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UNITED STATES DISTRICT COURT  
 DISTRICT OF UTAH, CENTRAL DIVISION

ADAMASU GEBRE, an individual,	)	Civil Action No. 2:07-cv-00237 BSJ
	)	
Plaintiff,	)	
	)	
v.	)	<b>AMENDED COMPLAINT</b>
	)	
	)	<b>(JURY TRIAL DEMANDED)</b>
AUDI OF AMERICA, INC., AUDIOVOX	)	
CORP., CBS RADIO, INC., DASH	)	
NAVIGATION, INC., DELPHI CORP.,	)	Honorable Judge Bruce S. Jenkins
HORIZON NAVIGATION, INC., JVC	)	
AMERICAS CORP., NAVIGON, INC.,	)	
PHAROS SCIENCES & APPLICATIONS,	)	
INC. SANYO NORTH AMERICA CORP.,	)	
SIRIUS SATELLITE RADIO, INC., SONY	)	
CORP. OF AMERICA, XM SATELLITE	)	
RADIO HOLDINGS, INC.,	)	
	)	
Defendants.	)	
	)	

Plaintiff, Adamasu Gebre (“Gebre”) hereby complains against defendants Audi of America, Inc. Audiovox Corp., Dash Navigation, Inc., Delphi Corp., Horizon Navigation, Inc., JVC Americas Corp., Navigon, Inc., Pharos Sciences & Applications, Inc., Sanyo North America Corp., Sirius Satellite Radio, Inc., Sony Corp. of America, and XM Satellite Radio Holdings,

Inc., (collectively referred to hereafter as “Defendants”) and for causes of action alleges as follows:

**PARTIES**

1. Plaintiff Adamasu Gebre, (“Plaintiff” or “Mr. Gebre”) is an individual residing at at Carmenlaan 151, 1183 Amstelveen, The Netherlands.

2. Audi of America Inc., a Division of Volkswagon of America, upon information and belief, is a New Jersey corporation with its principal executive offices located at 3800 Hamlin Road, Auburn Hills, Michigan 48326.

3. Audiovox Corporation, upon information and belief, is a Delaware corporation with its principal executive offices located at 180 Marcus Boulevard, Hauppauge, New York 11788.

4. CBS Radio, Inc., upon information and belief, is a Delaware corporation with its principal executive offices located at 1515 Broadway, 46th Fl., New York, NY 10036.

5. Dash Navigation, Inc., upon information and belief, is a Delaware corporation with its principal executive offices located at 2189 Leghorn Street, Mountain View, California 94043.

6. Delphi Corporation, upon information and belief, is a Delaware corporation with its principal executive offices located at 5725 Delphi Drive, Troy, Michigan 48098.

7. Horizon Navigation, Inc., upon information and belief, is a California corporation with its principle executive offices located at 4701 Patrick Henry Drive #1301, Santa Clara, California 95054.

8. JVC Americas Corporation, a Division of Victor Company of Japan Ltd., upon information and belief, is a Delaware corporation with its principal executive offices located at 1700 Valley Road, Wayne, New Jersey 07470.

9. Navigon, Inc., upon information and belief, is a Delaware corporation with its principal executive offices located at 200 W. Madison, Suite 650, Chicago IL, 60606.

10. Pharos Sciences & Applications, Inc., upon information and belief, is a California corporation with its principal executive offices located at 411 Amapola Avenue, Torrance, California 95051.

11. Sanyo North America Corporation, a Division of Sanyo Electric Co., Ltd., upon information and belief, is a Delaware corporation with its principal executive offices located at 2055 Sanyo Avenue, San Diego, California 92154.

12. Sirius Satellite Radio, Inc., upon information and belief, is a Delaware corporation with its principal executive offices located at 1221 Avenue of the Americas, 36<sup>th</sup> Floor, New York, New York 10020.

13. Sony Corporation of America, a Division of Sony Corporation, upon information and belief, is a New York corporation with its principal executive offices located at 550 Madison Avenue, New York, New York 10022.

14. XM Satellite Radio, Inc., a Division of XM Satellite Radio Holdings, Inc., upon information and belief, is a Delaware corporation with its principal executive offices located at 1500 Eckington Place, NE, Washington, D.C. 20002-2194.

#### **JURISDICTION AND VENUE**

15. This is a civil action for patent infringement brought by Plaintiff for patent infringement committed by the Defendants arising under the patent laws of the United States,

and more specifically, under Title 35 U.S.C. §§ 271, 281, 283, 284 and 285. Jurisdiction of this court is founded upon 28 U.S.C. §§ 1331 and 1338(a).

16. Upon information and belief, each of the Defendants has transacted business, contracted to supply goods or services, and caused injury within the state of Utah, and has otherwise purposely availed itself of the privileges and benefits of the laws of the state of Utah, and is therefore subject to the jurisdiction of this court pursuant to Fed.R.Civ.P. 4(k)(1)(A) and § 78-27-24, Utah Code Ann.

17. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391 and 1400(b).

**FIRST CLAIM**

(Infringement of U.S. Patent No. 5,297,049 by all Defendants)

18. Plaintiff hereby incorporates the allegations of paragraphs 1-26 of this Complaint into the First Claim for Relief as though fully set forth herein.

19. U.S. Patent No. 5,297,049 (“the ‘049 patent”) issued on March 22, 1994, bearing the title “Vehicle Guidance System.” (Exhibit A.)

20. Plaintiff is the owner of the ‘049 patent.

21. Defendants have manufactured, used, imported, sold and/or offer for sale software, data and/or hardware for use with vehicle guidance systems within the scope of certain claims of the ‘049 patent without license or authority from Plaintiff and in violation of Plaintiff’s rights.

22. Upon information and belief, Defendants have and have had actual notice of the existence of the ‘049 patent, and despite such notice continue to willfully, wantonly and deliberately engage in acts of infringement as that term is defined in 35 U.S.C. § 271, without regard to the ‘049 patent, and will continue to do so unless otherwise enjoined by this Court.

23. Plaintiff has been and will continue to be damaged by the infringing conduct of Defendants, in an amount to be established upon proper proof at trial. Further, the harm to Plaintiff arising from acts of infringement of the '049 patent by Defendants is not fully compensable by money damages, but rather, results in irreparable harm to Plaintiff.

**SECOND CLAIM**

(Infringement of U.S. Patent No. 5,504,683 by Defendant Dash Navigation, Inc.)

24. Plaintiff hereby incorporates the allegations of paragraphs 1-32 of this Complaint into the Second Claim for Relief as though fully set forth herein.

25. U.S. Patent No. 5,504,683 ("the '683 patent") issued on April 2, 1996, bearing the title "Traffic Management System." (Exhibit B.)

26. Plaintiff is the owner of the '683 patent.

27. Defendant Dash Navigation, Inc. has manufactured, used, imported, sold and/or offer for sale software, data and/or hardware for use with vehicle guidance systems within the scope of certain claims of the '683 patent without license or authority from Plaintiff and in violation of Plaintiff's rights.

28. Upon information and belief, Defendant Dash Navigation, Inc. has and has had actual notice of the existence of the '683 patent, and despite such notice continues to willfully, wantonly and deliberately engage in acts of infringement as that term is defined in 35 U.S.C. § 271, without regard to the '683 patent, and will continue to do so unless otherwise enjoined by this Court.

29. Plaintiff has been and will continue to be damaged by the infringing conduct of Defendant Dash Navigation, Inc., in an amount to be established upon proper proof at trial. Further, the harm to Plaintiff arising from acts of infringement of the '683 patent by Defendant Dash Navigation, Inc., is not fully compensable by money damages, but rather, results in

irreparable harm to Plaintiff.

WHEREFORE, Plaintiff prays:

- A. For judgment holding Defendants liable for infringement of the '049 patent;
- B. For judgment holding Defendant Dash Navigation, Inc. liable for infringement of the '683 patent;
- C. For a preliminary and permanent injunction enjoining Defendants, their officers, agents, servants, employers and attorneys, and all other persons in active concert or participation with Defendants from further infringement of the '049 patent;
- D. For a preliminary and permanent injunction enjoining Defendant Dash Navigation, Inc., its officers, agents, servants, employers and attorneys, and all other persons in active concert or participation with Defendant Dash Navigation, Inc. from further infringement of the '683 patent;
- E. For an award to Plaintiff of its damages, and that such damages be trebled in view of the willful and deliberate nature of Defendants' infringement;
- F. That this be declared an exceptional case, and that Plaintiff be awarded its attorneys fees;
- G. For an award of Plaintiff's costs of this action; and
- H. For such other and further relief as this court deems Plaintiff may be entitled in law and in equity.

**JURY DEMAND**

Plaintiff demands a trial by jury on all issues triable to a jury as a matter of right.

DATED this 18th day of September, 2007.

WORKMAN NYDEGGER

By /s/ James B. Belshe  
Larry R. Laycock  
David R. Wright  
James B. Belshe

Attorneys for Plaintiff