

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

OMEGA PATENTS, LLC,
a Georgia limited liability company,

Plaintiff,

vs.

DEI HOLDINGS, INC.,
a Florida corporation,

Defendant.

Case No. _____

INJUNCTIVE RELIEF REQUESTED

JURY TRIAL REQUESTED

COMPLAINT

Plaintiff Omega Patents, LLC, through its undersigned counsel, for its complaint against Defendant DEI Holdings, Inc., states:

PARTIES, JURISDICTION AND VENUE

1. Plaintiff Omega Patents, LLC (“Omega”) is a Georgia limited liability company.
2. Defendant DEI Holdings, Inc. (“DEI”) is, upon information and belief, a Florida corporation, which sells and offers for sale infringing products in the United States, including within this Judicial District.
3. This Court has jurisdiction over the subject matter of this action as to DEI pursuant to 28 U.S.C. §§ 1331 and 1338(a).
4. This Court has *in personam* jurisdiction as to DEI because, upon information and belief, DEI is subject to both general and specific jurisdiction in this State. More particularly, upon information and belief, DEI is a Florida corporation which

regularly conducts business activity in the State of Florida and sells and offers to sell products that infringe one or more claims of Omega’s patents in the State of Florida. Moreover, DEI has previously entered into a License Agreement with Omega in the State of Florida, and this judicial district.

5. Venue properly lies within this judicial district and division, pursuant to 28 U.S.C. §§1391(c) and 1400(b).

STATEMENT OF FACTS

6. Omega is the sole and exclusive owner of the following valid and enforceable United States Patents (collectively, the “Patents-in-Suit”):

PATENT NO.	TITLE
RE47,225 E (“the ‘225 Patent”)	Vehicle Tracking Unit For Controlling Operable Vehicle Devices Using A Vehicle Data Bus And Related Methods
8,032,278 B2 (“the ‘278 Patent”)	Vehicle Tracking Unit With Downloadable Codes And Associated Methods
RE47,354 E (“the ‘354 Patent”)	Vehicle Tracking Unit For Controlling Operable Vehicle Devices Using A Vehicle Data Bus And Related Methods
8,362,886 B2 (“the ‘886 Patent”)	Multi-Controller Data Bus Adaptor and Associated Methods
9,981,615 B2 (“the ‘615 Patent”)	Remote Function Control System For A Vehicle Having A Data Communications Bus And Related Methods
7,305,293 B2 (“the ‘293 Patent”)	Vehicle Tracker Including Input/Output Features and Related Methods
8,410,929 B2 (“the ‘929 Patent”)	Remote Vehicle Starting System Providing an Audible Indication Relating to Remote Starting and Associated

PATENT NO.	TITLE
8,258,948 B2 (“the ‘948 Patent”)	Remote Vehicle Starting System Providing a Tactile Indication Relating to Remote Starting and associated Method

True and correct copies of the Patents-in-Suit are attached hereto as Exhibits A - H.

7. Omega is the assignee of the Patents-in-Suit.

8. DEI was a former Licensee of a large number of Omega Patents. For years, DEI paid the agreed-upon royalty to practice the claims of Omega’s Patents. However, DEI has advised Omega it no longer considers the License Agreement to be valid, subsiding, or binding between the parties as to the Patents-In-Suit. DEI has no license to practice the inventions of the Patents-in-Suit.

9. Upon information and belief, DEI has sold and offered for sale in the United States and in this Judicial District vehicle tracking products that directly or indirectly infringe upon one or more claims of the Patents-in-Suit.

10. DEI is aware of the Patents-in-Suit and, upon information and belief, is aware its products directly infringe or indirectly infringe the Patents-in-Suit, but refuses to obtain a license from Omega.

COUNT I
Action for Infringement of the Patents-in-Suit

11. Count I is an action by Omega against DEI for monetary damages and injunctive relief for DEI's infringement of the Patents-in-Suit.

12. Omega herein restates and reincorporates into this Count the allegations of Paragraphs 1 through 10 herein.

13. Upon information and belief, DEI has made and/or offered for sale and sold and/or distributed vehicle security and tracking products that infringe directly, by inducement and/or contributorily, one or more claims of the Patents-in-Suit, including but not limited to the following products:

Product Name	Exemplary Model Numbers	Infringes at Least
VIPER Smartstart DS4 Bundle	VSSDS4P	Claim 1, '225 Claim 1, '278 Claim 1, '354 Claim 6, '886 Claim 1, '615
VIPER DS4/4+	DS4VP/DS4VB	Claim 1, '225 Claim 1, '278 Claim 1, '354 Claim 6, '886
VIPER Smartstart GPS module	VSM350/VSM450/VSM550	Claim 1, '225 Claim 1, '278 Claim 1, '354 Claim 6, '886 Claim 7, '293
VIPER Connect	VCM550	Claim 1, '225 Claim 1, '278 Claim 1, '354 Claim 6, '886 Claim 1, '615 Claim 7, '293
VIPER Powersports	VPS450	Claim 7, '293
VIPER Remote Start Systems with 2-way remotes	4706V/4806V/5706V/5806V/5906V	Claim 1, '929 Claim 1, '948

14. Omega is entitled to compensatory damages and injunctive relief for DEI's infringing activities.

15. DEI has been aware of these Patents for at least a year.

16. Upon information and belief, DEI lacks justifiable belief that there is no infringement or that the infringed claims are invalid or has acted with objective and subjective recklessness in its infringing activity, for DEI has never articulated any such claims during any meetings or discussions with Omega. DEI's infringement is therefore willful, and Omega is entitled to an award of exemplary damages, attorneys' fees, and costs in bringing this action.

Wherefore, Plaintiff Omega prays this Honorable Court enter such preliminary and final orders and judgments as are necessary to provide Omega with the following requested relief:

A. A preliminary and then permanent injunction enjoining DEI from infringing each of the Patents-in-Suit;

B. An award of damages against DEI under 35 U.S.C. §284 in an amount adequate to compensate Omega for DEI's infringement, but in no event less than a reasonable royalty for the use made by DEI of the inventions set forth in the Patents-in-Suit;

C. An award against DEI for exemplary damages, attorneys' fees, and costs under 35 U.S.C. § 285; and

D. Such other and further relief as this Court deems just and proper.

JURY TRIAL REQUEST

Omega requests a trial by jury as to all matters so triable.

Respectfully submitted April 21, 2020.

/s/ Brian R. Gilchrist

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