

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-02199-RBJ-BNB

NIWOT CORPORATION d/b/a SPECIALTY PRODUCTS COMPANY,
a Colorado corporation,

Plaintiff,

v.

K2 MOTOR CORP., a California corporation, d/b/a
SPEC-D TUNING d/b/a
DOTCOM RACING d/b/a
ROKU CREATION d/b/a
G FORCE USA;
BRYAN CHAN, an Individual;
IPEX MOTORING, INC., a California corporation; and
KWAN YIN LEI, an Individual,

Defendants.

AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Niwot Corporation d/b/a Specialty Products Company, for its Amended Complaint against defendants K2 Motor Corp. d/b/a Spec-D Tuning d/b/a Dotcom Racing d/b/a Roku Creation d/b/a G Force USA; Bryan Chan; Ipex Motoring, Inc.; and Kwan Yin Lei alleges the following:

INTRODUCTION

Plaintiff Niwot Corporation d/b/a Specialty Products Company is a small Colorado corporation founded in 1970 to design, test, manufacture, and sell world class alignment and suspension solutions. Specialty Products has applied for and received United States and foreign patents relating to inventions developed by its employees. Specialty Products brings this action

to obtain redress for infringement of those patents by defendants K2 Motor Corp. d/b/a Spec-D Tuning d/b/a Dotcom Racing d/b/a Roku Creation d/b/a G Force USA; Bryan Chan; Ipex Motoring, Inc.; and Kwan Yin Lei (collectively, “Defendants”).

THE PARTIES

1. Plaintiff Niwot Corporation d/b/a Specialty Products Company (“Specialty Products”) is a corporation organized and existing under the laws of Colorado with its principal place of business at 4045 Specialty Place, Longmont, Colorado 80504.

2. On information and belief, defendant K2 Motor Corp. d/b/a Spec-D Tuning d/b/a Dotcom Racing d/b/a Roku Creation d/b/a G Force USA (“K2 Motor”) is a California limited liability corporation, with a principal place of business at 250 Benton Court, Walnut, California 91789.

3. K2 Motor offers to sell and sells products throughout the United States, including in this judicial district.

4. Bryan Chan (“Chan”) is the C.E.O. of K2 Motor.

5. On information and belief, Ipex Motoring Inc. (“Ipex”) is a former California corporation whose current form as a business entity is unknown, with a principal place of business at 19223 E. Colima Road, Suite 902, Rowland Heights, California 91748.

6. Ipex offers to sell and sells products throughout the United States, including in this judicial district.

7. Kwan Yin Lei (“Lei”) is the President of Ipex.

JURISDICTION AND VENUE

8. This is an action for patent infringement arising under the Patent Laws of the United States, Title 35 of the United States Code.

9. This Court has subject matter jurisdiction under 28 U.S.C. sections 1331 and 1338.

10. This Court has personal jurisdiction over K2 Motor, Chan, Ipex and Lei.

11. Venue is proper in this judicial district under 28 U.S.C. sections 1391 and 1400(b).

FIRST CLAIM FOR RELIEF INFRINGEMENT OF U.S. PATENT NO. 7,513,514

12. The allegations set forth in the foregoing paragraphs herein are incorporated into this First Claim For Relief.

13. On April 7, 2009, U.S. Patent No. 7,513,514 (the “’514 Patent”), entitled “Adjustable Ball Joint Connection Assembly,” was duly and legally issued by the United States Patent and Trademark Office to inventors Richard D. Schlosser and James A. Bloemen, and has been duly and legally assigned to the Niwot Corporation. A copy of the ’514 Patent is attached as Exhibit A.

14. The Defendants have infringed and continue to infringe, have induced and continue to induce others to infringe, and have committed and continue to commit acts of contributory infringement of one or more claims of the ’514 Patent in this judicial district and elsewhere by making, using, selling, offering for sale, and/or importing into the United States products (the “Accused Products”) that infringe one or more claims of the ’514 Patent.

15. The Accused Products include, but are not limited to, products which employ a adjustable ball joint assemblies, such as product numbers CAM2350203 and CAM-350Z03 and products sold by the Defendants under such names as “Front Alignment Camber Arm Kit,”

“Front Camber Arm/Toe Alignment Kit,” “Front Camber Kit Control Arm,” “Front Upper Camber Arm Caster,” and “Front and Rear Adjustable Camber Kit Set.”

16. As a result of the Defendants’ infringement of the ’514 Patent, Specialty Products has suffered damages and will continue to suffer damages in the future.

17. The Defendants’ infringement of the ’514 Patent will continue into the future unless the Defendants’ acts of patent infringement are enjoined by this Court.

18. The Defendants’ acts of patent infringement are and continue to be willful and deliberate. Specialty Products has marked the products it manufactures that are covered by the ’514 Patent since March 2010. Those products, marked with the ’514 Patent number, have been on sale since November 2010. The Defendants willfully and deliberately copied Specialty Products’ marked products and started selling the Accused Products at least as early as May 2011. Accordingly, Defendants’ infringement has been and continues to be willful.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Niwot Corporation d/b/a Specialty Products Company asks this Court to enter judgment against defendants K2 Motor Corp. d/b/a Spec-D Tuning d/b/a Dotcom Racing d/b/a Roku Creation d/b/a G Force USA; Bryan Chan; Ipex Motoring, Inc.; and Kwan Yin Lei, and against their respective subsidiaries, affiliates, agents, servants, employees, licensees, and all persons acting or attempting to act in active concert or participation with them or acting on their behalf, granting the following relief:

A. An award of damages adequate to compensate Specialty Products for the infringement, together with pre- and post-judgment interest;

B. Increased damages pursuant to 35 U.S.C. section 284;

C. A finding that this case is exceptional and an award to Specialty Products of its attorneys fees, expenses and costs pursuant to 35 U.S.C. section 285;

D. A permanent injunction prohibiting further infringement, inducement of infringement, and contributory infringement of the '514 Patent; and

E. Such other and further relief as this Court may deem just and proper.

JURY DEMAND

Specialty Products demands a trial by jury.

Dated this 5th day of October, 2011.

s/Lee F. Johnston _____

Lee F. Johnston

Case Collard

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