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US FEDERAL DISTRICT COURT

FOR THE NORTHERN DISTRICT OF GEORGIA

ATLANTA DIVISION

Phillip Igbinadolor

Civil Case No.

Plaintiff,

1:08-MI-0275

V.

TiVo, Inc.,

Sony Corporation,

Philips Magnavox/Philips Electronics,

Clarion Corporation of America, and

JVC America,

Defendants,

JURY TRIAL DEMANDED

COMPLAINTS FOR DAMAGES, INJUNCTIVE RELIEF, OTHER EQUITABLE RELIEF,

AND MONETARY REMEDY UNDER 35 USC SECTION 281

Plaintiff, Phillip Igbinadolor, by himself as Pro Se; alleges as follows to be true:

1. This is an action under the Federal Question Jurisdiction of the subject matter (a) of Congress Statutes and Laws involving patent infringement under 35 U.S.C. Section 271(a), (b), (c), (d)(1), (2), (3), (4), (5), and (f)(1); and Diversity Jurisdiction of the subject matter of 28 U.S.C. Section 1332(a) with cost exceeding \$75,000.00, (b) involving citizens (corporations) of different states;

BACKGROUND OF CASE

Initially a complaint was filed against the defendants in September 2004. Judge Fredrick Block assigned The case to Magistrate Judge Bloom and initial hearing was set for December 4, 2004. Upon hearing, Magistrate Bloom found that the defendants indeed infringed on plaintiff's patent number 6,799,196. Magistrate Judge Bloom also found defendants used different names in the accused devices that essentially perform the same functions as plaintiff's patent and claimed elements. The Judge recommended the case settled out of court (Court Transcripts). Magistrate Judge Bloom then ordered plaintiff to file an amendment and for the defendants to file a response and the next court hearing was set for March 2005.

For a reason unknown to the plaintiff, Judge Block inexplicably took over the case without notifying the plaintiff why the case was now been presided by him who assigned the case rather than Magistrate Judge Bloom who heard the initial hearing. Defendants' motion to move or remove Magistrate Judge Bloom was not made known to plaintiff nor was there any motion filed as required in the federal civil procedures and rules. Judge Block, without hearing from the plaintiff used summary judgment or judgment as matter of law not to find the defendants infringing for matters having genuine issues of

material fact, that a reasonable jury would return a verdict in favor of the plaintiff. By law, Judge Block is required to inform plaintiff of the consequences of a summary judgment and for the summary judgment motion made during trial. There was no trial or bench trial presided by Judge Block.

Regardless of sufficient evidence that a jury would return a favorable verdict for the plaintiff and having found that the defendants infringed some elements of plaintiff's claims but not all, the Judge content to rule under summary judgment in violation of plaintiff's constitutional rights under the seventh (7th) amendment to a due process and jury trial.

On August 30, 2005, plaintiff through his attorney filed an appeal to the Federal Circuit Court to overturn the District Court decision of July 18, 2005 for erred in using summary judgment where evidence of genuine issues of material fact show defendants' devices were indeed infringing on plaintiff's claimed elements and patent; that plaintiff was not given fair notice of the requirements of consequences of a summary judgment motion, and thirdly, the District Court of the Eastern District of New York erred in denying plaintiff a jury trial which constituted an error that was harmful to the plaintiff (see U.S. 9th Circuit Court of Appeals. Jan. 29, 2008. Solis v. County of Los Angeles w 005-56637). However, plaintiff's attorney either due to incompetence or lack of finance was unable to submit a timely brief asserting these errors while JVC attorney wrote a letter requesting the Circuit Court to dismiss plaintiff's appeal because a counterclaim was pending at the district court. Judge Block did not bother to rule on the pending counterclaim issue before his court but hastily ruled without trial a summary judgment against the plaintiff. Plaintiff then proceeded to request the district court to make final of any and all pending counterclaims under his jurisdiction. On September 13, Judge Block ruled and made a final decision by dismissing any and all pending counterclaims in the US District Court of the Eastern District of New York. Due to the plaintiff's attorney incompetence in filing a motion for extension of time, the Circuit Court's initial decision of February 10, 2006 of plaintiff's appeal to be

premature was ordered mandate on March 3, 2006. The case was sent back to a district court for reinstatement or to reopen case for a trial and for the plaintiff to restart a new complaint for trial.

STATUTE OF LIMITATION

In so much the District Court of the Eastern District of New York had made a final decision (September 13, 2006) for matters pending, that Court has no further jurisdiction to the case of plaintiff continue allegation and true assertion of genuine issues of material fact of patent infringement. Conversely, the Federal Circuit Court has no jurisdiction yet to the case till an appeal from a district court in the United States is made to the Circuit Court. Therefore, statute of tolled limitation and laches do not apply as the defendants would want this Court to believe.

CUASE OF ACTION IN GEORGIA

Plaintiff now resides in Georgia and a place of residence dictates which federal district court has federal question jurisdiction. This Court has subject matter jurisdiction because there is no other final decision left for the Eastern District Court and that the Circuit Court of Appeals has no meritorious jurisdiction for the Court to decide the decision of a district court that have not come for it. The venue is proper in the United States District Court for the Northern District of Georgia due to plaintiff's place of residence.

INDUCEMENT OF PATENT INFRINGEMENT, CONTRIBUTORY PATENT

INFRINGEMENT, DIRECT PATENT INFRIGEMENT, DERIVATIVE PATENT

INFRINGEMENT AND INDIRECT PATENT INFRINGEMENT

2. 35 U.S.C. Section 251 provides for reissued patent and pending reissue patent application for distinct and separate parts of the thing (device) patented which does not seek to enlarge the scope of the 2 years claims of the original patent but for the rights to claim more or less of the original patent. Plaintiff's reissue patent application number 11/396,224 filed April 27, 2006 is within the provisions of this code has sought the rights to claim elements contained in the original patent specification, prior arts of record, statements of knowledge, drawings, descriptions of pertinent matters, and archive record with the Patent and Trademark Office Depository. Therefore, plaintiff's reissue patent application pending falls within 35 U.S.C. Sections 112 and 251 guidelines hence the acceptance by the Patent Initial Examination Office (IEO) and shows the validity under 35 U.S.C. Section 252 that a reissued patent or pending reissue patent "shall not abridge the right of the patentee", "making, using, offering for sale or selling of such thing in the patent infringes a valid claim of the reissued patent or pending reissue which was in the original patent" (6,779,196 B1), which "also applies to before grant of the reissue patent" (application no. 11/396,224) "of the original";

3. Plaintiff alleges to be true and asserted that the defendants engaged in inducement of patent infringement of plaintiff's patent no. 6,779,196 B1 and reissue patent claims pending application no. 11/396,224 when the defendants without authorization made, used, offered to sell, sold, and induces others to make, use, "offers to sell", after "use" plaintiff's patent and pending reissue patent under Amendment 1994 Subsection (a), Pub. L.103-465 Section 533 (a)(1);

4. Plaintiff alleges to be true and asserted that the defendants engaged in contributory infringement of plaintiff's patent no. 6,779,196 B1 and reissue patent claims pending application no. 11/396,224 under 35 U.S.C. Section 271(a), (b), (c), (d)(1), (2), (3), (4), (5), and (f)(1);
5. Plaintiff alleges to be true and asserted that the defendants directly, indirectly, and derivatively infringed, infringes, and continued to infringe in the market place plaintiff's patent no. 6,779,196 B1, EP 1018742, and reissue patent claims pending application no. 11/396,224 under 35 U.S.C. Section 271(a), (b), (c), (d)(1), (2), (3), (4), (5), and (f)(1);
6. Plaintiff states to be true that the claims of the reissue patent pending are substantially identical to the original patent claims (3) and EP 1018742 child patent claims of the original or U.S. parent patent, specification, prior art of records, pertinent statements of knowledge, drawings, description, and archive records with the Patent and Trademark Office Depository, hence should not affect, abate any cause of action then, now or abate the pending reissue patent constituting a continuation and has effect continuously from the date of the original patent defendants' accused devices have infringed since 1998 and continued to infringe in the current market;
7. At all times relevant to this complaint, the defendants actively engaged and engages in infringing plaintiff's patents and reissue patent claims pending by direct, indirect, derivative, inducement, and contributory patent infringement in violation of 35 U.S.C. of section 271 as outlined in the preceding paragraphs;

ELEMENTS OF CAUSE OF ACTION AND GENUINE ISSUES OF MATERIAL FACTS

8. Since 1998 and currently, the defendants' devices were identified to be directly infringing, indirectly infringing, derivatively infringing, contributory infringing, and inducement of patent infringement under 35 U.S.C. section 271 and plaintiff's reissue patent pending application no. 11//396,224 under 35 U.S.C. sections 251 and 252 of a legal and actionable patent and reissue patent pending claims;

9. TiVo, Inc., accused device-TiVo SERIES 2 MODEL TED 540040 and other devices in the current market that record, pause live events whenever it airs without tape/cd or disc and without commercial infringes on plaintiff's patent, specification, and claims of patent no. 6,779,396 B1 (35 U.S.C. section 112) and plaintiff's reissue patent pending 11/396,224 (35 U.S.C. sections 251 and 252) by substantially performing and essentially functioning the same as the functions of the claimed patented device, its European published child EP 1018742 A3, and claimed elements of the reissue patent pending claims 1, 1(c), 2(c)(d), 8(a)(b)(d), 9, 12, 14, and 15 that are respectively independent and dependent claims;

10. There are elements in the accused TiVo HUMAX MODEL DVD RECORDER device that infringe on patent no. 6,779,196 B1, EP 1018742 A3, and plaintiff's reissue patent pending no. 11/396,224 claimed elements in the accused device in its equivalence to the claimed elements that perform substantially the same function in substantially the same way to obtain the same result as the claimed patent, reissue patent pending claimed elements, and plaintiff's European patent publication no. EP 1018742 A3 of claims 3, 3(a), 4, 4(a)(b) with a duly granted US foreign priority claim of the original (parent patent), and US claimed elements of 8, 9, 14, and 15 having foreign priority claim as the original patent and reissue patent pending of April 27, 2006;

11. The defendant, TiVo, Inc., used different name-“commercial skip” in its device that is equivalent to plaintiff’s patented claims of commercial sensor technology vividly shown on claimed device specification, drawings, and detailed description numbered as 1 and on claims 9 and 14 as the core of the patented device and functions the same as found in the accused device and the accused device infringes on EP 1018742 A3 claims 2, 2(a), 3, 3(a), 4, and 4(a);

12. The defendant, TiVo, Inc., unlawfully made, used, sold, induced others to make, use, and sell without authorization and abridged patentee rights by making, using, and selling devices that have the equivalent claims as the claimed patent device having a valid and enforceable claim life;

13. The defendant, TiVo, Inc., engaged in direct patent infringement, derivative patent infringement, contributory patent infringement, and inducing patent infringement of plaintiff’s valid patent and claims having a legal, enforceable, and actionable life under 35 U.S.C. 120, 121 or 365(c);

14. The accused TiVo, Inc., devices, although not literally the same as plaintiff’s US Design Patent no. 395,884, foreign EP 1017842 A3, and US Utility Patent no. 6,779,196 B1 contained elements equivalent to the claimed elements of patent no. 395,884, EP 1018742 A3, 6,779,196 B1 and essentially perform the same functions as the claimed patent having an enforceable, actionable life, and foreign priority under 35 U.S.C. 120, 121;

15. The defendant, TiVo, Inc., cherry picked those claimed elements in the plaintiff’s patents that are commercially profitable and manufactured, incorporated, and sold for enormous gains without authorization or compensation to the plaintiff in violation of the patentee rights to exclude any one from

making, using, and selling during the life of the patent (6,779,196 B1) under 35 U.S.C. section 271 and denied infringing the claimed device because its devices did not infringe all and every element or literally in contradiction and violation of sections 251, 252, and 271 (a) through (d)(1),(2),(3),(4),(5), and (f)(1) of 35 U.S.C.;

16. The defendant, Sony Corporation accused device-DVD RECORDER MODEL #SLV D350P infringes and continued to infringe in the current market by substantially performing and essentially functioning the same as the functions of the plaintiff's patent no. 6,779,196 B1 and plaintiff's reissue patent pending no. 11/396,244 of claims 1, 1(c), 9, 10, 11, 12, 13, and 14 and EP 1018742 A3 of claims 2, 2(a), 3, 3(a), 4(a)(b) with a duly granted US foreign priority claims of the original patent (parent patent) of EP 1018742 A2 filed March 31, 1999 in The Hague, Netherlands, and published on July 12, 2000 and EP1018742 A3 published April 10, 2002 in the European Patent Gazette with US foreign priority date of June 22, 1998 US 135504;
17. The defendant, Sony Corporation accused devices-DVD RECORDER MODELS #S. SLV N750 and SLV N900 infringed and continued to infringe on plaintiff's patent and claimed elements as in paragraphs 14 and 16 that perform substantially the same function in substantially the same way to obtain the same result in violation of 35 U.S.C. of Sections 251, 252, and 271 as in paragraphs 3, 4, and 5 above;
18. The defendant, Sony Corporation willfully and intentionally infringed, and continued to infringe in the current market claimed elements of 9, 10, 11, 12, 13, and 14; unlawfully converted and circumvented disclosed patent and technical know-how descriptive documents sent to the Corporate Headquarters in Tokyo, Japan in December, 1998 on a "good faith" attempt to sell plaintiff's patent for royalty

compensation after being referred from its New Jersey Office of Sony Electronics, Inc., to send relevant technical description, drawings, and patent documents to the Corporate Headquarters, in Japan. In the description and drawings, plaintiff described and illustrated with diagrams on how, make, use, and manufacturing processes of downloading music in the Internet which today is a commercially profitable circumvention by Sony Corporation without credit or compensation to the true inventor-PHILLIP IGBINADOLOR.; and on January 7, 1999, plaintiff heard and learned through ABC World News with Peter Jennings (deceased) that Sony had announced its invention of downloading music in the Internet. Upon hearing the news I was stunned and deeply disappointed and annoyed that Sony had used my patent document and relevant technical description and drawings without authorization and proclaimed my claimed idea was an invention by Sony of which there was no patent and foreign priority claims by Sony Corporation in the United States of America or anywhere in the world as plaintiff's claimed patent, prior art of record, specification, drawings, and pertinent statements of knowledge in addition to the foreign priority claim of June 22, 1998. Plaintiff proceeded to petition the Patent and Trademark Office in a letter dated shortly after January 7, 1999 World News with Peter Jennings, in which plaintiff requested to make special his utility patent application under 37 CFR 1.17(h). In order for a patent application (plaintiff's utility patent application) to "make special" under rule MPEP 37 CFR 1.17(h)-INFRINGEMENT, plaintiff had to meet 5 conditions and in the Office letter dated in March 19, 1999, the USPTO agreed with plaintiff on the 5 counts that indeed plaintiff's patent (extensive search) already recorded, pertinent knowledge, prior art of record, pertinent statements, and that there is an infringing device or product actually on the market or method in use, thereby the application was granted. These were issues the USPTO agreed that relates to these defendants and their accused devices infringed and continue to infringe on plaintiff's utility and design patents then, now, and the patent history "should not affect, abate any cause of action in the pending reissue patent that constitute a continuation and has effect continuously from the date of the original patent issued July 7, 1998 (design patent), filing of

utility patent on June 22,1998, and subsequent grant of utility patent on August 17, 2004 with a continuation of reissue patent filed April 27, 2006 and reissue patent shall not abridge the right of the patentee” under 35 U.S.C. Sections 251 and 252. Defendants’ counsels in their bright attempt to raise defense would want this Court to believe plaintiff’s history of prosecution estoppels the validity of the claimed patents and claimed elements in the patented device;

19. The defendant, Philips-Magnavox/Philips Electronics accused device-WEBTV MODEL # RM4100 had infringed on patents no. 6,779,196 B1, 395884, EP1018742 A2and A3 specification and claims of 2, 2(a) 3, 3(a), 4, 4(a), 5, and reissue patent pending no. 11/396,224 of claims 9,13, and 14, under 35 U.S.C. Sections 251, 252, and 271(a), (b), (c), (d)(1),(2),(3),(4),(5), and (f)(1) by direct patent infringement, contributory patent infringement, and inducing patent infringement;
20. The defendant, Clarion Corporation of America/Clarion Co. Ltd., accused device-COMPUTING IVS SYYSTEM of AUTO PC in-Vehicle infringed and continued to infringe on plaintiff’s patent no. 6,779,196 B1, its European Child EP 1018742 A2 and A3 specification and claims 1, 1(a) 2, 2(a), 3, 3(a), 4, 4(a), 5, and reissue patent pending no. 11/396,224 of claims 1, 1(a), (d), 2, 2(c), 2(d), and 19 that essentially and substantially performs substantially the same functions as the claimed elements and has equivalent elements to the claimed elements in violation of 35 U.S.C. Sections 251, 252, and 271(a), (b), (c), (d)(1),(2),(3),(4),(5), and (f)(1) by direct patent infringement, contributory patent infringement, and inducing patent infringement;
21. The defendant, Clarion Corporation of America/Clarion Co. Ltd., accused device-END-TOUCH SCREEN MODEL #VRX 745 VD-HIGH infringed and continued to infringe on plaintiff’s patent no. 6,779,196 B1, its European Child published EP 1018742 A2 and A3 specification, prior art of record,claims, and reissue patent pending no. 11/396,224 of claims 1, 1(a), (d), 2, 2(c), 2(d) and 4 that

performs substantially the same functions in substantially the same ways to obtain the same result in violation of 35 U.S.C. Sections 251, 252, and 271(a), (b), (c), (d)(1),(2),(3),(4),(5), and (f)(1) by direct patent infringement, contributory patent infringement, and inducing patent infringement;

22. The defendant, Clarion Corporation of America/Clarion Co. Ltd., accused device-ANTI-DISTORTION MODEL #DXZ 945MP literally infringed and continued to infringe on plaintiff's patent no. 6,779,196 B1, EP 1018742 A2 and A3 specification and claims, and reissue patent pending no. 11/396,224 of claims 1, 1(a), (d), 2, 2(c), 2(d), 9, 14, and 15 that is equivalent and has substantial elements as the claimed elements of the patented specification and reissue patent pending claims in violation of 35 U.S.C. Sections 251, 252, and 271(a), (b), (c), (d)(1),(2),(3),(4),(5), and (f)(1) by direct patent infringement, contributory patent infringement, and inducing patent infringement;

23. The defendant, Clarion Corporation of America/Clarion Co. Ltd., accused device-COMMERCIAL SKIP MODEL #DXZ 845 MC used in the device as a different name literally infringed and continued to infringe patent no. 6,779,196 B1, EP 1018741 A2 and A3 specification and claims of 3, 3(a), 4, 4(a), 5, and reissue patent pending no. 11/396,224 of claims 1, 1(a), (d), 2, 2(c), 2(d), 9, 14, and 15 that is literally equivalent and has substantial and significant elements of the claimed elements in the patented device specification and reissue patent pending claims and performs substantially, essentially, and significantly the same functions in substantially and significantly the same ways to obtain the same result in violation of 35 U.S.C. Sections 251, 252, and 271(a), (b), (c), (d)(1),(2),(3),(4),(5), and (f)(1) by direct patent infringement, contributory patent infringement, and inducing patent infringement;

24. The defendant, Clarion of America accused device-MODEL #DXZ 745MP infringed and continued to infringe on the current market a device or method of use that infringes on patent no. 6,779,196 B1 of claims 1, 2; EP 1018742 A2 and A3 specification and claims, and reissue patent pending claims 1, 1(a), (d), 2, 2(d), 9, 14, and 15 that performs essentially, substantially, and significantly the same functions in substantially the same ways to obtain the same result in violation of 35 U.S.C. Sections 251, 252, and 271 as in paragraph 23 above;

25. The defendant, Clarion Corporation of America/Clarion Co. Ltd., accused devices-DRIVE EYE WINDOM MOUNTED DIGITAL VIDEO RECORDER AND MOBILE INTERNET DEVICE are literally infringing on patent no. 6,779,196 B1, 6,779,196 B1 specification and claims, EP 1018742 A2 and A3 specification and claims of 5, 6, 6(a), and reissue patent pending no. 11/396, 224 of claims 1, 19(a), (d), 2, 2(c), 4, 5, 7(a), 8, 8(a),(c),(d), and 19 that essentially and substantially perform literally in substantially and significantly the same functions substantially and literally the same ways to obtain the same result of the claimed patent “novelty” and “non obviousness” of claimed elements of claims (patent examiner’s quote, see reasons for patent allowance) as one of the reasons plaintiff’s patent was granted which teaches concisely and clearly how the various components are integrated with novelty of patented invention ideas showing pertinent statements of knowledge, description, drawings, and prior art of record no one or corporation has prior to plaintiff’s disclosure that had been violated then and now under 35 U.S.C. Sections 251, 252, and 271(a), (b), (c), (d)(1),(2),(3),(4),(5), and (f)(1) by direct patent infringement, indirect patent infringement, derivative patent infringement, contributory patent infringement, and inducement of patent infringement;

26. The defendant, JVC America accused devices-DVD/VCR COMBO MODEL #HRX VS 44U AND DVD RECORDER MODEL #838-110 had infringed, have been infringing, and continued to infringe in

the current market with devices or method of use that infringe on plaintiff's patent no. 6,779,196 B1 specification and claims, EP 1018742 A2 and A3 specification and claims of 2, 2(a), 3, 3(a) 4, 4(a), and reissue patent pending no. 11/396,224 claims of 1, 1(c), 9, and 14 that essentially and substantially perform substantially the same functions substantially the same ways to obtain the same result in violation of 35 U.S.C. Sections 251, 252, and 271(a), (b), (c), (d)(1),(2),(3),(4),(5), and (f)(1) by direct patent infringement, indirect patent infringement, derivative patent infringement, contributory patent infringement, and inducement of patent infringement;

27. All defendants were originally identified as infringing in 1998 and 1999 with infringing devices or method of use in the market that the USPTO concluded were infringing devices in the official letter of March 19, 1999. Clarion Corporation/Clarion Co. Ltd., accused devices of DRIVE EYE WINDOW MOUNTED DIGITAL VIDEO RECORDER AND MOBILE INTERNET DEVICE now in the current market show the extensiveness of plaintiff's patents infringement in the sense of inducement of patent infringement, contributory patent infringement, direct patent infringement, derivative patent infringement, and indirect patent infringement by seeking others or enlisting others to engage in patent infringement because plaintiff have no resources to fully litigate lawsuits. The infringement would continue unless stopped by this Court's injunction and required to compensate or provide reasonable remedy to the plaintiff with punitive damages;

28. It shall be noted that defendants have no patents or claims of any of the plaintiff's patents and claimed elements and that there is no compatible or similarity in claims or patents in litigation but the unauthorized use, make, and sale of plaintiff's patents and claimed elements that are in suit in violation of 35 U.S.C. Sections 251, 252, and 271(a), (b), (c), (d)(1),(2),(3),(4),(5), and (f)(1).

PARTIES

Plaintiff, Phillip Igbinalolor, Patentee, resides at 1690 Cooper Lakes Drive, Grayson, Georgia 30017, Telephone #678-225-7948 is authorized under 35 U.S.C. sections 251, 252, and 271(a), (b), (c), (d)(1),(2),(3),(4),(5), and (f)(1) to “initiate a federal district proceedings, notice pleading, civil lawsuits for damages and relief under FRCP 8(a) (2) against any party or parties (the defendants) raising from contributory patent infringement, inducement of patent infringement, direct or indirect patent infringement, and derivative patent infringement of his original unexpired patented device (invention), reissued or pending reissued patent of his original patents under 35 U.S.C. Section 251” (utility and design) for “distinct and separate parts of the thing (device, invention) rights to claim more or less of the claimed elements of the original patent” and “ under 35 U.S.C. Section 252 of the claims substantially identical to the original patent shall constitute a continuation of the original patent that has effect continuously of the original patent and should not abate, abridge cause of action, pending action or rights of the patentee of a pending reissue patent and original patent, and secure such equitable relief as may be appropriate, damages, monetary relief, redress, disgorgement, punitive damages, and injunctive relief”.

Defendant TiVo, Inc., is a corporation maintains place of business at 2160 Gold Street, P.O. Box 2160, Alviso, California 95002-2160, Telephone #408-579-9100;

Defendant Sony Corporation/Sony Electronics Inc., is a corporation maintains place of business at 550 Madison Avenue, New York City, New York 10022, Telephone #212-833-6800;

Defendant Philips-Magnavox/Philips Electronics is a corporation maintains place of business at P.O. Box 14810, One Philips Drive, Knoxville, TN 37914;

Defendant Clarion Corporation of America is a corporation maintains place of business at 661 W. Redondo Beach Blvd., Gardena, California 90247, Telephone #310-327-9100; and

Defendant JVC America is a corporation maintains place of business at 1700 Valley Road, Wayne, New Jersey 07470, Telephone #800-882-2345.

PRAYER FOR RELIEF


WHEREFORE, Plaintiff requests that this Court, as authorized by Section 281 35 U.S.C. and pursuant to its own equitable powers:

- (a) Enter judgment against defendants and in favor of plaintiff for each violation charged in the complaint;
- (b) Permanently enjoin and restrain defendants from violating sections 251, 252, and 271(a), (b), (c), (d)(1),(2),(3),(4),(5), and (f)(1) of 35 U.S.C. in connection with contributory patent infringement, inducement of patent infringement, direct patent infringement, and derivative patent infringement;
- (c) Find the defendants jointly and severally liable for redress to the plaintiff who was injured by all counts of monetary injury, loss of patent royalty, loss of use of intellectual property, and all rights accorded such intellectual property as a result of defendants violation of sections 251, 252, and 271(a), (b), (c), (d)(1),(2),(3),(4),(5), and (f)(1) of 35 U.S.C. and the United States Congress Statutes and Laws against patent infringement;

- (d) Award such relief as the Court deems necessary to prevent unjust enrichment and to redress plaintiff's injury from defendants' violations of sections 251, 252, and 271 (a)-(d)(1)-(5), and (f)(1), including, but not limited to, requiring defendants to jointly and severally manufacture and market plaintiff's patented device which has being compromised and rendered unmarketable for patent royalties, licensing, and sale, in so much, defendants have cherry picked the most commercially profitable and viable claimed elements of the patents, specification, and reissued patent pending claims of the original patents; and
- (e) Award plaintiff his costs since 1998 and this Court, its costs for allowing plaintiff to proceed in forma pauperis,, and any other costs incurred by this Court of bringing this action, as well as such other additional equitable relief and punitive damages as the Court may determine to be just and proper.

Dated: August 5, 2008

Respectfully Submitted



Phillip Igbinalolor