

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

Aura Optical Systems, L.P.,

Plaintiff,

v.

Jammy, Inc.

Defendant.

Case No. _____

JURY TRIAL DEMANDED

**PLAINTIFF AURA OPTICAL SYSTEM, L.P.'S
ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Aura Optical Systems, L.P. for its complaint against Jammy, Inc., hereby demands a jury trial and alleges as follows:

THE PARTIES

1. Plaintiff Aura Optical Systems, L.P. (hereinafter, “Aura” or “Plaintiff”) is a Texas limited partnership having a principal place of business at 7415 Whitehall, Suite 111, Fort Worth, Texas 76118.

2. Aura Optical Systems was established in 2007, and today specializes in reflective film and pressure-sensitive adhesive products, including without limitation conspicuity tape.

3. Upon information and belief, Defendant Jammy, Inc. (hereinafter, “Jammy” or “Defendant”) is a Texas corporation having a principal place of business at 4700 Bryant Irvin Court, Fort Worth, Texas 76107. Defendant has appointed Ralph C. Bradley, at 4700 Bryant Irvin Court, Fort Worth, Texas 76107, as its agent for service of process in Texas.

4. Upon information and belief, Defendant is one of the largest importing manufacturers in North America of truck and trailer lighting products and other truck and trailer accessories, including conspicuity tape. Upon further information and belief, Defendant has the widest wholesale selection of types and varieties of conspicuity tape of any one-source North American supplier. Upon yet further information and belief, Defendant is among the most competitively (e.g., low) priced suppliers of vehicle marking products in North America and operates through multiple different business channels, multiple different warehouse locations, multiple different sales agents, as well as through online sales channels, such as Amazon.com.

JURISDICTION

5. This is an action for patent infringement arising under the patent Laws of the United States, 35 U.S.C. §§ 1 *et seq.* This Court has original and exclusive subject matter jurisdiction over the patent infringement claims pursuant to 28 U.S.C. §§ 1331 and 1338.

6. This Court has personal jurisdiction over Defendant because Defendant has established contacts with the forum—including by voluntarily conducting business and soliciting customers in the State of Texas—and the exercise of jurisdiction over Defendant would not offend the traditional notions of fair play and substantial justice. On information and belief, Defendant has conducted business in Texas by entering into one or more contracts with a resident of Texas, and such contracts require at least one party to perform the contract in whole or in part in Texas. Further, on information and belief, Defendant has committed the tort of patent infringement in Texas by selling infringing conspicuity tape from its principal place of business in Texas, as well as to buyers in Texas.

VENUE

7. Venue is proper in this judicial district under 28 U.S.C. §§ 1391 and/or 1400 because Defendant is subject to personal jurisdiction in this District.

8. Venue is also proper in this District because Defendant regularly conducted business in this District and, upon information and belief, sold and offered for sale infringing conspicuity tape within this District.

BACKGROUND OF THE INFRINGING PRODUCTS

9. Defendant has made, used, offered to sell, sold in the United States, and/or imported into the United States, certain conspicuity tape, including various different types of metallized microprismatic retroreflective films (hereinafter, “Jammy Conspicuity Tape”). The Jammy Conspicuity Tape includes, without limitation, the following products (Exhibit A):

- a. J-TFW-12K -- TFT Series Metalized Tape 150' Roll All White;
- b. J-TFT-74 -- TFT Series Metalized Tape 4 Piece Pack;
- c. J-TFT-68 -- TFT Series Metalized Tape 8 Piece Pack;
- d. J-TFT-66K -- TFT Series Metalized Tape 150';
- e. J-TFT-6K -- TFT Series Metalized Tape 150';
- f. J-TFT-7K -- TFT Series Metalized Tape 150';
- g. J-TFT-7Y -- TFT Series Metalized Tape 150'; and
- h. J-TFT-6Y -- TFT Series Metalized Tape 150'.

10. At least one Jammy Conspicuity Tape has a substrate.

11. At least one Jammy Conspicuity Tape has metalized microprisms located on its substrate.

12. At least one Jammy Conspicuity Tape has at least a portion of its metalized microprisms configured as forward-tilted microprisms.

13. At least one Jammy Conspicuity Tape has at least a portion of its forward-tilted microprisms aligned with a plane of optical axis tilting aligned at an angle ranging from about 10 to 80 degrees with an edge of its microprismatic retroreflective film.

14. At least one Jammy Conspicuity Tape has at least a portion of its forward-tilted microprisms arranged in matched pairs.

COUNT 1 – INFRINGEMENT OF U.S. PATENT NO. 9,529,125

15. Aura realleges and incorporates by reference the allegations in paragraphs 1 through 14 of this Complaint as though fully set forth herein.

16. United States patent No. 9,529,125 (the “‘125 Patent”), entitled “Metalized Microprismatic Retroreflective Sheeting with Improved Observation Angularity,” was originally filed as a provisional application on January 28, 2013, was converted to a non-provisional application on January 27, 2014, and was duly and legally issued on December 27, 2016. The ‘125 Patent was duly and legally assigned to Aura, and Aura owns and has full rights to sue and recover damages for infringement of the ‘125 Patent. A copy of the ‘125 Patent is attached hereto as Exhibit B.

17. Aura has complied with the requirements of 35 U.S.C. § 287 and marks its products by identifying the ‘125 Patent on its conspicuity tapes that are covered by the ‘125 Patent.

18. The ‘125 Patent is valid and enforceable.

19. Defendant has infringed at least claim 1 of the ‘125 Patent by making, using, offering to sell, and/or selling in the United States, and/or importing into the United States, certain conspicuity tape, including, but not limited to, Jammy’s Conspicuity Tape.

20. Drew Buoni of Aura, and Ralph Bradley, Jr. of Defendant had a face to face meeting on April 16, 2018, wherein Mr. Buoni advised Mr. Bradley of the ‘125 patent, and the fact that Mr. Buoni believed that Defendant was infringing the ‘125 patent. Therefore, Defendant was put on notice of the infringement of the ‘125 patent at least as early as April 16, 2018.

21. Defendant's infringement of the '125 Patent has injured Aura, and Aura is entitled to recover damages adequate to compensate it for Defendant's infringement, which in no event can be less than a reasonable royalty.

22. Upon information and belief, Defendant's infringement is/was willful because Defendant sold the Jammy Conspicuity Tape despite an objectively high likelihood that its actions constituted infringement of a valid patent, and Defendant knew or should have known of such risk when it infringed the '125 Patent.

23. Despite this knowledge, Defendant continued its infringement of the '125 Patent without authority and in deliberate disregard for Aura's patent rights.

24. Thus, pursuant to 35 U.S.C. § 284, the Court should award Aura treble damages as a result of Defendant's willful infringement.

25. Defendant's infringement of the '125 Patent is exceptional. Thus, pursuant to 35 U.S.C. § 285, Aura is entitled to recover from Defendant its reasonable attorneys' fees and costs incurred in prosecuting this action.

COUNT 2 – INFRINGEMENT OF U.S. PATENT NO. 9,658,371

26. Aura realleges and incorporates by reference the allegations in paragraphs 1 through 25 of this Complaint as though fully set forth herein.

27. United States patent No. 9,658,371 (the "'371 Patent"), entitled "Metalized Microprismatic Retroreflective Film with Improved Observation Angularity," was originally filed as a continuation application of application No. 14/761,522, which was filed on January 27, 2014 and issued into the '125 patent, and was duly and legally issued on May 23, 2017. The '371 Patent was duly and legally assigned to Aura, and Aura owns and has full rights to sue

and recover damages for infringement of the '371 Patent. A copy of the '371 Patent is attached hereto as Exhibit C.

28. Drew Buoni of Aura, and Ralph Bradley, Jr. of Defendant had a face to face meeting on April 16, 2018, wherein Mr. Buoni advised Mr. Bradley of the '371 patent, and the fact that Mr. Buoni believed that Defendant was infringing the '371 patent. Therefore, Defendant was put on notice of the infringement of the '371 patent at least as early as April 16, 2018.

29. Aura has complied with the requirements of 35 U.S.C. § 287 and marks its products by identifying the '371 Patent on its conspicuity tapes that are covered by the '371 Patent.

30. The '371 Patent is valid and enforceable.

31. Defendant has infringed at least claim 1 of the '371 Patent by making, using, offering to sell, and/or selling in the United States, and/or importing into the United States, certain conspicuity tape, including, but not limited to, Jammy's Conspicuity Tape.

32. Defendant's infringement of the '371 Patent has injured Aura, and Aura is entitled to recover damages adequate to compensate it for Defendant's infringement, which in no event can be less than a reasonable royalty.

33. Upon information and belief, Defendant's infringement is/was willful because Defendant sold the Jammy Conspicuity Tape despite an objectively high likelihood that its actions constituted infringement of a valid patent, and Defendant knew or should have known of such risk when it infringed the '371 Patent.

34. Despite this knowledge, Defendant continued its infringement of the '371 Patent without authority and in deliberate disregard for Aura's patent rights.

35. Thus, pursuant to 35 U.S.C. § 284, the Court should award Aura treble damages as a result of Defendant's willful infringement.

36. Defendant's infringement of the '371 Patent is exceptional. Thus, pursuant to 35 U.S.C. § 285, Aura is entitled to recover from Defendant its reasonable attorneys' fees and costs incurred in prosecuting this action.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Aura respectfully requests that judgment be entered in favor of Aura and against Defendant Jammy, and further prays that the Court grant the following relief to Aura:

1. A judgment that Defendant has infringed the '125 Patent and the '371 patent;
2. A judgment that Defendant's infringement of the '125 Patent and the '371 patent was willful, and award treble damages as a result of Defendant's willful infringement;
3. An award of all damages adequate to compensate Aura for Defendant's infringement, such damages to be determined by a jury and, if necessary, an accounting of all damages;
4. An award of prejudgment and post-judgment interest to Aura pursuant to 35 U.S.C. § 284;
5. A declaration that this case is exceptional under 35 U.S.C. § 285 and an award of the reasonable attorneys' fees, costs, and expenses incurred by Aura in this action;

6. Entry of a permanent injunction pursuant to 35 U.S.C. § 283 enjoining Defendant and their respective officers, directors, servants, consultants, managers, employees, agents, attorneys, successors, assigns, affiliates, subsidiaries, and all persons in active concert or participation with any of them, from infringement and inducing infringement of the '125 Patent and the '371 patent, including but not limited to making, using, offering to sell, selling, or importing any products that infringe or products that perform the patented processes set forth in the '125 Patent and the '371 patent; and
7. Such other and further relief as this Court may deem just and proper.

JURY DEMAND

Aura hereby demands a trial by jury on all issues and claims so triable.

Dated: September 16, 2019

Respectfully submitted,

/s/ Greg H. Parker

Greg H. Parker

State Bar No. 24011301

Heidi H. Parker

State Bar No. 24013295

PARKER JUSTISS, P.C.

14241 Dallas Parkway, Suite 620

Dallas, Texas 75254

Phone: 972-480-8800

Fax: 972-480-8865

Email: greg.parker@pj-iplaw.com

Email: heidi.parker@pj-iplaw.com

**ATTORNEYS FOR PLAINTIFF
AURA OPTICAL SYSTEM, L.P.**