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9 **UNITED STATES DISTRICT COURT**  
10 **DISTRICT OF ARIZONA**

11 JOE C. MORROW, a single man; LINDA)  
12 HARGRAVE, a single woman; AIRBAGIT.COM)  
13 SUSPENSION LLC, an Arizona limited liability)  
14 corporation; AMERICAN INNOVATIVE)  
15 MANUFACTURING INC., an Arizona corporation,)

16 NO.  
17 **COMPLAINT FOR DECLARATORY**  
18 **JUDGMENT**

19 Plaintiffs,

20 **(JURY TRIAL DEMANDED)**

21 vs.

22 VERTICAL DOORS INC., a California corporation,)

23 Defendant.

24 Plaintiffs Joe C. Morrow, Linda Hargrave, Airbagit.com Suspension LLC and American  
25 Innovative Manufacturing Inc. (“Plaintiffs”), for their Complaint for declaratory judgment against  
26 Defendant Vertical Doors Inc. (“VDI”), allege that United States Patents No. 6,808,223, No.  
27 6,845,547, No. 7,059,655 and No. 7,140,075 (“the subject patents”) are not infringed by Plaintiffs,  
28 are invalid and/or are unenforceable.

**THE PARTIES**

1. Plaintiff Joe C. Morrow is an adult resident of Maricopa County, Arizona of sound mind and was  
at all times material hereto.

2. Plaintiff Linda Hargrave is an adult resident of Maricopa County, Arizona of sound mind and was  
at all times material hereto.

3. Plaintiff Airbagit.com Suspension LLC is an Arizona limited liability corporation with its principal place of business in Maricopa County, Arizona.

4. Plaintiff American Innovative Manufacturing Inc. is an Arizona corporation with its principal place of business in Maricopa County, Arizona.

5. Defendant VDI is a California corporation with its principal place of business in Corona, California. Defendant VDI presently advertises, markets and sells a substantial amount of product in Maricopa County, Arizona and has done so continuously for a number of years.

#### **JURISDICTION AND VENUE**

6. This action arises under the Patent Laws of the United States. See, 35 U.S.C. § 1 et. seq.

7. This Court has jurisdiction over the subject matter of these claims under 28 U.S.C. § 1331, 1338(a), 2201 and 2202.

8. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b)(2) and 1391(c).

#### **BACKGROUND/STANDING**

9. Plaintiff Airbagit.com Suspension LLC sells a number of automotive products, including Lambo/Vertical Door Systems. Airbagit.com Suspension LLC took over several lines of business, including Lambo/Vertical Door Systems, from Plaintiff American Innovative Manufacturing Inc., which is no longer active.

10. Linda Hargrave was the principal of Plaintiff American Innovative Manufacturing Inc. and is the principal of Plaintiff Airbagit.com Suspension LLC. Plaintiff Joe C. Morrow has provided management services to both companies.

11. On December 31, 2008, Omar Anguiano contacted Plaintiff Morrow in writing and indicated that “you are selling a product that infringes on at least one of our patents.” He instructed Plaintiff Morrow to check a particular web site.

12. The web site in question states that Defendant VDI has licensed the subject patents (all of which concern Lambo/Vertical Door Systems) and is aggressively litigating against all individuals and companies that attempt to sell Lambo/Vertical Door Systems. The site includes links to numerous pleadings filed in federal court against companies selling Lambo/Vertical Door Systems.

13. During the same time period that the written communication from Mr. Anguiano was received,

1 a principal of VDI instructed Mr. Morrow that in the near future, he would file a patent infringement  
2 lawsuit against Plaintiff Airbagit.com Suspension LLC and all other entities involved in its sale of  
3 Lambo/Vertical Door Systems.

4 14. An actual and justiciable controversy therefore exists between Plaintiffs and Defendant as a  
5 result of the aforementioned communications which have caused Plaintiffs to have a reasonable fear  
6 and apprehension that Defendant will commence an action against it for infringement of the subject  
7 patents.

8 **COUNT ONE**

9 **DECLARATION OF NON INFRINGEMENT**

10 15. Plaintiffs reallege and incorporate herein by reference the allegations set forth in paragraphs 1-14.

11 16. Plaintiffs do not now and have never infringed any valid claim of the subject patents.

12 **COUNT TWO**

13 **DECLARATION OF INVALIDITY**

14 17. Plaintiffs reallege and incorporate herein by reference the allegations set forth in paragraphs 1-16.

15 18. One or more claims of each of the subject patents are invalid and void for failure to comply with  
16 one or more sections of Title 35 of the United States Code, including without limitation, 35 U.S.C.  
17 §§ 101, 102, 103 and/or 112.

18 **PRAYER FOR RELIEF**

19 WHEREFORE, Plaintiffs request judgment against Defendant in their favor as follows:

20 A. A declaration that Plaintiffs have not committed any act of direct or indirect infringement of  
21 United States Patents No. 6,808,223, No. 6,845,547, No. 7,059,655 and No. 7,140,075;

22 B. A declaration that United States Patents No. 6,808,223, No. 6,845,547, No. 7,059,655 and No.  
23 7,140,075 are invalid and void for failure to comply with one or more sections of Title 35 of the  
24 United States Code, including without limitation, 35 U.S.C. §§ 101, 102, 103 and/or 112;

25 C. A declaration that this case is “exceptional” within the meaning of 35 U.S.C. § 287;

26 D. An award to Plaintiffs of their costs, attorneys fees and expenses pursuant to 35 U.S.C. § 285; and

27 E. An award to Plaintiffs of all further relief as the Court deems just and necessary.

28 **JURY DEMAND**

1 Plaintiffs hereby demand a jury for all claims herein that are triable to a jury.

2 RESPECTFULLY SUBMITTED this 9<sup>th</sup> day of February, 2009.

3 LAW OFFICES OF LANCE ENTREKIN

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