1 2	Tyler J. Woods, Bar No. 232464 twoods@trialnewport.com NEWPORT TRIAL GROUP 895 Dove Street, Suite 425	2012 NOV 28 CLERK U.S. DISCENTRAL DISSANT						
3	Newport Beach, CA 92660 Tel: (949) 706-6464	SAN DIS. D						
4	Fax: (949) 706-6469	>0.0						
5	Attorneys for Plaintiff ECLIPSE IP LLC	AM II: 4 I						
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8	UNITED STATES DISTRICT COURT							
9	CENTRAL DISTRICT OF CALIFORNIA							
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11	ECLIPSE IP LLC,	Case No. CV12-10139 JAK (FMOx)						
11 12	ECLIPSE IP LLC, Plaintiff,	COMPLAINT FOR PATENT						
		COMPLAINT FOR PATENT INFRINGEMENT						
12	Plaintiff, vs. VOLVO CARS OF NORTH	COMPLAINT FOR PATENT INFRINGEMENT JURY TRIAL DEMANDED						
12 13	Plaintiff, vs. VOLVO CARS OF NORTH AMERICA, LLC,	COMPLAINT FOR PATENT INFRINGEMENT						
12 13 14	Plaintiff, vs. VOLVO CARS OF NORTH	COMPLAINT FOR PATENT INFRINGEMENT JURY TRIAL DEMANDED						
12 13 14 15	Plaintiff, vs.  VOLVO CARS OF NORTH AMERICA, LLC, Defendant.	COMPLAINT FOR PATENT INFRINGEMENT JURY TRIAL DEMANDED						
12 13 14 15 16	Plaintiff, vs.  VOLVO CARS OF NORTH AMERICA, LLC, Defendant.  COMPLAINT FOR PA	COMPLAINT FOR PATENT INFRINGEMENT  JURY TRIAL DEMANDED  Complaint Filed: N/A Trial Date: N/A						
12 13 14 15 16 17	Plaintiff, vs.  VOLVO CARS OF NORTH AMERICA, LLC, Defendant.  COMPLAINT FOR PA	COMPLAINT FOR PATENT INFRINGEMENT  JURY TRIAL DEMANDED  Complaint Filed: N/A Trial Date: N/A  FENT INFRINGEMENT  by counsel, complains of defendant Volventers of the complaint volventers of the comp						

#### NATURE OF LAWSUIT

This is a suit for patent infringement arising under the patent laws of the 1. United States, Title 35 of the United States Code § 1 et seq. This Court has exclusive jurisdiction over the subject matter of the Complaint under 28 U.S.C. §§ 1331 and 1338(a).

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#### **PARTIES AND PATENTS**

Eclipse is a company organized and existing under the laws of Florida and 2. having a principal place of business address at 115 NW 17th Street, Delray Beach, Florida 33444.

- 3. Eclipse owns all right, title, and interest in and has standing to sue for infringement of United States Patent No. 7,482,952 ("the '952 patent"), entitled "Response Systems and Methods for Notification Systems for Modifying Future Notifications" (Exhibit A); and United States Patent No. 7,479,900 ("the '900 patent"), entitled "Notification Systems and Methods that Consider Traffic Flow Predicament Data" (Exhibit B) (collectively, "the Eclipse Patents").
- 4. On information and belief, Volvo is a corporation existing under the laws of Delaware.
- 5. On information and belief, Volvo does regular business in this judicial district and has committed acts of infringement in this judicial district.

#### **JURISDICTION AND VENUE**

- 6. This Court has personal jurisdiction over Volvo because it does regular business in this District; is operating and/or supporting products or services that fall within one or more claims of Eclipse's patents in this District; and has committed the tort of patent infringement in this District.
- 7. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(d) and 1400(b).

### **DEFENDANT'S ACTS OF PATENT INFRINGEMENT**

- 8. Volvo has knowingly infringed one or more claims of the '952 patent through, among other activities, the use of navigation systems in its vehicles to: determine changes in schedule relating to an intended destination; notify the driver of the change in schedule; and allow the driver to make a confirmation, change, or cancellation with respect to the notification.
- 9. Volvo has actively induced and/or contributed to the infringement by others of one or more claims of the '952 patent through, among other activities, continuing to manufacture, distribute, and sell vehicles equipped with the infringing navigation systems to its customers after having received notice of its infringement of the '952 patent.

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- 10. Volvo has knowingly infringed one or more claims of the '900 patent through, among other activities, the use of navigation systems in its vehicles to: schedule notifications relating to arrival or departure of the vehicle; monitor traffic flow predicament data relating to a vehicle's intended route; and determine whether or not to reschedule notifications based upon such data.
- Volvo has actively induced and/or contributed to the infringement by 11. others of one or more claims of the '900 patent through, among other activities. continuing to manufacture, distribute, and sell vehicles equipped with the infringing navigation systems to its customers after having received notice of its infringement of the '900 patent.
- 12. Through direct, induced, and contributory infringement Volvo has injured Eclipse, and Eclipse is entitled to recover damages adequate to compensate it for such infringement, but in no event less than a reasonable royalty.

## **CLAIMS FOR RELIEF COUNT I**

### (Patent Infringement of U.S. Patent No. 7,482,952

Under 35 U.S.C. § 271, et seq.)

- 13. Eclipse incorporates by reference and realleges the allegations set forth in paragraphs 1 through 12 above and incorporates them by reference.
- On January 27, 2009, United States Patent No. 7,482,952, entitled 14. "Response Systems and Methods for Notification Systems for Modifying Future Notifications" was duly and legally issued by the United States Patent and Trademark Office. Eclipse IP is the owner of the entire right, title and interest in and to the '952 patent. A true and correct copy of the '952 patent is attached as Exhibit A to this complaint.
- 15. Eclipse is informed and believes, and thereupon alleges, that Volvo: (1) has infringed and continues to infringe claims of the '952 patent, literally and/or under the doctrine of equivalents, and/or (2) has contributed and continues to contribute to the

literal infringement and/or infringement under the doctrine of equivalents of claims of the '952 patent, and/or has actively induced and continues to actively induce others to infringe claims of the '952 patent, literally and/or under the doctrine of equivalents, in this district and elsewhere in the United States.

#### **COUNT II**

#### (Patent Infringement of U.S. Patent No. 7,479,900

#### Under 35 U.S.C. § 271, et seq.)

- 16. Eclipse incorporates by reference and realleges the allegations set forth in paragraphs 1 through 15 above and incorporates them by reference.
- 17. On January 20, 2009, United States Patent No. 7,479,900, entitled "Notification Systems and Methods that Consider Traffic Flow Predicament Data" was duly and legally issued by the United States Patent and Trademark Office. Eclipse IP is the owner of the entire right, title and interest in and to the '900 patent. A true and correct copy of the '900 patent is attached as Exhibit B to this complaint.
- 18. Eclipse is informed and believes, and thereupon alleges, that Volvo: (1) has infringed and continues to infringe claims of the '900 patent, literally and/or under the doctrine of equivalents, and/or (2) has contributed and continues to contribute to the literal infringement and/or infringement under the doctrine of equivalents of claims of the '900 patent, and/or has actively induced and continues to actively induce others to infringe claims of the '900 patent, literally and/or under the doctrine of equivalents, in this district and elsewhere in the United States.

#### PRAYER FOR RELIEF

WHEREFORE, Plaintiff Eclipse asks this Court to enter judgment against the defendant and against each of the defendant's respective subsidiaries, affiliates, agents, servants, employees and all persons in active concert or participation with it, granting the following relief:

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1	(a) An award of damages adequate to compensate Eclipse for the infringement
2	that has occurred, together with prejudgment interest from the date infringement of the
3	Eclipse Patents began;
4	(b) An award to Eclipse of all remedies available under 35 U.S.C. §§ 284 and
5	285, including enhanced damages up to and including trebling of Eclipse's damages for
6	Volvo's willful infringement, and reasonable attorneys' fees and costs; and,
7	(c) Such other and further relief as this Court or a jury may deem proper and
8	just.
9	JURY DEMAND
10	Eclipse demands a trial by jury on all issues so triable pursuant to Federal Rule of
11	Civil Procedure 38.
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13	Respectfully submitted this 27 day of November, 2012
14	NEWPORT TRIAL GROUP
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16	By:
17	Attorney for Plaintiff
18	ECLIPSE IP LLC
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# UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA

#### NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge John Kronstadt and the assigned	discovery
Magistrate Judge is Fernando M. Olguin.	

The case number on all documents filed with the Court should read as follows:

CV12- 10139 JAK (FMOx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

motions.		
All discovery related motion	s should be noticed on the calendar	of the Magistrate Judge
	NOTICE TO COUNSEL	
A copy of this notice must be served filed, a copy of this notice must be se	with the summons and complaint on all de erved on all plaintiffs).	efendants (if a removal action is
Subsequent documents must be filed	d at the following location:	
Western Division 312 N. Spring St., Rm. G-8 Los Angeles, CA 90012	Southern Division 411 West Fourth St., Rm. 1-053 Santa Ana, CA 92701-4516	Eastern Division 3470 Twelfth St., Rm. 134 Riverside, CA 92501
Egilure to file at the proper location will re-	sult in your documents being returned to you.	

Name & Address: NEWPORT TRIAL GROUP Tyler J Woods, SBN 232464 895 Dove Street, Suite 425 Newport Beach, Ca 92660	
	DISTRICT COURT T OF CALIFORNIA
ECLIPSE IP LLC	CV12-10130 LAIZ (FMC)
PLAINTIFF(S) V.	CV12-10139 JAK (FMOx)
VOLVO CARS OF NORTH AMERICA, LLC	SUMMONS
DEFENDANT(S).	SUMMONS
TO: DEFENDANT(S):  A lawsuit has been filed against you.	
Within 21 days after service of this summon must serve on the plaintiff an answer to the attached of counterclaim cross-claim or a motion under Rule 12 or motion must be served on the plaintiff's attorney, New 895 Dove Street, Suite 425, Newport Beach, CA 92660 audgment by default will be entered against you for the revour answer or motion with the court.	2 of the Federal Rules of Civil Procedure. The answer wport Trial Group, whose address is If you fail to do so,
	Clerk, U.S. District Court
NOV 2 8 2012	By: ROLLS ROYCE PSCHA
Use 60 days if the defendant is the United States or a United States	(Seal of the Court)  (Seal of the Court)  1225  agency, or is an officer or employee of the United States. Allowed
0 days by Rule 12(a)(3)].	5 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2

CV-01A (10/11

SUMMONS

#### Case 2:12-cv-10139-JAK-FMO Document 1 Filed 11/28/12 Page 8 of 9 Page ID #:12

# UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA CIVIL COVER SHEET

<ul> <li>(a) PLAINTIFFS (Check box if you are representing yourself □)         ECLIPSE IP LLC</li> <li>(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)</li> </ul>					DEFENDANTS VOLVO CARS OF NORTH AMERICA, LLC  Attorneys (If Known)							
II. BASIS OF JURISDICTION (Place an X in one box only.)  III. CITIZEN						PRINCIPAL PAR		For Diversity Case	s Only			
□ 1 U.S. Government Plaintiff		Federal Question (U.S. Government Not a Party	·)	Citizen of This Sta		•	F DEF	•	•			EF 4
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IV. ORIGIN (Place an X in on		1		Citizen or Subject	of a Fore	eign Country 🔲 :	. 🗆 3	Foreign Nation	· · · · · · · · · · · · · · · · · · ·		□6 □	6
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V. REQUESTED IN COMPL	LAINT:	JURY DEMAND: 12	Yes □	-		•						
CLASS ACTION under F.R.C	C.P. 23: □	□Yes □No		<b>м</b> мс	ONEY D	EMANDED IN (	COMPLA	AINT: \$ TBD				
VI. CAUSE OF ACTION (Cit	te the U.S.	. Civil Statute under whi	ch you :	are filing and write	a brief st	atement of cause.	Do not c	ite jurisdictional st	tatutes un!	ess divers	sity.)	
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FOR OFFICE USE ONLY:

Case Number:

CV12-10139 JAK (FMOx)

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

CV-71 (05/08)

# Case 2:12-cunited0stAtke5 MSTRDCCuoortr) CENTRAL 1/28/ARCT PAGEAL AFORN PAGE ID #:13 CIVIL COVER SHEET

VIII(a). IDENTICAL CASES: Ha If yes, list case number(s):	as this action been pr	reviously filed in this court a	nd dismissed, remanded or closed?   ✓ No □ Yes			
VIII(b). RELATED CASES: Hav If yes, list case number(s):	re any cases been pre	eviously filed in this court the	at are related to the present case? If No Yes			
□ C.	Arise from the sam Call for determinati	e or closely related transaction of the same or substantial to the same or substantial duplication.	ons, happenings, or events; or  Ily related or similar questions of law and fact; or  cation of labor if heard by different judges; or  , and one of the factors identified above in a, b or c also is present.			
IX. VENUE: (When completing the			-			
(a) List the County in this District;	California County of	outside of this District; State:	if other than California; or Foreign Country, in which <b>EACH</b> named plaintiff resides. this box is checked, go to item (b).			
County in this District:*			California County outside of this District; State, if other than California; or Foreign Country			
			Eclipse IP LLC - Palm Beach County, Florida			
(b) List the County in this District;  ☐ Check here if the government, i	California County o ts agencies or emplo	utside of this District; State i	if other than California; or Foreign Country, in which <b>EACH</b> named defendant resides.  If this box is checked, go to item (c).			
County in this District:*			California County outside of this District; State, if other than California; or Foreign Country			
			Volvo Cars of North America, LLC - Bergen County, NJ			
(c) List the County in this District; Note: In land condemnation c	California County o	utside of this District; State i	f other than California; or Foreign Country, in which EACH claim arose.			
County in this District:*			California County outside of this District; State, if other than California; or Foreign Country			
Eclipse IP LLC's claim - Los An	geles					
* Los Angeles, Orange, San Bernar Note: In land condemnation cases, us	dino, Riverside, Ve e the location of the	entura, Santa Barbara, or S tract of land involved	San Luis Obispo Counties			
X. SIGNATURE OF ATTORNEY (	OR PRO PER):	-// -1</td <td>Date November 27, 2012</td>	Date November 27, 2012			
or other papers as required by lav	v. This form, approv	ed by the Judicial Conference	mation contained herein neither replace nor supplement the filing and service of pleadings e of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed ing the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)			
Key to Statistical codes relating to So	cial Security Cases:					
Nature of Suit Code	Abbreviation	Substantive Statement of	Cause of Action			
861	НІА	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))				
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)				
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))				
863	DIWW	All claims filed for widows Act, as amended. (42 U.S.	s or widowers insurance benefits based on disability under Title 2 of the Social Security C. 405(g))			
864	SSID	All claims for supplementa Act, as amended.	I security income payments based upon disability filed under Title 16 of the Social Security			
865	RSI	All claims for retirement (c U.S.C. (g))	old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42			

CV-71 (05/08) CIVIL COVER SHEET Page 2 of 2