

UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF NEW YORK

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Attorneys for Plaintiff Service Reminder LLC

SERVICE REMINDER LLC,  
  
Plaintiff,  
  
v.  
  
TOYOTA MOTOR SALES, U.S.A, INC.,  
  
Defendant.

Case No. 08 CIV 8669

COMPLAINT FOR PATENT  
INFRINGEMENT

DEMAND FOR JURY TRIAL

Plaintiff Service Reminder LLC (hereinafter referred to as “Plaintiff” or “Service  
Reminder”) demands a jury trial and complains against the defendant as follows:

**THE PARTIES**

1. Service Reminder is a limited liability company organized and existing under the  
laws of the State of New Jersey, having a place of business at 208 West State Street, Trenton, New  
Jersey 08608.

2. Upon information and belief, Toyota Motor Sales, U.S.A., Inc. (hereinafter referred  
to as ”Defendant” or “Toyota”) is a corporation organized and existing under the laws of the State  
of Delaware, having a place of business at 19001 South Western Avenue, Dept. WC11, Torrance,  
California 90501.

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**JURISDICTION AND VENUE**

3. This action arises under the patent laws of the United States of America, Title 35 of the United States Code. This Court has jurisdiction of this action under 28 U.S.C. §§ 1331 and 1338(a).

4. On information and belief, Defendant is doing business and committing infringements in this judicial district and are subject to personal jurisdiction in this judicial district.

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

**CLAIM FOR PATENT INFRINGEMENT**

6. Plaintiff Service Reminder repeats and incorporates herein the entirety of the allegations contained in paragraphs 1 through 5 above.

7. On August 12, 2003, U.S. Patent No. 5,917,408 (hereinafter referred to as “the ‘408 patent”) was duly and legally issued to Alfred Cardillo and Peter Michael Doerr for an invention entitled “Maintenance Alert Cluster With Memory”. The ‘408 Patent was assigned to ProDesign Technology, Inc. and subsequently licensed to Service Reminder. A copy of the ‘408 patent is attached to this Complaint as Exhibit 1.

8. Service Reminder is the owner of all right, title and interest in and to the ‘408 patent.

**COUNT ONE**

9. Plaintiff Service Reminder repeats and incorporates herein the entirety of the allegations contained in paragraphs 1 through 8 above.

10. Defendant Toyota has and still is infringing, actively inducing the infringement of and contributorily infringing in this judicial district, the ‘408 patent by, among other things, making, using, offering to sell, selling and/or importing a device included in vehicles it sells in the United States that alerts drivers to perform a preventative maintenance task pursuant to a claim of the ‘408

1 patent without permission from Service Reminder and will continue to do so unless enjoined by this  
2 Court.

3 11. Plaintiff has been damaged by such infringing activities by the Defendant of the  
4 ‘408 patent and will be irreparably harmed unless such infringing activities are enjoined by this  
5 Court.

6 **COUNT TWO**

7 12. Plaintiff Service Reminder repeats and incorporates herein the entirety of the  
8 allegations contained in paragraphs 1 through 11 above.

9 13. Defendant Toyota’s infringement has been willful and deliberate, justifying the  
10 assessment of treble damages pursuant to 35 U.S.C. §284 and attorneys’ fees pursuant to 35 U.S.C.  
11 §285 against that entity.

12 **PRAYER FOR RELIEF**

13 WHEREFORE, the Plaintiff Service Reminder prays for judgment against the Defendant  
14 Toyota on all the counts and for the following relief:

15 A. Declaration that the Plaintiff is the owner of the ‘408 patent, and that the Plaintiff has  
16 the right to sue and to recover for infringement thereof;

17 B. Declaration that the ‘408 patent is valid and enforceable;

18 C. Declaration that the Defendant has infringed, actively induced infringement of, and  
19 contributorily infringed the ‘408 patent;

20 D. A preliminary and permanent injunction against the Defendant, each of its officers,  
21 agents, servants, employees, and attorneys, all parent and subsidiary corporations, their assigns and  
22 successors in interest, and those persons acting in active concert or participation with them,  
23 including distributors and customers, enjoining them from continuing acts of infringement, active  
24 inducement of infringement, and contributory infringement of Service Reminder’s ‘408 patent;

25 E. An accounting for damages under 35 U.S.C. §284 for infringement of the Plaintiff’s  
26 ‘408 patent by the Defendant and the award of damages so ascertained to the Plaintiff, Service  
27 Reminder, together with interest as provided by law;  
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- 1 F. A judgment that the Defendant is a willful infringer and an award of treble damages
- 2 to the Plaintiff pursuant to 35 U.S.C. §284 against the Defendant;
- 3 G. Award of reasonable attorney’s fees to the Plaintiff pursuant to 35 U.S.C. §285;
- 4 H. Award of the Plaintiff’s costs and expenses; and
- 5 I. Such other and further relief as this Court may deem proper, just and equitable.

**DEMAND FOR JURY TRIAL**

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7 Plaintiff Service Reminder demands a trial by jury of all issues properly triable by jury in  
8 this action.

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10 By: /s/Jean-Marc Zimmerman  
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Dated: October 2, 2008  
Westfield, NJ