

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

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MARLOWE PATENT HOLDINGS LLC,

Plaintiff,

v.

DICE ELECTRONICS, LLC; PACIFIC
ACCESSORY CORPORATION; PRECISION
INTERFACE ELECTRONICS, INC.; USA
SPEC; and VAIS TECHNOLOGY,

Defendants.

Case No. 10-CV-1199

**SECOND AMENDED COMPLAINT
FOR PATENT INFRINGEMENT AND
BREACH OF CONTRACT**

DEMAND FOR JURY TRIAL

Marlowe Patent Holdings LLC (hereinafter referred to as “Plaintiff” or “MPH”) demands a jury trial and complains against the defendant as follows:

THE PARTIES

1. Marlowe is a limited liability company organized and existing under the laws of the State of New Jersey, having a place of business at 33 Honeck Street, Englewood, New Jersey 07631.

2. Upon information and belief, DICE Electronics, LLC (hereinafter referred to as “DICE”) is a limited liability company organized and existing under the laws of the State of Nevada, conducting business in this district.

3. Upon information and belief, Precision Interface Electronics, Inc. (hereinafter referred to as “PIE”) is a corporation organized and existing under the laws of the State of California, conducting business in this district.

1 4. Upon information and belief, USA Spec (hereinafter referred to as “USA”) is a
2 company organized and existing under the laws of the State of California, conducting business in
3 this district.

4 **JURISDICTION AND VENUE**

5 5. This action arises under the patent laws of the United States of America, Title 35 of
6 the United States Code. This Court has jurisdiction of this action under 28 U.S.C. §§ 1331 and
7 1338(a).

8 6. Upon information and belief, each of the Defendants are doing business and
9 committing infringements in this judicial district and each are subject to personal jurisdiction in this
10 judicial district.

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

12 **THE PATENT**

13 8. Plaintiff MPH repeats and incorporates herein the entirety of the allegations
14 contained in the paragraphs above.

15 9. On February 10, 2009, U.S. Patent No. 7,489,786 (hereinafter referred to as “the
16 ‘786 patent”) was duly and legally issued to Ira Marlowe (“Marlowe”) for an invention entitled
17 “Audio Device Integration System”. On March 4, 2010, Marlowe assigned all rights in and to the
18 ‘786 patent to MPH. The ‘786 patent pertains to an audio device integration system that enables
19 after-market audio products such as a CD player, a CD changer, an MP3 player, a satellite receiver,
20 a digital audio broadcast receiver, and other auxiliary sources, to be connected to, operate with, and
21 be controlled from, an existing stereo system in an automobile. A copy of the ‘786 patent is attached
22 hereto as Exhibit 1.
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COUNT ONE – PATENT INFRINGEMENT

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2 10. Plaintiff MPH repeats and incorporates herein the entirety of the allegations
3 contained in the paragraphs above.

4 11. Defendant DICE has and still is directly infringing the ‘786 patent by, among other
5 things, selling and offering for sale in this judicial district interfaces that enable auxiliary audio
6 devices to be integrated with an existing automobile stereo system in a manner defined by the
7 claims of the ‘786 patent without permission from MPH. For example, DICE is selling and offering
8 for sale in this judicial district its I-Honda-R4/5V Silverline/PRO iPod and auxiliary audio input
9 interface.
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11 12. Defendant PIE has and still is directly infringing the ‘786 patent by, among other
12 things, selling and offering for sale in this judicial district interfaces that enable auxiliary audio
13 devices to be integrated with an existing automobile stereo system in a manner defined by the
14 claims of the ‘786 patent without permission from MPH. For example, PAC is selling and offering
15 for sale in this judicial district its FRD04-POD/s iPod interface.

16 13. Defendant USA SPEC has and still is directly infringing the ‘786 patent by, among
17 other things, selling and offering for sale in this judicial district interfaces that enable auxiliary
18 audio devices to be integrated with an existing automobile stereo system in a manner defined by the
19 claims of the ‘786 patent without permission from MPH. For example, USA SPEC is selling and
20 offering for sale in this judicial district its PA15-INFI iPod and auxiliary audio input interface.
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22 14. MPH alleges that each of the Defendants’ accused interface devices infringe claim
23 57 of the ‘786 patent. MPH believes that discovery will reveal that Defendants are infringing
24 additional claims of the ‘786 patent.

25 15. Plaintiff has been damaged by each of the Defendants’ infringement of the ‘786
26 patent and will be irreparably harmed unless such infringing activities are enjoined by this Court.
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COUNT TWO – BREACH OF CONTRACT AGAINST DICE

16. Plaintiff MPH repeats and re-alleges all of the allegations of the paragraphs above as if fully set forth herein.

17. On or about April 25, 2011, DICE and PMH entered into a settlement Agreement which provided for certain ongoing obligations on the part of DICE.

18. Pursuant to the Agreement, DICE has failed to comply with those obligations and has materially breached the parties' settlement Agreement, thus making DICE liable for breach of contract.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff MPH prays for judgment against each one of the Defendants on all the counts and for the following relief:

- A. Declaration that the '786 patent is valid and enforceable;
- B. Declaration that each of the Defendants has infringed the '786 patent;
- C. A preliminary and permanent injunction against each of the Defendants, each of their officers, agents, servants, employees, and attorneys, all parent and subsidiary corporations, their assigns and successors in interest, and those persons acting in active concert or participation with them, including distributors and customers, enjoining them from continuing acts of infringement of the '786 patent;
- D. An accounting for damages under 35 U.S.C. §284 from each of the Defendants for their respective infringement of the '786 patent, and the award of damages ascertained against each one of the Defendants in favor of Plaintiff MPH, together with interest as provided by law;
- E. Award of the Plaintiff's costs and expenses;
- F. A declaration that DICE has breached the settlement Agreement, and an award of damages for such breach; and
- G. Such other and further relief as this Court may deem proper, just and equitable.

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DEMAND FOR JURY TRIAL

Plaintiff MPH demands a trial by jury of all issues properly triable by jury in this action.

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*Attorneys for Plaintiff Marlowe
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Dated: November 7, 2011