, MG223, MG268,  
27 MG279, MG288, MG295, MG21420, MG2MAG, MG2APAMPSVHB, and  
28 MG2TRIXL (collectively, “Mobile Grip 2 Products”); all products that incorporate

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1 the Slim-Grip Ultra Universal Holder (SM060-2), including without limitation,  
2 NFCSM01, NFCSM02, SM679, SM060-2, SM6-CM117, SM611, SM612, SM614,  
3 SM615, SM617, SM618, SM620, SM621, SM622, SM623, SM623-G, SM628,  
4 SM632, SM634, SM668, SM678, SM688, SM688L22, SM698, SM6HM3,  
5 SM6HM6, SM6RSHM, RM60802T, RM6AMPS2T, TWBHD8SM6, and  
6 TWBRVSM6 (collectively, “Slim-Grip Products”); and all products that  
7 incorporate the Universal Tablet Holder (TAB001), including without limitation,  
8 TAB001, TAB085, TAB086, TAB086-12, TAB127, TAB117, TAB134, TAB178,  
9 TAB179, TAB188L22, TAB3-RSHM, TAB801, TAB802, TAB803, TAB804,  
10 TAB805, TAB806, TABHM5, TABHM6, TABPB070, TABRM079, TABRM086,  
11 TABRMAMPS, TABRMTRI, TABSTAND4, TWBHD8TAB, TAB-CM117, TAB-  
12 FSM, and TAB-RSHM (collectively, “Universal Tablet Holder Products”)  
13 (collectively, “the Accused Products”).

14 17. Visual inspection of the RoadVise Premium Universal Smartphone  
15 Holder with Ring (RV001WR) demonstrates that it literally infringes each and  
16 every element of claim 27. For example, Arkon’s manual for the RoadVise  
17 Product, RV001WR, a true and correct copy of which is attached as Exhibit B,  
18 depicts the RoadVise Premium Universal Smartphone Holder with Ring  
19 (RV001WR) as comprising the mounting platform of claim 27:

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18. Visual inspection of the Mobile Grip 2 Universal Smartphone Holder (MG002) demonstrates that it literally infringes each and every element of claim 27. For example, Arkon’s manual for the Mobile Grip 2 Product, MG002WR, a true and correct copy of which is attached as Exhibit C, depicts the Mobile Grip 2 Universal Smartphone Holder (MG002) as comprising the mounting platform of claim 27:



1           19. Visual inspection of the Slim-Grip Ultra Universal Holder (SM060-2)  
2 demonstrates that it literally infringes each and every element of claim 27. For  
3 example, Arkon’s manual for the Slim-Grip Product, SM060-2, a true and correct  
4 copy of which is attached as Exhibit D, depicts the Slim-Grip Ultra Universal  
5 Holder (SM060-2) as comprising the mounting platform of claim 27:



16           20. Visual inspection of the Universal Tablet Holder (TAB188L22)  
17 demonstrates that it literally infringes each and every element of claim 27. For  
18 example, Arkon’s manual for the Universal Tablet Holder Product, TAB188L22, a  
19 true and correct copy of which is attached as Exhibit E, depicts the Universal Tablet  
20 Holder (TAB188L22) as comprising the mounting platform of claim 27:

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**TAB001  
Universal Tablet  
Mount**

21. Arkon 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 17, 2015 (which Arkon answered on January 11, 2016), NPI notified Arkon that the Accused Products infringe the '212 patent. Upon information and belief, NPI's Complaint gave Arkon sufficient notice that the making and the using of the Accused Products by any entity would constitute infringement and that Arkon'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 Arkon 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, Arkon (1) continued to make, sell, and offer to sell these products to its customers, at least by selling such products to its customers on its websites



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

6 22. Arkon has been, is currently, and continues to contributorily infringe  
7 the '212 patent by selling or offering to sell products, such as the RoadVise  
8 Premium Universal Smartphone Holder with Ring (RV001WR), Mobile Grip 2  
9 Universal Smartphone Holder (MG002), Slim-Grip Ultra Universal Holder  
10 (SM060-2) and Universal Tablet Holder (TAB188L22), knowing them to be  
11 especially made or especially adapted for practicing the claimed invention of the  
12 '212 patent and not a staple article or commodity of commerce with substantial  
13 non-infringing uses. For example, Arkon provides manuals and advertising for the  
14 Accused Products that focus on the use of the products to hold an accessory device,  
15 such as, for example, a cellular phone, phablet, tablet, laptop, radar detector,  
16 handheld device, or the like. The manuals and advertising for Arkon's Accused  
17 Products solely and exclusively address infringing uses of Arkon's Accused  
18 Products; they explain how the products are assembled and used exclusively as a  
19 mount for holding an accessory device. Arkon's manuals and advertising therefore  
20 demonstrate that the Accused Products have no substantial non-infringing uses and  
21 that they are specifically intended for practicing the '212 patent. Further, Arkon  
22 had knowledge of the '212 patent and the fact that its Accused Products are  
23 especially made or especially adapted for use in an infringement of the '212 patent.  
24 For example, by NPI's Disclosure of Asserted Claims and Preliminary  
25 Infringement Contentions dated May 18, 2016, NPI notified Arkon that, by  
26 assembling the Accused Products containing the RoadVise Premium Universal  
27 Smartphone Holder with Ring (RV001WR), Mobile Grip 2 Universal Smartphone  
28 Holder (MG002), Slim-Grip Ultra Universal Holder (SM060-2) and Universal

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1 Tablet Holder (TAB188L22) as directed by Arkon, and by using the Accused  
2 Products as directed by Arkon, Arkon’s customers and end users infringe the ’212  
3 patent. Arkon therefore had knowledge that the combination for which its  
4 components were especially made was both patented and infringing.

5 23. As a direct and proximate consequence of Arkon’s infringement of the  
6 ’212 patent, NPI has suffered irreparable harm, and NPI will continue to suffer  
7 irreparable harm in the future unless Arkon is enjoined from infringing the ’212  
8 patent.

9 24. Upon information and belief, the continued infringement by Arkon of  
10 the ’212 patent is willful.

11 **PRAYER FOR RELIEF**

12 WHEREFORE, NPI prays for the following relief:

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

24 **DEMAND FOR JURY TRIAL**

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

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By: /s/ David K. Tellekson

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