

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

AAMP OF FLORIDA, INC. d/b/a/
AAMP OF AMERICA

Plaintiff,

v.

METRA ELECTRONICS CORP.,

Defendant.

Case No.: 8:11-cv-02439-SDM-TGW

**FIRST AMENDED COMPLAINT AND DEMAND FOR
JURY TRIAL, INJUNCTIVE RELIEF SOUGHT**

Plaintiff AAMP of Florida, Inc. sues Defendant METRA Electronics Corporation as follows:

THE PARTIES

1. Plaintiff AAMP of Florida, Inc. (“AAMP”) is a Florida corporation with its principal place of business at 13190 56th Court, Clearwater, Florida, 33760. AAMP of Florida, Inc. has maintained since at least September 15, 1992 with the Florida Department of State Division of Corporation a registration for the name and done business as AAMP of America, 13160 56th Court, Clearwater, Florida.

2. Defendant METRA Electronics Corporation (“METRA”) is a Florida corporation with its principal place of business at 460 Walker Street, Holly Hill, Florida, 32117.

JURISDICTION

3. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338 because this action arises under the patent laws of the United States, including 35 U.S.C. § 271 *et seq.* This Court has personal jurisdiction over Defendant METRA because METRA is a Florida corporation with its principal place of business in this judicial district and which has transacted business in this judicial district.

VENUE

4. Venue is proper in this district under 28 U.S.C. §§ 1391 and 1400 because METRA maintains offices in, and is subject to personal jurisdiction in, this judicial district.

INFRINGEMENT OF U.S. PATENT NO. 8,014,540

5. U.S. Patent No. 8,014,540 (“the ’540 patent”) was issued on September 6, 2011. A true and correct copy of the ’540 patent is attached as Exhibit A. The ’540 patent is assigned on its face to AAMP of Florida, Inc. through its d/b/a AAMP of America. AAMP has continuously held title in the ’540 patent from issuance until the present. AAMP is and remains the sole owner of all right, title, and interest in and to the ’540 patent.

6. As a result of AAMP’s exclusive rights, title, and interest in the ’540 patent, AAMP has standing and authority to bring this complaint for patent infringement.

7. The ’540 patent is entitled “Remote Control Interface For Replacement Vehicle Stereos” and is directed generally to devices and methods for “permit[ing] the use of factory installed remote vehicle stereo controls, such as steering wheel stereo controls, with after-market replacement stereos.” (Ex. A, ’540 patent, col.1:18-21.)

8. METRA is infringing at least claims 1 and 9 of the '540 patent by making, importing, using, offering to sell, or selling without authority within the United States and in this judicial district, and/or practicing the claimed interface methods of the '540 patent in, vehicle stereo control interface devices for use with factory-installed steering wheel stereo controls and after-market replacement stereos, including without limitation the interface devices METRA sells under the trade name "Axxess ASWC."

9. METRA is liable under 35 U.S.C. §§ 271(b) and (c) for contributing to and actively inducing infringement of the '540 patent because METRA has actively caused, encouraged, or aided its customers to infringe the '540 patent, with the intent to cause its customers to directly infringe the '540 patent. METRA's customers are directly infringing the '540 patent and its methods by using within the United States vehicle stereo interface devices purchased from METRA.

10. METRA will continue to infringe, contributorily infringe, and/or induce the infringement of the '540 patent unless enjoined by this Court.

11. AAMP has been damaged by METRA's direct and contributory infringement of the '540 patent and active inducement of infringement of the '540 patent, and is suffering and will continue to suffer damage and irreparable harm as a result, unless this Court enjoins METRA from continuing its activities.

12. METRA's infringement of the '540 patent has been and continues to be with knowledge of the '540 patent, has continued after receiving express notice of the '540 patent and METRA's infringement thereof, and is willful.

INFRINGEMENT OF U.S. PATENT NO. 8,184,825

13. U.S. Patent No. 8,184,825 (“the ’825 patent”) was issued on May 22, 2012. A true and correct copy of the ’825 patent is attached as Exhibit B. The ’825 patent is assigned on its face to AAMP of Florida, Inc. AAMP has continuously held title in the ’825 patent from issuance until the present. AAMP is and remains the sole owner of all right, title, and interest in and to the ’825 patent.

14. As a result of AAMP’s exclusive rights, title, and interest in the ’825 patent, AAMP has standing and authority to bring this complaint for patent infringement.

15. The ’825 patent is entitled “Vehicle Remote Control Interface For Controlling Multiple Electronic Devices” and is directed generally to a system and devices for “interconnecting fixed controls of a vehicle to electronic devices,” such that the it “is capable of receiving control signals from fixed controls, such as steering wheel controls, . . . and then transmitting corresponding control signals to the electronic devices,” such as an aftermarket stereo receiver. (Ex. B, ’825 patent, Abstract.)

16. METRA is infringing at least claims 1, 6, and 15 of the ’825 patent by making, importing, using, offering to sell, or selling without authority within the United States and in this judicial district, vehicle stereo control interface systems and devices for use with factory-installed steering wheel stereo controls and after-market replacement stereos, including without limitation the interface devices METRA sells under the trade name “Axxess ASWC.”

17. METRA is liable under 35 U.S.C. §§ 271(b) and (c) for contributing to and actively inducing infringement of the ’825 patent because METRA has actively caused, encouraged, or aided its customers to infringe the ’825 patent, with the intent to cause its customers to directly infringe the ’825 patent. METRA’s customers are directly infringing the

'825 patent by using within the United States vehicle stereo interface devices purchased from METRA.

18. METRA will continue to infringe, contributorily infringe, and/or induce the infringement of the '825 patent unless enjoined by this Court.

19. AAMP has been damaged by METRA's direct and contributory infringement of the '825 patent and active inducement of infringement of the '825 patent, and is suffering and will continue to suffer damage and irreparable harm as a result, unless this Court enjoins METRA from continuing its activities.

20. METRA's infringement of the '825 patent is with knowledge of the '825 patent, has continued after receiving express notice of the pending issuance of the '825 patent, its claims, and METRA's infringement thereof, and is willful.

PRAYER FOR RELIEF

WHEREFORE, AAMP prays for judgment as follows:

21. That the '540 patent and/or the '825 patent have been and continue to be infringed by METRA as alleged herein (directly, contributorily, and/or by inducement);

22. That METRA, its officers, agents, and employees, and those persons in active concert or participation with any of them, and their successors and assigns be preliminarily and permanently enjoined from infringement, inducement of infringement, and contributory infringement of the '540 patent and/or the '825 patent, including but not limited to manufacturing, importing, selling, or offering for sale products patented by the '540 patent or using its methods, and/or the '825 patent;

23. That AAMP be awarded all damages adequate to compensate it for METRA's infringement and any other injury suffered by AAMP due to METRA's wrongful acts;

24. That METRA's infringement of the '540 patent and/or the '825 patent has been and continues to be willful, and awarding AAMP treble damages in light of METRA's willful infringement;

25. That this case is exceptional under 35 U.S.C. § 285;

26. Awarding AAMP its attorneys fees and costs; and

27. That AAMP be awarded such other and further relief as this Court may deem just and proper.

JURY DEMAND

AAMP demands a trial by jury.

Date: May 23, 2012

s/ Dennis P. Waggoner

Dennis P. Waggoner – Trial Counsel

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 23, 2012, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to all counsel of record in this action.

s/ Dennis P. Waggoner
Attorney