

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

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U.S. DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO, FLORIDA

OMEGA PATENTS, L.L.C.,  
a Georgia corporation,

Plaintiff,

vs.

**Civil Action No. 6:04-CV-448-ORL-19JGG**

FORTIN AUTO RADIO, INC.  
an alien business organization  
IMPORTEL, LTD., an alien  
business organization; and  
AUTOLAND, an alien business  
organization,

**JURY TRIAL AND INJUNCTIVE  
RELIEF REQUESTED**

Defendant.

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**AMENDED COMPLAINT**

COMES NOW, Plaintiff Omega Patents, LLC, by and through its undersigned attorneys, and for its complaint against Defendants Fortin Auto Radio, Inc., Importel, Ltd., and Autoland, states:

**PARTIES, JURISDICTION AND VENUE**

1. Plaintiff OMEGA PATENTS, L.L.C., is a Georgia limited liability company.
2. Defendant FORTIN AUTO RADIO, INC., is, upon information and belief, an alien business corporation formed under Canadian laws which sells and offers for sale infringing products in the United States, including the Middle District of Florida.

3. Defendant IMPORTEL, LTD., is, upon information and belief, an alien business corporation formed under Canadian laws which sells and offers for sale infringing products in the United States, including the Middle District of Florida.

4. Defendant AUTOLAND, is, upon information and belief, an alien business corporation formed under Canadian laws which sells and offers for sale infringing products in the United States, including the Middle District of Florida.

5. Defendants sell and offer for sale throughout the United States, including within this judicial district and division, data communications bus adaptors and/or vehicle remote control systems which infringe Plaintiff's United States Patent Nos. 5,719,551; 6,011,460; 6,243,004 B1; 6,249,216 B1; 6,275,147 B1; 6,529,124 B2 and 6,696,927 ("patents in suit"). Upon information and belief, each Defendant has substantial and not isolated contacts with the State of Florida and has committed acts of infringement in the State of Florida, including the Middle District of Florida, sufficient to confer personal jurisdiction upon Defendant.

6. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §1338(a), and has *in personam* jurisdiction over the parties. Venue properly lies in this judicial district and division pursuant to 28 U.S.C. §1391(c) and (d).

### **STATEMENT OF FACTS**

7. Vehicle security devices rely upon electronic communications to perform many of the security functions. Kenneth E. Flick, the inventor of the patents

in suit, is recognized as an innovator in the vehicle security systems industry.

8. A series of inventions by Mr. Flick involve vehicle data communications bus products including interfaces such as for remotely controlling certain functions of the vehicle. The patents in suit describe some of Mr. Flick's inventions in the field. Mr. Flick has assigned all of his rights to the inventions to Plaintiff.

9. Defendants have offered for sale in the United States and in this judicial district vehicle data communications bus products which infringe upon one or more claims of each of the patents in suit.

10. Defendants have no license to practice the patents.

### **COUNT I**

#### **Action for Infringement of U.S. Patent No. 5,719,551**

11. Count I is an action by Plaintiff against Defendants for monetary damages and injunctive relief for Defendants' infringement of U.S. Patent No. 5,719,551 ('551 patent).

12. Plaintiff herein restates and reincorporates into this Count the allegations of Paragraph 1 through 10 hereinabove.

13. Defendants have offered for sale, sold and/or distributed vehicle remote control products which infringe either directly, by inducement or contributorily one or more claims of the '551 patent.

14. The infringing activities of Defendants as outlined in this Count have

been engaged in without authorization by Plaintiff.

15. Plaintiff is entitled to compensatory damages and injunctive relief for Defendants' infringing activities.

16. Upon information and belief, the activities of Defendants outlined in this Count have been engaged in without justifiable belief by Defendants that there is no infringement or that the infringed claims are invalid. Therefore, Plaintiff is entitled to an award of exemplary damages, attorney's fees and costs of this action.

## **COUNT II**

### **Action for Infringement of U.S. Patent No. 6,011,460**

17. Count II is an action by Plaintiff against Defendants for monetary damages and injunctive relief for Defendants' infringement of U.S. Patent No. 6,011,460 ('460 patent).

18. Plaintiff herein restates and reincorporates into this Count the allegations of Paragraph 1 through 10 hereinabove.

19. Defendants have offered for sale, sold and/or distributed vehicle remote control products which infringe either directly, by inducement or contributorily one or more claims of the '460 patent.

20. The infringing activities of Defendants as outlined in this Count have been engaged in without authorization by Plaintiff.

21. Plaintiff is entitled to compensatory damages and injunctive relief for Defendants' infringing activities.

22. Upon information and belief, the activities of Defendants outlined in this Count have been engaged in without justifiable belief by Defendants that there is no infringement or that the infringed claims are invalid. Therefore, Plaintiff is entitled to an award of exemplary damages, attorney's fees and costs of this action.

### **COUNT III**

#### **Action for Infringement of U.S. Patent No. 6,243,004 B1**

23. Count III is an action by Plaintiff against Defendants for monetary damages and injunctive relief for Defendants' infringement of U.S. Patent No. 6,243,004 B1 ('004 patent).

24. Plaintiff herein restates and reincorporates into this Count the allegations of Paragraph 1 through 10 hereinabove.

25. Defendants have offered for sale, sold and/or distributed vehicle remote control products which infringe either directly, by inducement or contributorily one or more claims of the '004 patent.

26. The infringing activities of Defendants as outlined in this Count have been engaged in without authorization by Plaintiff.

27. Plaintiff is entitled to compensatory damages and injunctive relief for Defendants' infringing activities.

28. Upon information and belief, the activities of Defendants outlined in this Count have been engaged in without justifiable belief by Defendants that there is no infringement or that the infringed claims are invalid. Therefore, Plaintiff is

entitled to an award of exemplary damages, attorney's fees and costs of this action.

**COUNT IV**

**Action for Infringement of U.S. Patent No. 6,249,216 B1**

29. Count IV is an action by Plaintiff against Defendants for monetary damages and injunctive relief for Defendants' infringement of U.S. Patent No. 6,249,215 B1 ('216 patent).

30. Plaintiff herein restates and reincorporates into this Count the allegations of Paragraph 1 through 10 hereinabove.

31. Defendants have offered for sale, sold and/or distributed vehicle remote control products which infringe either directly, by inducement or contributorily one or more claims of the '216 patent.

32. The infringing activities of Defendants as outlined in this Count have been engaged in without authorization by Plaintiff.

33. Plaintiff is entitled to compensatory damages and injunctive relief for Defendants' infringing activities.

34. Upon information and belief, the activities of Defendants outlined in this Count have been engaged in without justifiable belief by Defendants that there is no infringement or that the infringed claims are invalid. Therefore, Plaintiff is entitled to an award of exemplary damages, attorney's fees and costs of this action.

## **COUNT V**

### **Action for Infringement of U.S. Patent No. 6,275,147 B1**

35. Count V is an action by Plaintiff against Defendants for monetary damages and injunctive relief for Defendants' infringement of U.S. Patent No. 6,275,147 B1 ('147 patent).

36. Plaintiff herein restates and reincorporates into this Count the allegations of Paragraph 1 through 10 hereinabove.

37. Defendants have offered for sale, sold and/or distributed vehicle remote control products which infringe either directly, by inducement or contributorily one or more claims of the '147 patent.

38. The infringing activities of Defendants as outlined in this Count have been engaged in without authorization by Plaintiff.

39. Plaintiff is entitled to compensatory damages and injunctive relief for Defendants' infringing activities.

40. Upon information and belief, the activities of Defendants outlined in this Count have been engaged in without justifiable belief by Defendants that there is no infringement or that the infringed claims are invalid. Therefore, Plaintiff is entitled to an award of exemplary damages, attorney's fees and costs of this action.

## **COUNT VI**

### **Action for Infringement of U.S. Patent No. 6,529,124 B2**

41. Count VI is an action by Plaintiff against Defendants for monetary

damages and injunctive relief for Defendants' infringement of U.S. Patent No. 6,529,124 B2 ('124 patent).

42. Plaintiff herein restates and reincorporates into this Count the allegations of Paragraph 1 through 10 hereinabove.

43. Defendants have offered for sale, sold and/or distributed vehicle remote control products which infringe either directly, by inducement or contributorily one or more claims of the '124 patent.

44. The infringing activities of Defendants as outlined in this Count have been engaged in without authorization by Plaintiff.

45. Plaintiff is entitled to compensatory damages and injunctive relief for Defendants' infringing activities.

46. Upon information and belief, the activities of Defendants outlined in this Count have been engaged in without justifiable belief by Defendants that there is no infringement or that the infringed claims are invalid. Therefore, Plaintiff is entitled to an award of exemplary damages, attorney's fees and costs of this action.

## **COUNT VII**

### **Action for Infringement of U.S. Patent No. 6,696,927**

47. Count VII is an action by Plaintiff against Defendants for monetary damages and injunctive relief for Defendants' infringement of U.S. Patent No. 6,696,927 ('927 patent).

48. Plaintiff herein restates and reincorporates into this Count the



allegations of Paragraph 1 through 10 hereinabove.

49. Defendants have offered for sale, sold and/or distributed vehicle remote control products which infringe either directly, by inducement or contributorily one or more claims of the '927 patent.

50. The infringing activities of Defendants as outlined in this Count have been engaged in without authorization by Plaintiff.

51. Plaintiff is entitled to compensatory damages and injunctive relief for Defendants' infringing activities.

52. Upon information and belief, the activities of Defendants outlined in this Count have been engaged in without justifiable belief by Defendants that there is no infringement or that the infringed claims are invalid. Therefore, Plaintiff is entitled to an award of exemplary damages, attorney's fees and costs of this action.

#### **JURY TRIAL REQUEST**

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

#### **PRAYER FOR RELIEF**

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

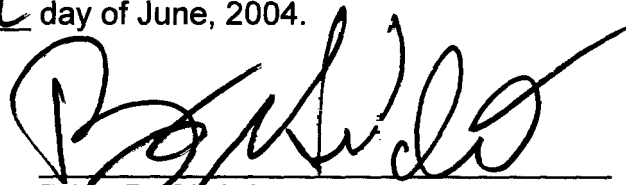
- a. A preliminary and then permanent injunction enjoining Defendant from infringing the patents in suit in this case;
- b. An award of damages under 35 U.S.C. §284 in an amount adequate

to compensate Plaintiff for Defendant's infringement, but in no event less than a reasonable royalty for the use made by Defendant of the inventions set forth in the patents in suit.

c. An award of exemplary damages, attorney's fees and costs under 35 U.S.C. §285

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

Respectfully submitted this 22 day of June, 2004.



Brian R. Gilchrist

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& Gilchrist, P.A.**

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