

1 Steven W. Ritcheson, Esq. (SBN 174062)  
2 **INSIGHT, PLC**  
3 578 Washington Blvd., #503  
4 Marina del Rey, California 90292  
5 Telephone: (424) 289-9191  
6 Facsimile: (818) 337-0383  
7 Email: switcheson@insightplc.com

8 for Plaintiff, *LEXIDINE, LLC*

9 UNITED STATES DISTRICT COURT  
10 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
11 WESTERN DIVISION

12 LEXIDINE, LLC,  
13 Plaintiff,  
14  
15 v.  
16 ACCELE ELECTRONICS, INC.,  
17 Defendant.

Case No. \_\_\_\_\_

**PLAINTIFF'S ORIGINAL  
COMPLAINT**

18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 Plaintiff Lexidine, LLC (hereinafter, “Plaintiff” or “Lexidine”) files this  
 2 Original Complaint for Patent Infringement against Defendant Accele Electronics,  
 3 Inc. (hereinafter, “Accele” 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**.

9

	<b>Patent No.</b>	<b>Title</b>
10	A. 7,609,961	VEHICLE CAMERA

11

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. *See* Ex. A.

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, Accele Electronics, Inc. is a  
 24 corporation duly organized and existing under the laws of California since February  
 25 14, 1990, having its principal place of business at 9130 Norwalk Boulevard, Santa Fe  
 26 Springs, California 90670.

27

28



1 Central District of California. Defendant has committed patent infringement in the  
2 State of California and in the Central District of California. Defendant solicits  
3 customers in the State of California and in the Central District of California.  
4 Defendant has many paying customers who are residents of the State of California  
5 and the Central District of California and who use Defendant's products in the State  
6 of California and in the Central District of California.

7 12. Venue is proper in the Central District of California pursuant to 28  
8 U.S.C. § 1400(b) because Accele is incorporated in this district, has a regular and  
9 established place of business in this district and, upon information and belief, has  
10 committed acts of infringement in this district.

11 13. Venue is proper pursuant to 28 U.S.C. § 1391(b) and (c) because Accele  
12 is incorporated in this district and has a regular and established place of business in  
13 this district.

14 **BACKGROUND INFORMATION**

15 14. 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 (HUD), 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 15. 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  
27  
28

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 16. According to public information, Defendant owns, operates, advertises,  
4 and/or controls the website [www.accele.com](http://www.accele.com), through which Defendant advertises,  
5 sells, offers to sell, provides and/or educates customers about the Accused Products.

6 17. Defendant sells, advertises, offers for sale, uses, or otherwise provides  
7 the Brake Light Cameras (collectively, the “Accused Products”). Representative  
8 images of the Accused Products are attached as **Exhibit B** and **Exhibit C** (offers for  
9 sale of Brake Light Cameras from publicly-available websites).

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

11 18. Plaintiff re-alleges and incorporates by reference each of the paragraphs  
12 above.

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

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

22 21. Defendant has infringed and continues to infringe the ‘961 Patent either  
23 literally or under the doctrine of equivalents through the manufacture and sale of  
24 infringing products. More specifically, Defendant has infringed and continues to  
25 infringe one or more claims of the ‘961 Patent, including at least Claim 1 (the “’961  
26 Patent Claims”) because it ships, distributes, makes, uses, imports, offers for sale,  
27 sells, and/or advertises the Accused Products. Specifically, Defendant’s Accused  
28

1 Products infringe the '961 Patent Claims by providing to its customers a vehicle  
2 camera that includes a vehicle lens for an external third brake light that has a  
3 translucent red vehicle lens that allows light transmission (functioning to provide a  
4 red warning light for stopping and slowing down). *See, e.g., Exs. B-C.* That Accused  
5 Products have an opening in the vehicle lens (allowing the camera lens to protrude  
6 through the vehicle lens or be placed outside the vehicle lens) with the camera lens  
7 within the vehicle lens and having a viewing axis through the opening. *Id.* The  
8 Accused Products also include a base attached to the vehicle lens where the viewing  
9 axis is at an angle of between about 15 to 75 degrees with respect a plane of that base,  
10 as claimed in the '961 Patent Claims. *Id.*

11 22. Defendant has intentionally induced and continues to induce  
12 infringement of the '961 Patent Claims in this district and elsewhere in the United  
13 States, by its intentional acts which have successfully, among other things,  
14 encouraged, instructed, enabled, and otherwise caused Defendant's customers to use  
15 the Accused Products in an infringing manner. Despite knowledge of the '961 Patent  
16 as early as the date of service of the Original Complaint in this action, Defendant  
17 continues to encourage, instruct, enable, and otherwise cause its customers to use its  
18 systems and methods, in a manner which infringes the '961 Patent claims.  
19 Defendant's source of revenue and business focus is the provision of and sale of the  
20 Accused Products, among other products. Defendant has specifically intended its  
21 customers to use its systems in such a way that infringes the '961 Patent by, at a  
22 minimum, providing and supporting the Accused Products and instructing its  
23 customers on how to use them in an infringing manner, at least through information  
24 available on Defendant's websites including information brochures, promotional  
25 material, and contact information. *See Exs. B and C.* Defendant knew that its actions,  
26 including, but not limited to any of the aforementioned systems and methods, would  
27 induce, have induced, and will continue to induce infringement by its customers by  
28

1 continuing to sell, support, and instruct its customers on using the Accused Products.

2 *Id.*

3 23. Defendant's aforesaid activities have been without authority and/or  
4 license from Plaintiff.

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

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

12 **JURY DEMAND**

13 26. Plaintiff demands a trial by jury on all issues.

14 **PRAYER FOR RELIEF**

15 27. Plaintiff respectfully requests the following relief:

- 16 A. An adjudication that one or more claims of the Patent-in-Suit has been  
17 infringed, either literally and/or under the doctrine of equivalents, by  
18 the Defendant;
- 19 B. An adjudication that Defendant has induced infringement of one or  
20 more claims of the Patent-in-Suit;
- 21 C. An award of damages to be paid by Defendant adequate to  
22 compensate Plaintiff for Defendant's past infringement and any  
23 continuing or future infringement up until the date such judgment is  
24 entered, including interest, costs, and disbursements as justified under  
25 35 U.S.C. § 284 and, if necessary to adequately compensate Plaintiff  
26 for Defendant's infringement, an accounting of all infringing sales  
27 including, but not limited to, those sales not presented at trial;
- 28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

- D. A grant of permanent injunction pursuant to 35 U.S.C. § 283, enjoining the Defendant and its respective officers, agents, servants, employees, and attorneys, and those persons in active concert or participation with them who receive actual notice of the order by personal service or otherwise, from further acts of infringement with respect to any one or more of the claims of the Patent-in-Suit;
- E. That this Court declare this to be an exceptional case and award Plaintiff its reasonable attorneys’ fees and costs in accordance with 35 U.S.C. § 285; and,
- F. Any further relief that this Court deems just and proper.



1 Date: November 4, 2019

Respectfully submitted,

2 /s/ Steven W. Ritcheson  
3 Steven W. Ritcheson  
4 (SBN 174062)  
5 switcheson@insightplc.com  
6 **Insight, PLC**  
7 578 Washington Blvd., #503  
8 Marina del Rey, California 90292  
9 Telephone: (424) 289-9191  
10 Facsimile: (818) 337-0383

11 *Attorneys For Plaintiff LEXIDINE, LLC*

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28