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9 Attorneys for Plaintiff *HAYNES HOLDING GROUP LLC*

10 **UNITED STATES DISTRICT COURT**  
11 **CENTRAL DISTRICT OF CALIFORNIA**

12 HAYNES HOLDING GROUP LLC, a ) Case No.: 2:21-cv-09558

13 Texas Corporation; )

14 Plaintiff, )

15 vs. )

16 ESR PERFORMANCE CORP., a )

17 Florida Corporation, and DOES 1 )

18 through 10, inclusive; )

19 Defendants. )

20 **COMPLAINT FOR PATENT**  
21 **INFRINGEMENT OF UNITED**  
22 **STATES PATENT 9,908,364**

23 **DEMAND FOR JURY TRIAL**

24  
25 Plaintiff Haynes Holding Group LLC (“HHG”) by way of its complaints alleges  
26 the following against Defendants:  
27  
28

1 **PRELIMINARY STATEMENT**

2 1. This is an action for infringement of Plaintiff's United States Patent No.  
3 U. S. Patent No. 9,908,364 (the '364 Patent) under the Patent Act, 35 U.S.C. § 271,  
4 based on Defendant's unauthorized commercial manufacture, use, importation, offer  
5 for sale, and sale of Vehicle Wheel Center Cap Adapters in the United States.

6  
7 **PARTIES**

8 2. HHG is a corporation organized and existing under the laws of the state  
9 Texas and having its principal place of business at 3009 S John Redditt Dr E395,  
10 Lufkin, Texas 75904. HHG is a licensee of the '364 Patent and has exclusive control  
11 of enforcement of the '364 Patent.

12 3. On information and belief, Defendant ESR PERFORMANCE CORP is  
13 a corporation organized and existing under the laws of the state of Florida doing  
14 business all over the United States, including the state of California, and having its  
15 headquarters at 7775 NW 66 Street, Miami, Florida 33166.

16 4. On information and belief, ESR PERFORMANCE CORP conducts its  
17 business under the fictitious name VMS Racing, and offers a variety of aftermarket  
18 performance parts and vehicle accessories, including but not limited to a line of  
19 products marketed and labeled as "True Spike" products.

20 5. On information and belief, Defendant ESR PERFORMANCE CORP  
21 regularly conducts business in this state and District and has purposely directed its  
22 activities towards residents in California, and this District, particularly by marketing  
23 specifically to California residents, advertising that targets California residents, and  
24 selling products directly and through distributors to California residents.

25 6. On information and belief, Defendant's advertise, sell, and distribute  
26 their VMS Racing products as well as True Spike products in this state, and  
27 specifically target California residents and sell directly to California resident as well  
28 as through their distributors to residents of this state and this District.



1 **FACTUAL BACKGROUND**

2

3 **1. The Asserted Patent.**

4 12. On March 6, 2018, United States Letters of Patent No. 9,908,364, entitled  
5 “VEHICLE WHEEL CENTER CAP ADAPTER” was duly and legally issued to  
6 Joshua Haynes, the sole inventor of the ‘364 Patent.

7 13. HHG holds an exclusive license under the ‘364 Patent, including the  
8 exclusive right to make, use, offer to sell, sell, and import products covered by the  
9 ‘364 Patent, the right to sublicense all and any of HHG’s rights to and under the ‘364  
10 Patent, and the right to bring an infringement action to enforce the ‘364 Patent, to  
11 defend any declaratory judgment action concerning the ‘364 Patent and take any other  
12 lawful action reasonably necessary to protect, enforce, or defend the ‘364 Patent.

13 14. The ‘364 Patent claims, among other things, a wheel center cap  
14 engagement apparatus. Attached as **Exhibit A** is a true and correct copy of the ‘364  
15 Patent.

16 **2. Defendant's Infringing Activities and Products.**

17 15. On information and belief, Defendant has and continues to infringe the  
18 ‘364 Patent by making, using, selling, and offering for sale certain products, including  
19 their wheel center cap engagement apparatus labeled “TRUE SPIKE UNIVERSAL  
20 WHEEL CENTER CAP PLATE SYSTEM” (the “Accused Product”) in the United  
21 States, or importing into the United States the Accused Product that embody or use  
22 the inventions claimed in the ‘364 Patent.

23 16. Defendant has sold and continues to sell through their website at  
24 <https://www.vmsracing.com>, wherein the Accused Product is continuously marketed,  
25 advertised and offered for sale throughout the entire United States.

26 17. HHG is informed and believes, and on that basis alleges, that each of the  
27 Defendants participated in some manner responsible for the acts described in this  
28 Complaint and any damages resulting therefrom.

1 18. HHG is informed and believes, and on that basis alleges, that each of the  
2 Defendants has acted in concert and participation with each other concerning each of  
3 the claims in this Complaint.

4 19. HHG is informed and believes, and on that basis alleges, that each of the  
5 Defendants were empowered to act as the agent, servant and/or employee of each of  
6 the other Defendants, and that all the acts alleged to have been done by each of them  
7 were authorized, approved, and/or ratified by each of the other Defendants.

8 20. On information and belief, Defendants' foregoing acts of infringement  
9 were willful and deliberate from the time which it first received notice of its  
10 infringement as prescribed by 35 U.S.C. § 287(a) and continue to be willful and  
11 deliberate.

12 21. On information and belief, Defendants have been and are infringing the  
13 '364 Patent, within this District and elsewhere in the United States, by making, selling,  
14 importing, distributing and/or offering for sale products that infringe the claim of the  
15 '364 Patent.

16 22. HHG has been damaged by the foregoing acts of infringement of its  
17 patent by Defendants and asks the court for enforcement of the '364 Patent and will  
18 continue to be damaged by such infringement unless Defendants are enjoined by the  
19 Court.

20  
21 **CLAIM FOR RELIEF**

22 **(Patent Infringement of U.S. Patent No. 9,908,364)**

23 23. HHG repeats and incorporates by reference each of the foregoing  
24 paragraphs of its Complaint.

25 24. Upon information and belief, Defendants are now, and have been  
26 infringing the '364 Patent under 35 U.S.C. §271, et seq. by, without permission or  
27 authority from HHG, importing into the United States and selling, offering to sell,  
28 and/or using within the United States, including this District, wheel center cap

1 engagement apparatus covered by this patent. Examples of the Accused Product  
2 include their wheel center cap engagement apparatus labeled “TRUE SPIKE  
3 UNIVERSAL WHEEL CENTER CAP PLATE SYSTEM” (see **Exhibit B**) and other  
4 products yet unidentified.

5 25. Attached as **Exhibit C** is a preliminary infringement claim chart.  
6 Defendants’ offering for sale and selling the Accused Product constitute literal  
7 infringement of at least each of the claims 1, 3, 4, 7, and 10.

8 26. On information and belief, the activities of Defendants set fort in this  
9 Complaint have been without license, permission, or authorization from HHG.

10 27. On information and belief, Defendants’ foregoing acts of infringement  
11 were willful and deliberate from the time which it first received notice of its  
12 infringement as prescribed by 35 U.S.C. § 287(a) and continue to be willful and  
13 deliberate.

14 28. HHG has been damaged by the foregoing acts of infringement of its  
15 patent by Defendants and will continue to be damaged by such infringement unless  
16 enjoined by the Court.

## 17 18 **RESERVATION OF RIGHTS**

19 HHG reserves the right to add claims of inducement of infringement and or  
20 willful infringement by Defendants based on any conduct of Defendants continuing  
21 after notice Plaintiff’s patent rights.

## 22 23 **RELIEF REQUESTED**

24 WHEREFORE, HHG respectfully requests that this Court enter judgment  
25 against Defendants as follows:

- 26 A. That the ‘364 Patent is, during all relevant periods, valid and enforceable;  
27 B. That the ‘364 Patent has been infringed by Defendants;  
28 C. An injunction against further infringement of the ‘364 Patent by

1 Defendants;

2 D. An award of damages in the amount of all of Defendants' profits from  
3 sales of products infringing HHG's patent, or, in the alternative, an award of damages  
4 sufficient to compensate HHG for patent infringement that has occurred, together with  
5 pre-judgment interest and costs;

6 E. An award of all other damages permitted by 35 U.S.C. § 284, including  
7 increased damages up to three times the amount of compensatory damages found;

8 F. That this is an exceptional case and an award to HHG of its costs and  
9 reasonable attorney's fees incurred in this action as provided by 35 U.S.C. § 285; and

10 G. Such other relief that this Court deems just and proper.

11  
12 DATED: December 9, 2021,

Respectfully submitted,

13  
14 **JAFARI LAW GROUP**

15  
16 By: 

17 David V. Jafari

18 Saul Acherman

19 Attorneys for Plaintiff,

20 *Haynes Holding Group LLC*

1 **DEMAND FOR JURY TRIAL**

2 Plaintiff Haynes Holding Group LLC hereby demands a trial by jury on all  
3 claims and defenses that are or may be asserted as to which a right to a jury trial  
4 attaches.

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7  
8 DATED: December 9, 2021

9 **JAFARI LAW GROUP**

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11 By: 

12 David V. Jafari  
13 Saul Acherman  
14 Attorneys for Plaintiff,  
15 *Haynes Holding Group LLC*