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

CUOZZO SPEED TECHNOLOGIES LLC,

Plaintiff,

v.

JVC AMERICAS CORPORATION,

Defendant.

Civil Action No. 12-3625-CCC-JAD

**JURY TRIAL DEMANDED**

**FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Cuozzo Speed Technologies LLC, for its Complaint against JVC Americas Corporation states and alleges:

**PARTIES**

1. Plaintiff Cuozzo Speed Technologies LLC (“CST”) is a limited liability company organized under New Jersey law with a principal place of business at 14 Ver Valen St., Closter, New Jersey 07624.

2. Defendant JVC Americas Corporation (“JVC”) is a corporation organized under the state of Delaware law with a principal place of business at 1700 Valley Road, Wayne, New Jersey 07470. JVC may be served with process

through its registered agent, Corporation Service Company, 830 Bear Tavern Road, West Trenton, New Jersey 08628.

### **JURISDICTION AND VENUE**

3. This action arises under the patent laws of the United States, 35 U.S.C. § 1, *et seq.*, including § 271. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

4. Venue is proper in this District under 28 U.S.C. § 1391 (b)-(c) and § 1400 (b) because (1) JVC regularly conduct business in this District and is subject to personal jurisdiction here; (2) a substantial part of the events giving rise to CST's claims occurred in this District; (3) JVC has committed and continues to commit acts of infringement in this District; and (4) JVC has harmed and continues to cause harm to CST in this District.

### **GENERAL ALLEGATIONS**

5. On August 17, 2004, the United States Patent and Trademark Office issued United States Patent No. 6,778,074 (the '074 Patent) after a full and fair examination. The '074 Patent is titled "Speed Limit Indicator and Method for Displaying Speed and the Relevant Speed Limit" and issued to the sole inventor, Giuseppe A. Cuzzo. A true and correct copy of the '074 Patent is attached as Exhibit A.

6. The '074 Patent is presumed valid and enforceable under 35 U.S.C. § 282.

7. Since the '074 Patent issued, mobile device manufacturers, software developers, and GPS navigation system manufacturers, including JVC, have recognized the value of Mr. Cuzzo's invention and developed and sold products and services meeting each and every claim element or practicing each and every step of the claims of the '074 Patent.

8. JVC manufactures, sells, offers to sell, imports, and distributes GPS-based navigation systems that provide speed alerts that sound an alarm or display a warning when a driver exceeds a speed limit on a given road being driven.

9. CST owns all right, title, and interest to the '074 Patent including the exclusive right to enforce the '074 Patent, the exclusive right to license the '074 Patent, and the exclusive right to seek and collect all past and future monetary or injunctive relief for infringement of the '074 Patent.

**INFRINGEMENT OF U.S. PATENT NO. 6,778,074**

10. CST incorporates each of the preceding paragraphs as if fully set forth herein.

11. JVC has been and is infringing literally and/or under the doctrine of equivalents, directly, contributorily, or by inducement, the '074 Patent.

12. JVC directly infringes, and will continue to infringe, the '074 patent in violation of 35 U.S.C. § 271 by making, using, selling, offering for sale, and/or importing, without authority, products embodying one or more claims of the '074 Patent.

13. JVC navigations systems that embody at least claims 1, 2, 6, 9, 10, 11, 12, 13, 18, 19, and 20 of the '074 Patent include, without limitation: KW-NT500HDT; KW-NT3HDT; KW-NT300; KW-NT3HDT;KW-NX7000; KW-NT800HDT; KW-NT50HDT; and KW-NT700.

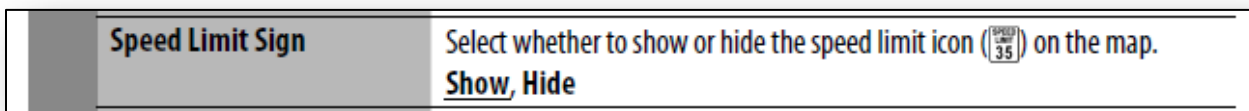
14. JVC has contributed to and continues to contribute to direct infringement of the '074 Patent by others including consumers in violation of 35 U.S.C. § 271(c) by providing GPS-based navigation systems with speed limit warning features that are not staple articles of commerce suitable for substantial non-infringing use, are specially adapted for an infringing use of the '074 Patent, and embody a material part of the inventions claimed in the '074 Patent.

15. JVC actively induces consumers and others to directly infringe the '074 Patent, in violation of 35 U.S.C. § 271(b), by providing products including those listed above with instructions, user manuals, or technical assistance, actively and directly assisting and encouraging infringement of the '074 Patent, and/or by providing navigation systems having a core and common feature leading to third-party infringement of the '074 Patent by end users.

16. JVC has had knowledge of the '074 Patent as of the date of service of this lawsuit.

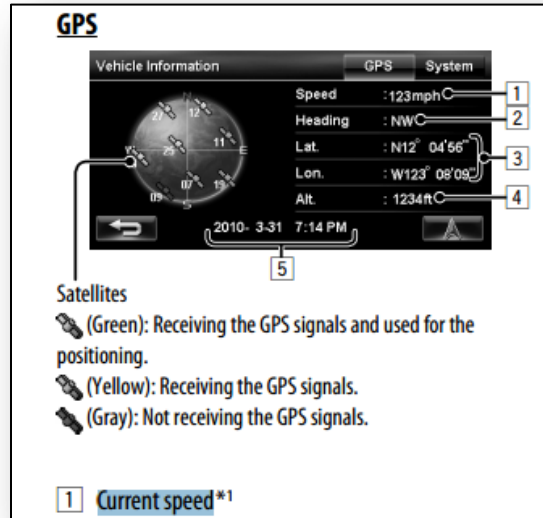
17. JVC provides GPS-based navigation systems and units that display speed limits, current speed, and provide speed alerts to end users. JVC intends that consumers use the navigation units to display and view speed limits, display and view current speed, and be warned if vehicle speed exceeds the speed limit. JVC knows that end users using and operating the navigation units as intended and instructed by JVC infringe claim 1, claim 10, and one or more of their dependent claims.

18. JVC sells navigation units to end users with instruction manuals showing users how to install and use JVC navigation systems to determine vehicle speed, relevant speed limit at a location, display current speed and speed limit, and provide a warning if the speed limit is exceeded. Shown below is an excerpt from the manual JVC provides with the KW-NT3HD and KW-NT3HDT GPS navigation systems:<sup>1</sup>



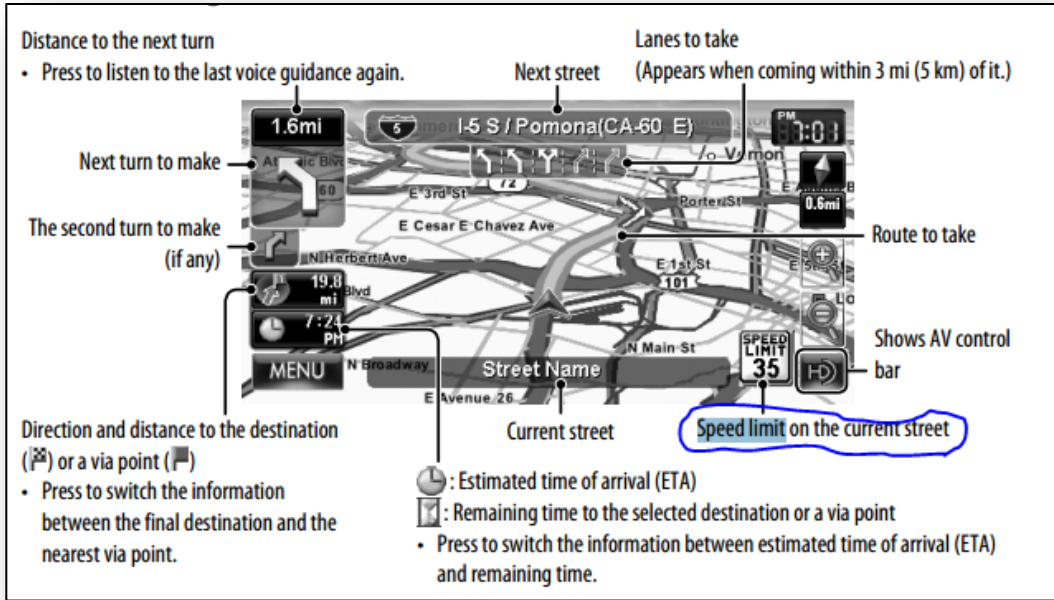
<sup>1</sup> <http://resources.jvc.com/Resources/00/01/52/LVT2276-001A.pdf>.

The excerpt below is from the instruction manual provided with the JVC KW-NT800HDT and KW-NT700 GPS navigation systems and shows how JVC instructs and encourages end users to use the GPS navigation systems:<sup>2</sup>



19. JVC navigation systems generate a tone if vehicle speed exceeds the speed limit, display the speed limit, and display which speeds are below the speed limit and which speeds exceed the speed limit:

<sup>2</sup> <http://assets.sonicelectronix.com/manuals/jvc/kwnt3hdt.pdf>.

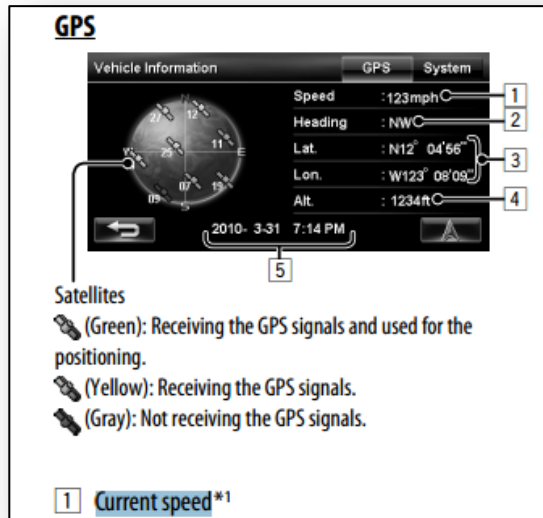


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**Speed Alert**

In case there are speed limits on road, the warning for speed is displayed when you drive in over that speed. The settings of Speed Alerts are: Off, 3mph, 6mph, 10mph, 15mph or 20mph over the posted speed limit.

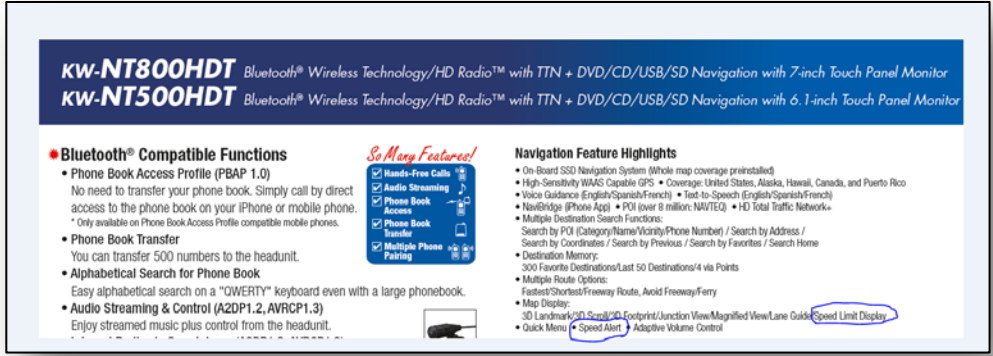
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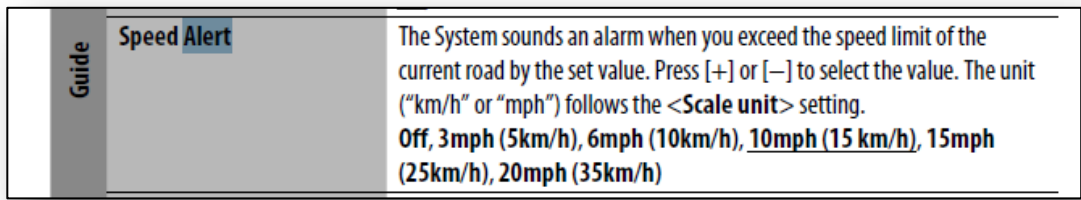
<sup>3</sup> <http://assets.sonicelectronic.com/manuals/jvc/kwnt3hdt.pdf>.

<sup>4</sup> [http://navi.jvc.com/features/standard\\_navi.html](http://navi.jvc.com/features/standard_navi.html).



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20. JVC instructs users how to use the navigation units to generate a tone if the vehicle speed exceeds the speed limit:



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21. JVC intends end users perform the steps of method claim 20 with knowledge that such performance infringes the '074 Patent.

22. JVC provides data in the form of a Map Data Disc intending for end users to upload current information into a regional speed limit database, and instructs end users to update the current information.<sup>8</sup>

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<sup>5</sup> <http://assets.sonicelectronix.com/manuals/jvc/kwnt3hdt.pdf>.  
<sup>6</sup> <http://resources.jvc.com/Resources/00/01/53/15328.PDF>.  
<sup>7</sup> <http://resources.jvc.com/Resources/00/01/52/LVT2276-001A.pdf>.  
<sup>8</sup> <http://support.jvc.com/consumer/custrel/index.jsp>.



The Map Data Disc ("Data") is provided for your personal, internal use only and not for resale. It is protected by copyright, and is subject to the following terms (this "End-User License Agreement") and conditions which are agreed to by you, on the one hand, and NAVTEQ North America, LLC ("NT") and its licensors (including their licensors and suppliers) on the other hand.

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23. JVC knowingly instructs end users to install JVC GPS navigation systems in vehicles and intends for end users to operate the infringing navigation system speed alert feature and components as instructed. JVC provides instructions to end users on how to install a GPS antenna on a vehicle and connect it to the navigation unit:

### **Installing the GPS antenna**

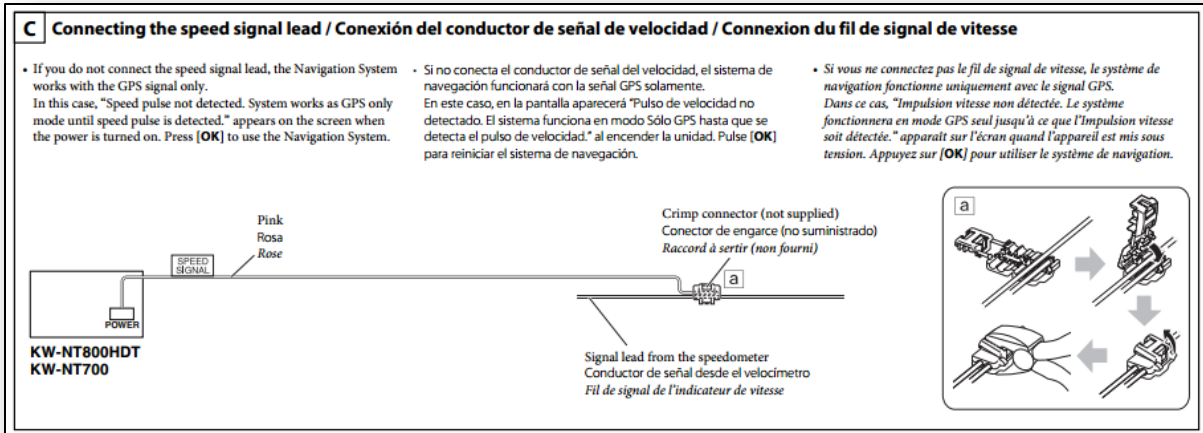
- People who use pacemakers should avoid a physical contact with the magnetic antenna and should not handle it themselves. This causes malfunctions of the pacemakers.
- Keep the magnetic antenna away from the storage media such as disks, credit cards; otherwise, their data will be collapsed.
- The antenna should be attached so firmly that it cannot be detached in the event of a collision or sudden braking.

24. JVC knowingly instructs end users to connect JVC navigation systems having colored displays to a vehicle speed signal lead in a vehicle. These instructions appear in JVC installation manuals provided with navigation systems

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<sup>9</sup> <http://resources.jvc.com/Resources/00/01/52/LVT2276-001A.pdf>.

such as the JVC KW-NT800HDT/KW-NT700 Installation/Connection Manual in which this excerpt appears:<sup>10</sup>



**KW-NT30HD** Bluetooth® Wireless Technology/HD Radio®/DVD/CD/  
USB/SD Navigation with 6.1-inch Touch Panel Monitor

Key Specifications	
Maximum Power Output	50W × 4 (14.4V 4Ω)
Continuous Power Output (RMS)	20 + 20W RMS × 4 Channels at 4Ω
* Total Harmonic Distortion	≤ 1.0% THD* +N
AV Input	✓
Video Input (Camera)	✓
Line Pre-Output Terminals	3 (Front + Rear + Subwoofer)
Center Channel Output	-
Second Audio Output	-
Subwoofer Output with Level/Frequency Control	✓
Subwoofer Output Level	2.5V
Subwoofer Gain Control	-24 - +20 dB
Composite Video Output	✓
Digital Output	-
Load Impedance	4Ω (4 - 8Ω)
Pre-Output Level/Impedance	2.5V/20kΩ Load (CD full scale)
Video Output	1.0Vp-p/75Ω
2nd Audio Output	-

**Navigation Feature Highlights**

- On-Board Flash Memory Based Navigation System (Whole map coverage preinstalled)
- High-Sensitivity WAAS Capable GPS
- Coverage: United States, Alaska, Hawaii, Canada, and Puerto Rico
- StreetDirector Assistant
- Voice Guidance (English/Spanish/French)
- Text-to-Speech (English/Spanish/French) • POI (over 6 million: infoUSA.)
- Multiple Destination Search Functions:
  - Search by POI (Category/Name/Vicinity/Phone Number)
  - Search by Address
  - Search by Zip Code
  - Search by Coordinates
  - Search by Previous
  - Search by Favorites
  - Search by Assistant POI
- Destination Memory:
  - 100 Favorite Destinations
  - Last 50 Destinations
  - 4 via Points
- Multiple Route Calculation Options:
  - Fastest/Shortest Route
  - Avoid Freeway/Ferry/Toll Road
- Lane Guide • Speed Limit Display • Magnified View • Quick Search
- Speed Alert • POI Alert • Adaptive Volume Control

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<sup>10</sup> <http://resources.jvc.com/Resources/00/01/52/LVT2276-002A.pdf> (JVC Installation/Connection Manual).

25. JVC navigation systems with the speed alert feature are specially made for determining the speed limit for a location and providing warning if the speed limit is exceeded. The functionality for determining the speed limit for a location, determining whether a user is exceeding the speed limit, and providing one or more warnings based on whether the user is exceeding the speed limit are separable functions that have no substantial non-infringing uses other than to infringe the asserted claims of the '074 Patent. The speed alert feature on JVC navigation systems is provided by hardware, software, and/or firmware having no substantial non-infringing use.

26. JVC committed and continues to commit these acts of infringement without license or authorization.

27. CST has incurred and will incur attorneys' fees, costs, and expenses in the prosecution of this action. As a result of JVC's infringement, CST has been damaged in an amount not presently known.

**NOTICE OF REQUIREMENT OF LITIGATION HOLD**

28. JVC is hereby notified that it is legally obligated to locate, preserve, and maintain all records, notes, drawings, documents, data, communications, materials, electronic recordings, audio/video/photographic recordings, and digital files, including edited and unedited or "raw" source material, and other information

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<sup>11</sup> <http://resources.jvc.com/Resources/00/01/49/62.PDF>.

and tangible things that JVC knows, or reasonably should know, may be relevant to actual or potential claims, counterclaims, defenses, and/or damages by any party or potential party in this lawsuit, whether created or residing in hard copy form or in the form of electronically stored information (hereafter collectively referred to as “Potential Evidence”).

29. As used above, the phrase “electronically stored information” includes without limitation: computer files (and file fragments), e-mail (both sent and received, whether internally or externally), information concerning e-mail (including but not limited to logs of e-mail history and usage, header information, and deleted but recoverable e-mails), text files (including drafts, revisions, and active or deleted word processing documents), instant messages, audio recordings and files, video footage and files, audio files, photographic footage and files, spreadsheets, databases, calendars, telephone logs, contact manager information, internet usage files, and all other information created, received, or maintained on any and all electronic and/or digital forms, sources and media, including, without limitation, any and all hard disks, removable media, peripheral computer or electronic storage devices, laptop computers, mobile phones, personal data assistant devices, Blackberry devices, iPhones, video cameras and still cameras, and any and all other locations where electronic data is stored. These sources may

also include any personal electronic, digital, and storage devices of any and all of JVC's agents or employees if JVC's electronically stored information resides there.

30. JVC is hereby further notified and forewarned that any alteration, destruction, negligent loss, or unavailability, by act or omission, of any Potential Evidence may result in damages or a legal presumption by the Court and/or jury that the Potential Evidence is not favorable to JVC's claims and/or defenses. To avoid such a result, JVC's preservation duties include, but are not limited to, the requirement that JVC immediately notify its agents and employees to halt and/or supervise the auto-delete functions of JVC's electronic systems and refrain from deleting Potential Evidence, either manually or through a policy of periodic deletion.

#### **PRAYER FOR RELIEF**

Cuozzo Speed Technologies LLC requests that judgment be entered in its favor and against JVC, and that the Court award the following relief:

- A. Judgment that JVC has infringed one or more claims of the '074 Patent either literally or under the doctrine of equivalents;
- B. Damages pursuant to 35 U.S.C. § 284 sufficient to compensate CST for JVC's past infringement and any continuing or future infringement and in no event less than a reasonable royalty;

- C. Judgment and order requiring JVC provide an accounting and pay supplemental damages to CST, including without limitation, pre-judgment and post-judgment interest; and
- D. Any and all other relief to which CST may show itself to be entitled or to which this Court may deem is just and proper.

**DEMAND FOR JURY TRIAL**

Cuozzo Speed Technologies LLC demands a trial by jury on all issues so triable.

DATED: 08.30.2012

By: /s/ Bruce D. Vargo

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