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18 JOAO CONTROL & MONITORING SYSTEMS OF CALIFORNIA, LLC

19 UNITED STATES DISTRICT COURT
20 FOR THE CENTRAL DISTRICT OF CALIFORNIA
21 LOS ANGELES DIVISION

22 JOAO CONTROL & MONITORING
23 SYSTEMS, LLC,

24 Plaintiff,

25 v.

26 HYUNDAI MOTOR AMERICA,

27 Defendant.

Case No. SACV12 0007 DOC (MLLX)
COMPLAINT FOR PATENT
INFRINGEMENT

Jury Trial Demanded

BY FAX

BY:

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PLAINTIFF’S ORIGINAL COMPLAINT

Plaintiff Joao Control & Monitoring Systems, LLC (“Plaintiff”), by and through its undersigned counsel, files this Original Complaint against Hyundai Motor America (“Defendant” or “Hyundai”) as follows:

NATURE OF THE ACTION

1. This is a patent infringement action to stop Defendant’s infringement of Plaintiff’s United States Patent No. 5,917,405 entitled “*Control Apparatus and Methods for Vehicles*” (hereinafter, the “’405 patent”; a copy of which is attached hereto as Exhibit A) and United States Patent No. 6,549,130 entitled “Control Apparatus and Method for Vehicles and/or for Premises” (the “’130 patent”; a copy of which is attached hereto as Exhibit B). Plaintiff is the owner of the ‘405 patent and the ‘130 patent. Plaintiff seeks injunctive relief and monetary damages.

PARTIES

2. Plaintiff is a limited liability company organized and existing under the laws of the state of Delaware. Plaintiff maintains its principal place of business at 122 Bellevue Place, Yonkers, New York 10703. Plaintiff is the owner of the patents-in-suit and possesses the right to sue for infringement and recover past damages.

3. Upon information and belief, Defendant is a corporation organized and existing under the laws of the State of California, with its principal place of business located at P O Box 20850, Fountain Valley, CA 92728-0850.

JURISDICTION AND VENUE

4. This action arises under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*, including 35 U.S.C. §§ 271, 281, 283, 284, and 285. This Court has subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

1 rights of recovery under the '405 patent, including the right to sue for infringement
2 and recover past damages.

3 9. The '130 patent was duly and legally issued by the United States
4 Patent and Trademark Office on April 15, 2003, after full and fair examination for
5 systems and methods for controlling vehicle or premises systems using at least
6 three control devices. Plaintiff is the owner of the '130 patent and possesses all
7 substantive rights and rights of recovery under the '130 patent, including the right to
8 sue for infringement and recover past damages.

9 10. Plaintiff is informed and believes that Hyundai owns, operates,
10 advertises, controls, sells, and otherwise provides hardware and software for
11 "control apparatuses for vehicle systems" including the "Hyundai Stolen Vehicle
12 Assistance and/or Remote Services" and/or the "Hyundai Blue Link" ("the Hyundai
13 systems") and associated hardware and software. Upon information and belief,
14 Hyundai has infringed and continues to infringe one or more claims of the '405
15 patent by making, using, providing, offering to sell, and selling (directly or through
16 intermediaries), in this district and elsewhere in the United States, systems for
17 remotely controlling vehicle systems, including the Hyundai systems. Upon
18 information and belief, Hyundai has infringed and continues to infringe one or more
19 claims of the '130 patent by making, using, providing, offering to sell, and selling
20 (directly or through intermediaries), in this district and elsewhere in the United
21 States, systems for remotely controlling vehicle systems, including the Hyundai
22 systems. More particularly, Plaintiff is informed and believes that Hyundai
23 provides hardware and software configured to remotely control one or more vehicle
24 communications and diagnostic systems in a manner claimed in both the '405 patent
25 and the '130 patent.

26 11. Defendant's aforesaid activities have been without authority and/or
27 license from Plaintiff.

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1 12. Plaintiff is entitled to recover from the Defendant the damages
2 sustained by Plaintiff as a result of the Defendant's wrongful acts in an amount
3 subject to proof at trial, which, by law, cannot be less than a reasonable royalty,
4 together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

5 13. Defendant's infringement of Plaintiff's exclusive rights under the '046
6 patent will continue to damage Plaintiff, causing irreparable harm for which there is
7 no adequate remedy at law, unless enjoined by this Court.

8 **JURY DEMAND**

9 14. Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the
10 Federal Rules of Civil Procedure.

11 **PRAYER FOR RELIEF**

12 Plaintiff respectfully requests that the Court find in its favor and against
13 Defendant, and that the Court grant Plaintiff the following relief:

- 14 A. An adjudication that one or more claims of the '405 patent have been
15 infringed, either literally and/or under the doctrine of equivalents, by
16 the Defendant and/or by others to whose infringement the Defendant
17 has contributed and/or by others who infringement has been induced
18 by Defendant;
- 19 B. An adjudication that one or more claims of the '130 patent have been
20 infringed, either literally and/or under the doctrine of equivalents, by
21 the Defendant and/or by others to whose infringement the Defendant
22 has contributed and/or by others who infringement has been induced
23 by Defendant;
- 24 C. An award to Plaintiff of damages adequate to compensate Plaintiff for
25 the Defendant's acts of infringement together with pre-judgment and
26 post-judgment interest;
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- D. A grant of permanent injunction pursuant to 35 U.S.C. § 283, enjoining the Defendant from further acts of (1) infringement, (2) contributory infringement, and (3) actively inducing infringement with respect to the claims of the '405 patent and the '130 patent;
- E. That this Court declare this to be an exceptional case and award Plaintiff its reasonable attorneys' fees and costs in accordance with 35 U.S.C. §285; and
- F. Any further relief that this Court deems just and proper.

Respectfully submitted,
WHITE FIELD, INC.



Dated: January 3, 2012

Steven W. Ritcheson,
Attorney for Plaintiff
JOAO CONTROL & MONITORING
SYSTEMS, LLC