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8 for Plaintiff, *LEXIDINE, LLC*

9 UNITED STATES DISTRICT COURT
10 FOR THE CENTRAL DISTRICT OF CALIFORNIA

11 LEXIDINE, LLC,

12 Plaintiff,

13 v.

14 SONIC ELECTRONIX, INC.,

15 Defendant.

Case No. _____

**PLAINTIFF'S ORIGINAL
COMPLAINT**

Jury Trial Demanded

1 Plaintiff Lexidine, LLC (hereinafter, “Lexidine” or “Plaintiff”) files this
 2 Original Complaint for Patent Infringement against Defendant Sonic Electronix, Inc.
 3 (hereinafter, “Sonic” or “Defendant”) as follows:

4 **NATURE OF THE ACTION**

5 1. This is a patent infringement action to stop Defendant’s infringement of
 6 the following patent (the “Patent-in-Suit”), which was duly and legally issued by the
 7 United States Patent and Trademark Office (hereinafter, the “USPTO”), a copy of
 8 which is attached hereto as **Exhibit A**.

	Patent No.	Title
A.	7,609,961	VEHICLE CAMERA

12 2. The Patent-in-Suit traces its priority date back to Application No.
 13 11/401,405 (hereinafter, “the ’405 Application”), which was filed with the USPTO on
 14 April 11, 2006, and was issued as on October 27, 2009.

15 3. Plaintiff is the owner of the Patent-in-Suit and possesses all right, title
 16 and interest in the Patent-in-Suit, including the right to enforce the Patent-in-Suit, the
 17 right to license the Patent-in-Suit, and the right to sue Defendant for infringement and
 18 recover past damages. Plaintiff seeks injunctive relief and monetary damages.

19 **PARTIES**

20 4. Lexidine is a limited liability company organized and existing under the
 21 laws of the State of Oklahoma and maintains its principal place of business at 5924
 22 SW 12th St. Suite 7201, Oklahoma City, Oklahoma 73128 (Oklahoma County).

23 5. According to public information, Sonic is a corporation duly organized
 24 and existing under the laws of California since December 15, 2005.

25 6. According to public information, Sonic may be served through its
 26 registered agent, Nathaniel J. Victor, who is located at 9631 Topanga Canyon Place,
 27 Chatsworth, California 91311 (Los Angeles County).

1 7. According to public information, Sonic is registered with the California
2 Secretary of State as an “active” entity with the right to transact business in California
3 under the name “Sonic Electronix, Inc.”

4 8. According to public information, Sonic has its principal place of business
5 at 10645 Freeport Drive, Louisville, Kentucky 40258.

6 9. Upon information and belief, Defendant ships, distributes, makes, uses,
7 offers for sale, sells, and/or advertises 3rd Brake Light Cameras, with such cameras
8 including, but not limited to, the BOYO Vision brand (model numbers VTMBK1,
9 VTC525R, VTFTK1, VTFTK2, VTL400CIR, VTL400CL, VTL420CIR,
10 VTL420CL, VTL420IRTJ, VTL420RX), the Crimestopper brand (model number
11 SV-6901), the NVX brand (model number BarCam221), and the RoadGear Mobile
12 brand (model number RC100P) (the “Brake Light Cameras”).

13 **JURISDICTION AND VENUE**

14 10. This action arises under the Patent Laws of the United States, 35 U.S.C.
15 § 1 et seq., including 35 U.S.C. §§ 271, 281, 283, 284, and 285. This Court has subject
16 matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and
17 1338(a).

18 11. The Court has personal jurisdiction over Defendant because: Defendant
19 has minimum contacts within the State of California and in the Central District of
20 California; Defendant has purposefully availed itself of the privileges of conducting
21 business in the State of California and in the Central District of California; Defendant
22 has sought protection and benefit from the laws of the State of California; Defendant
23 regularly conducts business within the State of California and within the Central
24 District of California (as well as throughout the United States), and Plaintiff’s causes
25 of action arise directly from Defendant’s business contacts and other activities in the
26 State of California and in the Central District of California.

1 12. More specifically, Defendant, directly and/or through its intermediaries,
2 ships, distributes, makes, uses, imports, offers for sale, sells, and/or advertises its
3 products and affiliated services in the United States, the State of California, and the
4 Central District of California. Defendant has committed patent infringement in the
5 State of California and in the Central District of California. Defendant solicits
6 customers in the State of California and in the Central District of California.
7 Defendant has many paying customers who are residents of the State of California
8 and the Central District of California and who use Defendant's products in the State
9 of California and in the Central District of California.

10 13. Venue is proper in this District pursuant to 28 U.S.C. § 1400(b) because
11 Sonic is incorporated in this district.

12 14. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b) and (c)
13 because Sonic is incorporated in this district.

14 **BACKGROUND INFORMATION**

15 15. Lexidine is 100% owned by the inventor of the Patent-in-Suit, Mr. Eric
16 Park. Mr. Park is a visionary inventor of consumer safety related products and has
17 patented many of his inventions. He has worked on many vehicle safety projects such
18 as lane departure detection, heads up displays (HUDs), headrest displays, rearview
19 navigation, in-car entertainment systems, rearview camera and backup safety
20 solutions, among others. Mr. Park has invested a great deal of time and money to
21 develop and legally protect Lexidine's innovations, and he believes those who find
22 value incorporating these proprietary technologies into their products and services
23 should obtain a proper license.

24 16. The Patent-in-Suit was duly and legally issued by the United States
25 Patent and Trademark Office after full and fair examinations. Plaintiff is the owner
26 of the Patent-in-Suit, and possesses all right, title and interest in the Patent-in-Suit
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1 including the right to enforce the Patent-in-Suit, the right to license the Patent-in-Suit,
2 and the right to sue Defendant for infringement and recover past damages.

3 17. Defendant sells, advertises, offers for sale, uses, or otherwise provides
4 the Brake Light Cameras (collectively, the “Accused Products”). Representative
5 images of the Accused Products are attached as **Exhibits B to N** (offers for sale of
6 Brake Light Cameras from publicly-available websites).

7 18. According to public information, Defendant owns, operates, advertises,
8 and/or controls the website www.sonicelectronix.com, through which Defendant
9 advertises, sells, offers to sell, provides and/or educates customers about the Accused
10 Products. Evidence obtained from Defendant’s website regarding these products is
11 provided in Exs. B to N (representative Brake Light Cameras).

12 **COUNT I: INFRINGEMENT OF U.S. PATENT NO. 7,609,961**

13 19. Plaintiff re-alleges and incorporates by reference each of the paragraphs
14 above.

15 20. United States Patent No. 7,609,961 (hereinafter, the “’961 Patent”) was
16 duly and legally issued by the USPTO on October 27, 2009 to its inventor, Eric S.
17 Park. The ‘961 Patent was later assigned by Eric Park to Lexidine, with filing number
18 512619107, on May 30, 2017. Following that, the ‘961 Patent was assigned from
19 Lexidine, with filing number 512619107, to Eric Park on May 18, 2018. Subsequent
20 to that, the ‘961 Patent was assigned by Eric Park to Lexidine, with filing number
21 3512681526, on March 20, 2019.

22 21. The ‘961 Patent was issued after full and fair examination of the ‘405
23 Application which was filed with the USPTO on April 11, 2006.

24 22. Defendant has infringed and continues to infringe the ‘961 Patent either
25 literally or under the doctrine of equivalents through the manufacture and sale of
26 infringing products. More specifically, Defendant has infringed and continues to
27 infringe one or more claims of the ‘961 Patent, including at least Claim 1 (the “’961
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1 Patent Claims”) because it ships distributes, makes, uses, imports, offers for sale, sells,
2 and/or advertises the Accused Products. Specifically, Defendant’s Accused Products
3 infringe the ’961 Patent Claims by providing to its customers a vehicle camera that
4 includes a vehicle lens for an external third brake light that has a translucent colored
5 vehicle lens (for instance, on some models, red) that allows light transmission. *See*,
6 *e.g.*, Exs. B-N. The Accused Products have an opening in the vehicle lens (allowing
7 the camera lens to protrude through the vehicle lens or be placed outside the vehicle
8 lens) with the camera lens within the vehicle lens and having a viewing axis through
9 the opening. *Id.* The Accused Products also include a base attached to the vehicle
10 lens where the viewing axis is at an angle of between about 15 to 75 degrees with
11 respect a plane of that base, as claimed in the ’961 Patent Claims. *Id.* Defendant’s
12 Accused Products are available for sale on its website. *See id.*

13 23. Defendant has intentionally induced and continues to induce
14 infringement of the ’961 Patent Claims in this district and elsewhere in the United
15 States, by its intentional acts which have successfully, among other things,
16 encouraged, instructed, enabled, and otherwise caused Defendant’s customers to use
17 the Accused Products in an infringing manner. Despite knowledge of the ’961 Patent
18 as early as the date of service of the Original Complaint in this action, Defendant
19 continues to encourage, instruct, enable, and otherwise cause its customers to use its
20 systems and methods, in a manner which infringes the ’961 Patent claims.
21 Defendant’s source of revenue and business focus is the provision of and sale of the
22 Accused Products, among other products. Defendant has specifically intended its
23 customers to use its systems in such a way that infringes the ’961 Patent by, at a
24 minimum, providing and supporting the Accused Products and instructing its
25 customers on how to use them in an infringing manner, at least through information
26 available on Defendant’s websites including information brochures, promotional
27 material, and contact information. *See* Exs. B-N. Defendant knew that its actions,
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1 including, but not limited to any of the aforementioned systems and methods, would
2 induce, have induced, and will continue to induce infringement by its customers by
3 continuing to sell, support, and instruct its customers on using the Accused Products.
4 *Id.*

5 24. Defendant's aforesaid activities have been without authority and/or
6 license from Plaintiff.

7 25. Plaintiff is entitled to recover from Defendant the damages sustained by
8 Plaintiff as a result of Defendant's wrongful acts in an amount subject to proof at trial,
9 which, by law, cannot be less than a reasonable royalty, together with interest and
10 costs as fixed by this Court under 35 U.S.C. § 284.

11 26. Defendant's infringement of Plaintiff's rights under the '961 Patent will
12 continue to damage Plaintiff, causing irreparable harm to Plaintiff for which there is
13 no adequate remedy at law, unless enjoined by this Court.

14 **JURY DEMAND**

15 27. Plaintiff demands a trial by jury on all issues.

16 **PRAYER FOR RELIEF**

17 28. Plaintiff respectfully requests the following relief:

- 18 A. An adjudication that one or more claims of the Patent-in-Suit has been
19 infringed, either literally and/or under the doctrine of equivalents, by
20 the Defendant;
- 21 B. An adjudication that Defendant has induced infringement of one or
22 more claims of the Patent-in-Suit;
- 23 C. An award of damages to be paid by Defendant adequate to
24 compensate Plaintiff for Defendant's past infringement and any
25 continuing or future infringement up until the date such judgment is
26 entered, including interest, costs, and disbursements as justified under
27 35 U.S.C. § 284 and, if necessary to adequately compensate Plaintiff
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1 for Defendant's infringement, an accounting of all infringing sales
2 including, but not limited to, those sales not presented at trial;

3 D. A grant of permanent injunction pursuant to 35 U.S.C. § 283,
4 enjoining the Defendant and its respective officers, agents, servants,
5 employees, and attorneys, and those persons in active concert or
6 participation with them who receive actual notice of the order by
7 personal service or otherwise, from further acts of infringement with
8 respect to any one or more of the claims of the Patent-in-Suit;

9 E. That this Court declare this to be an exceptional case and award
10 Plaintiff its reasonable attorneys' fees and costs in accordance with
11 35 U.S.C. § 285; and,

12 F. Any further relief that this Court deems just and proper.
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1 Date: May 23, 2019

Respectfully submitted,

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8 ***ATTORNEYS FOR PLAINTIFF LEXIDINE, LLC***

List of Exhibits

- A. U.S. Patent No. 7,609,961
- B. Offer for Sale of BOYO Vision VTC525R
- C. Offer for Sale of BOYO Vision VTFTK1
- D. Offer for Sale of BOYO Vision VTFTK2
- E. Offer for Sale of BOYO Vision VTL400CIR
- F. Offer for Sale of BOYO Vision VTL400CL
- G. Offer for Sale of BOYO Vision VTL420CIR
- H. Offer for Sale of BOYO Vision VTL420CL
- I. Offer for Sale of BOYO Vision VTL420IRTJ
- J. Offer for Sale of BOYO Vision VTL420RX
- K. Offer for Sale of BOYO Vision VTMBK1
- L. Offer for Sale of Crimestopper SV-6901
- M. Offer for Sale of NVX BarCam221
- N. Offer for Sale of RoadGear Mobile RC100P