

1 Thomas T. Chan (Bar. No. 129606)  
2 David M. Chernek (Bar. No. 151621)  
3 Raymond K. Chan (Bar. No. 220534)  
4 CHAN LAW GROUP LLP  
5 1055 West Seventh Street, Suite 1880  
6 Los Angeles, California 90017  
7 Telephone: 213-624-6560  
8 Facsimile: 213-622-1154  
9 thomas.chan@chanlaw.com  
10 david.chernek@chanlaw.com  
11 raymond.chan@chanlaw.com

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CENTRAL DISTRICT OF CALIF.  
LOS ANGELES

12 Attorneys for Plaintiff United Pacific Industries, Inc.

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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

CV08-05142 JFW (JCx)

UNITED PACIFIC INDUSTRIES INC.,  
a California corporation,

Case No.

Plaintiff,

COMPLAINT FOR:

v.

- 1. Patent Infringement;
- 2. California Statutory Unfair Competition; and
- 3. California Common Law Unfair Competition

GRAND GENERAL ACCESSORIES  
MANUFACTURING, INC., a California  
corporation; DOES 1-10, inclusive,

DEMAND FOR JURY TRIAL

Defendants.

1 Plaintiff United Pacific Industries Inc. ("United Pacific"), against Defendants  
2 Grand General Accessories Manufacturing, Inc. ("Grand General") and Does 1 through  
3 10, and each of them, alleges as follows:

4 **Nature of Action**

5 1. This is a civil action for: (1) patent infringement under 35 U.S.C. § 271,  
6 (2) unfair competition under California Business and Professions Code § 17200 *et*  
7 *seq.*, and (3) unfair competition under California common law.

8 **Jurisdiction and Venue**

9 2. This Court has original subject matter jurisdiction over the federal law  
10 claims in this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

11 3. This Court has supplemental jurisdiction over the state law claims in this  
12 action pursuant to 28 U.S.C. §§ 1338(b) and 1367(a), as such claims are so related to  
13 the federal law claims that they form part of same case or controversy under Article  
14 III of the United States Constitution.

15 4. Venue is proper in this Judicial District pursuant to 28 U.S.C. §§ 1391(b),  
16 1391(c), and 1400(b), because Defendants reside in this Judicial District, and because  
17 a substantial portion of the events giving rise to the causes of action asserted herein  
18 occurred in this Judicial District.

19 **Parties**

20 5. Plaintiff United Pacific Industries, Inc. is a corporation duly organized  
21 and existing under the laws of the State of California, and has its principal place of  
22 business in Los Angeles County, in this Judicial District.

23 6. United Pacific is informed and believes, and on that basis alleges, that  
24 Defendant Grand General is also a corporation duly organized and existing under the  
25 laws of the State of California, and has its principal place of business in Los Angeles  
26 County, in this Judicial District.

27 7. United Pacific is ignorant of the true names and capacities, whether  
28 individual, corporate, agent, associate or otherwise, of Defendants sued herein as

1 Does 1 through 10, inclusive, and each of them, and therefore sues such Defendants,  
2 and each of them, by such fictitious names, and will seek leave of Court to amend this  
3 Complaint to state their true names and capacities, when such names and capacities  
4 have been ascertained. United Pacific is further informed and believes, and thereon  
5 alleges, that such Defendants, and each of them, were and are legally responsible by  
6 contract, agreement, agency, conspiracy, negligence or in some other actionable  
7 manner, for the occurrences alleged hereinafter, which have proximately caused  
8 United Pacific the damages alleged hereinafter. Each reference herein to Defendants,  
9 or to a specifically named Defendant, refers also to all Defendants sued under  
10 fictitious names.

11 8. United Pacific is informed and believes, and on that basis alleges, that, at  
12 all times herein mentioned, each of the Defendants was the agent, employee, and co-  
13 conspirator of each of the remaining Defendants, and in doing the things hereinafter  
14 alleged, was acting within the course and scope of such agency, employment, and  
15 conspiracy.

16 **Allegations Common to All Causes of Action**

17 9. United Pacific is a leading manufacturer of automotive accessories for  
18 cars and trucks. United Pacific is the exclusive licensee of U.S. Design Patent No.  
19 D552,294 S, titled Skull Light Bezel, issued on October 2, 2007 ("the '294 Patent" or  
20 the "Patent-in-Suit"). A true and correct copy of the '294 Patent is attached hereto as  
21 Exhibit A.

22 10. United Pacific has not assigned, licensed, or otherwise granted or  
23 transferred any rights under the '294 Patent to Grand General.

24 11. Upon information and belief, Grand General has made, used, offered to  
25 sell, sold, and imported products which embody the invention of the '294 Patent (the  
26 "Accused Products") in this Judicial District and throughout the United States.  
27 Attached hereto as Exhibit B is a true and correct copy of a Grand General brochure  
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1 dated November 2006, which shows three examples of the Accused Products. These  
2 examples bear part numbers 78489, 80809, and 90090, respectively.

3 12. Upon information and belief, Grand General has ongoing and systematic  
4 contacts with this Judicial District. It has placed the Accused Products in the stream  
5 of commerce, knowing and expecting that the Accused Products would be offered for  
6 sale, sold, and used in this Judicial District.

7 **FIRST CAUSE OF ACTION**

8 **Patent Infringement – 35 U.S.C. § 271**

9 **(Against All Defendants)**

10 13. Plaintiffs hereby incorporate by reference, as if fully set forth herein, the  
11 allegations of Paragraphs 1 through 12, inclusive.

12 14. Upon information and belief, Grand General has infringed and actively  
13 induced the infringement of the '294 Patent, and continues to infringe and actively  
14 induce such infringement, by making, using, offering for sale, selling, and importing  
15 the Accused Products in this Judicial District and throughout the United States.

16 15. Upon information and belief, Grand General has notice of the '294  
17 Patent.

18 16. Upon information and belief, Grand General's infringement of the '294  
19 Patent is willful and deliberate.

20 17. Based on the foregoing, Grand General's infringement of the '294 Patent  
21 constitutes an exceptional case under 35 U.S.C. § 285.

22 18. Upon information and belief, Grand General will continue to infringe and  
23 actively induce the infringement of the '294 Patent, unless enjoined by this Court.

24 19. The aforementioned conduct by Grand General has injured and damaged  
25 United Pacific in an amount to be determined at trial. Grand General's infringement  
26 has also caused United Pacific irreparable injury, for which United Pacific has no  
27 adequate remedy at law. Such irreparable injury will continue unless Grand General  
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1 is preliminarily and permanently enjoined from further infringement of the '294  
2 Patent.

3 **SECOND CAUSE OF ACTION**

4 **Unfair Competition – Business & Professions Code §§ 17200 *et seq.***

5 **(Against All Defendants)**

6 20. Plaintiffs hereby incorporate by reference, as if fully set forth herein, the  
7 allegations of Paragraphs 1 through 19, inclusive.

8 21. The aforementioned conduct by Grand General constitute unlawful,  
9 unfair, and fraudulent business practices in violation of California Business and  
10 Professions Code §§ 17200 *et seq.*

11 22. By virtue of the conduct complained of herein, Grand General has  
12 intentionally infringed the '294 Patent to unfairly compete with United Pacific.

13 23. By virtue of the aforementioned unfair competition, Grand General has  
14 been unjustly enriched at the expense of United Pacific. Grand General's conduct  
15 has also caused United Pacific irreparable injury, for which United Pacific has no  
16 adequate remedy at law. Such irreparable injury will continue unless Grand General  
17 is preliminarily and permanently enjoined from further infringement of the '294  
18 Patent.

19 **THIRD CAUSE OF ACTION**

20 **Unfair Competition – California Common Law**

21 **(Against All Defendants)**

22 24. United Pacific hereby incorporates by reference, as if fully set forth  
23 herein, the allegations of Paragraphs 1 through 23, inclusive.

24 25. By virtue of the conduct complained of herein, Grand General has  
25 intentionally infringed the '294 Patent to unfairly compete with United Pacific.

26 26. The aforementioned conduct by Grand General has been fraudulent,  
27 oppressive, and malicious, and has injured and damaged United Pacific in an amount  
28 to be determined at trial.

1 27. Grand General's conduct has also caused United Pacific irreparable  
2 injury, for which United Pacific has no adequate remedy at law. Such irreparable  
3 injury will continue unless Grand General is preliminarily and permanently enjoined  
4 from further infringement of the '294 Patent.

5 **PRAAYER FOR RELIEF**

6 WHEREFORE, Plaintiff United Pacific prays for relief as follows:

7 **On the First Cause of Action**

8 (Patent Infringement – 35 U.S.C. § 271)

- 9 1. For a judgment that Defendants have infringed the '294 Patent;
- 10 2. For a judgment that Defendants' infringement the '294 Patent is willful;
- 11 3. For compensatory damages in an amount to be determined at trial, and  
12 for such amount to be trebled pursuant to 35 U.S.C. § 284 for Defendants' willful  
13 infringement of the '294 Patent, together with interests and costs;
- 14 4. For reasonable attorneys' fees pursuant to 35 U.S.C. § 285;
- 15 5. For Defendants' profits derived from such infringement and statutory  
16 damages pursuant to 35 U.S.C. § 289;
- 17 6. For an order preliminarily and permanently enjoining Defendants, and  
18 their directors, officers, employees, agents, and servants, and all other persons acting  
19 in concert with them from further infringement of the '294 Patent;

20 **On the Second Cause of Action**

21 (Unfair Competition – Business & Professions Code § 17200 *et seq.*)

- 22 7. For a judgment that Defendants' conduct constitute unlawful, unfair, and  
23 fraudulent business practices in violation of California Business and Professions Code  
24 §§ 17200 *et seq.*;
- 25 8. For an order requiring Defendants to make restitution to United Pacific,  
26 including the disgorgement of profits derived from Grand General's unlawful, unfair,  
27 and fraudulent business practices, pursuant to California Business and Professions  
28 Code § 17203;

1 9. For an order preliminarily and permanently enjoining Defendants, and  
2 their directors, officers, employees, agents, and servants, and all other persons acting  
3 in concert with them from further acts of unfair competition in violation of California  
4 Business and Professions Code §§ 17200 *et seq.*;

5 On the Third Cause of Action

6 (Unfair Competition – California Common Law)

7 10. For a judgment that Defendants’ conduct constitute unfair competition  
8 under the common law of the State of California;

9 11. For compensatory damages in an amount to be determined at trial,  
10 together for interests and costs;

11 12. For exemplary damages pursuant to Civil Code § 3294;

12 13. For an order preliminarily and permanently enjoining Defendants, and  
13 their directors, officers, employees, agents, and servants, and all other persons acting  
14 in concert with them from further acts of unfair competition in violation of California  
15 common law; and

16 On All Causes of Action

17 14. For such further relief as the Court may deem just and equitable.

18  
19 Dated: August 5, 2008

CHAN LAW GROUP LLP

20  
21 By: 

22 Thomas T. Chan  
23 David M. Chernek  
24 Raymond K. Chan

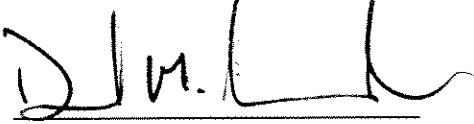
25 Attorneys for Plaintiff United Pacific Industries Inc.  
26  
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**DEMAND FOR JURY TRIAL**

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff United Pacific hereby demands a trial by jury on all issues raised by this Complaint that are triable by jury.

Dated: August 5, 2008

CHAN LAW GROUP LLP

By: 

Thomas T. Chan  
David M. Chernek  
Raymond K. Chan  
Attorneys for Plaintiff United Pacific Industries Inc.

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Exhibit A



US00D552294S

(12) **United States Design Patent**  
**Lin**

(10) **Patent No.:** **US D552,294 S**

(45) **Date of Patent:** **\*\* Oct. 2, 2007**

(54) **SKULL LIGHT BEZEL**

D533,678 S \* 12/2006 Conrad ..... D26/139

(76) Inventor: **Jack Lin**, 1751 E. Del Amo Blvd.,  
Carson, CA (US) 90746

\* cited by examiner

(\*\*) Term: **14 Years**

*Primary Examiner*—Marcus A. Jackson  
(74) *Attorney, Agent, or Firm*—Chan Law Group

(21) Appl. No.: **29/220,681**

(57) **CLAIM**

(22) Filed: **Jan. 4, 2005**

The ornamental designs for a skull light bezel, as shown and described.

(51) **LOC (8) Cl.** ..... **26-99**

(52) **U.S. Cl.** ..... **D26/139**

(58) **Field of Classification Search** ..... D26/28-36,  
D26/139; 362/459-468, 475-478, 485-487  
See application file for complete search history.

**DESCRIPTION**

FIG. 1 is a front view of the skull light bezel of my new design.

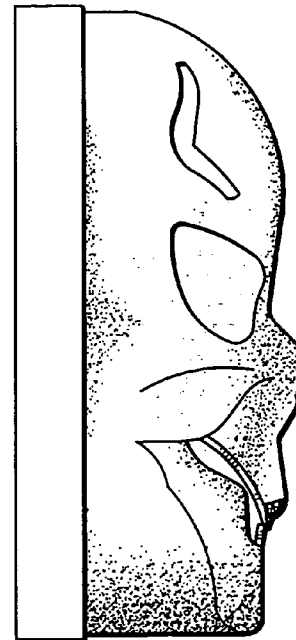
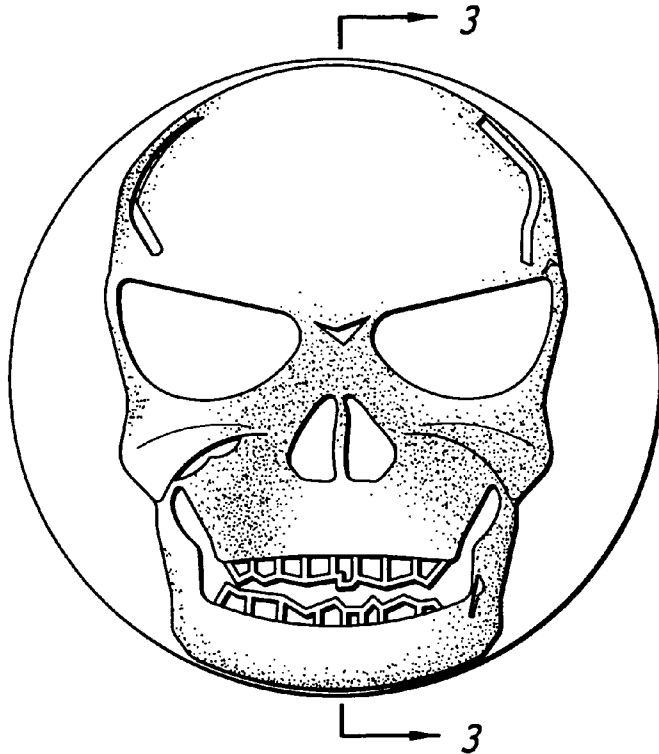
FIG. 2 is a side view of the skull light bezel thereof; and,  
FIG. 3 is a cross section view of the skull light bezel taken along 3—3.

(56) **References Cited**

**U.S. PATENT DOCUMENTS**

D531,750 S \* 11/2006 Lin ..... D26/139

**1 Claim, 1 Drawing Sheet**



U.S. Patent

Oct. 2, 2007

US D552,294 S

FIG. 1

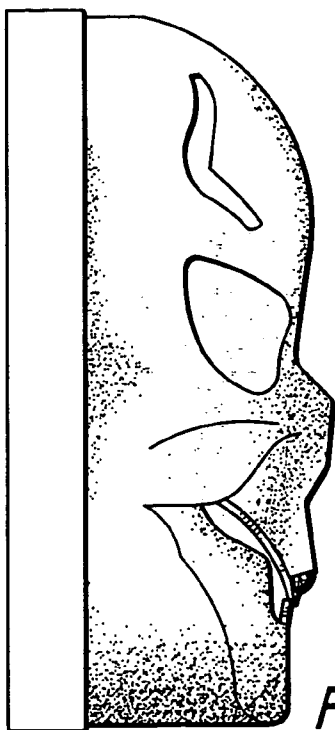
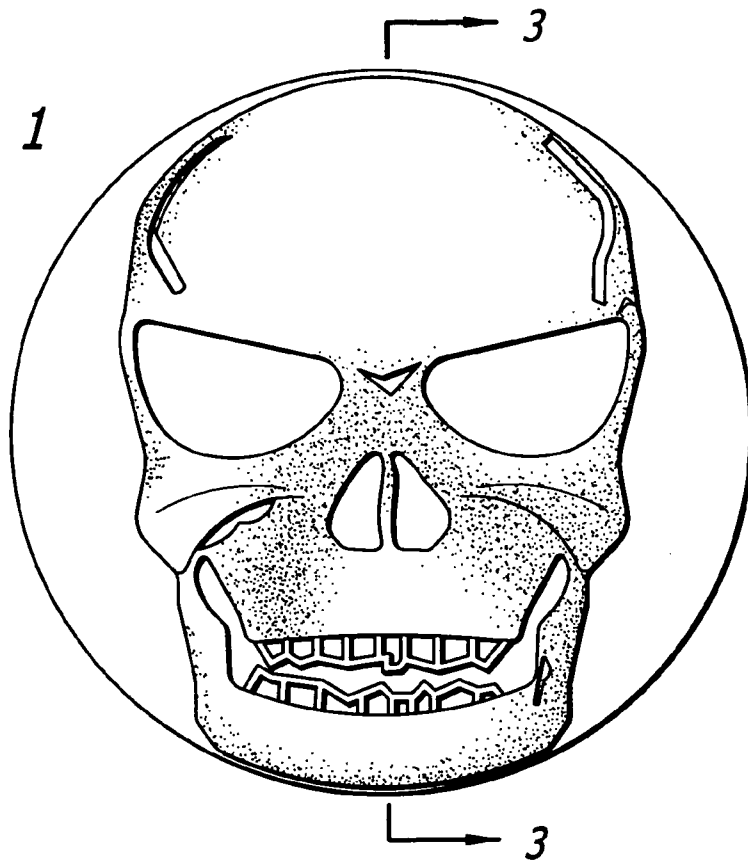


FIG. 2

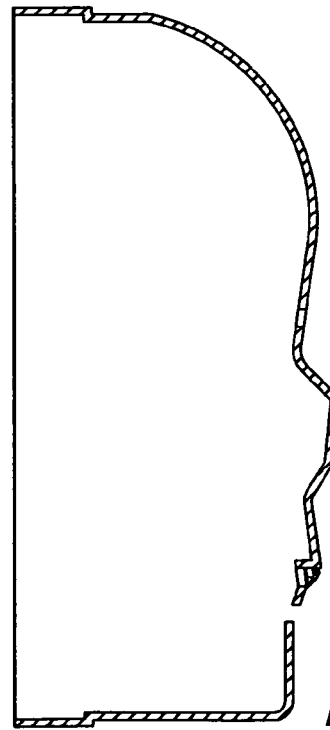


FIG. 3

Exhibit B

### Chrome Plastic Skull Bezel

- Not street legal.
- Hardware included.
- Sold by piece, carded.

Part No.	Description
<b>78489</b>	For 2" marker light <span style="float: right;"><b>New</b></span>
<b>80809</b>	For oval sealed light <span style="float: right;"><b>New</b></span>
<b>90090</b>	For 4" sealed light



78489 shown w/light



78489



90090 shown w/light



90090



80809 shown w/light

\*Light not included.

\* Disclaimer: use of these bezels could result in lights not meeting DOT optic requirements.

### Chrome Plastic Iron Cross Bezel **New**

- Not street legal.
- Hardware included.
- Sold by piece, carded.

Part No.	Description
<b>78957</b>	For 2" marker light
<b>90092</b>	For 4" sealed light



78957



90092

\*Light not included.

\* Disclaimer: use of these bezels could result in lights not meeting DOT optic requirements.

### Chrome Plastic Marker Light Rim

- Fits square 2 face light.
- Flush mount.
- Sold by piece, carded.

Part No.	Description
<b>80359</b>	w/o visor <span style="float: right;"><b>New</b></span>
<b>80358</b>	w/visor



80359 shown w/light



80359 Side View

\*Light not included.

### #194, 912 & 921 LED Bulbs w/4 Diodes **New**

- Fits bulb #194, 912 & 921, 4 - 12 volt "LED" diodes.
- Fits cab, marker and parking lights.
- 1 piece per card.

Part No.	Color	Part No.	Color
<b>83760</b>	Amber	<b>83763</b>	Purple
<b>83761</b>	Blue	<b>83764</b>	Red
<b>83762</b>	Green	<b>83765</b>	White

