

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

OLD WORLD INDUSTRIES, LLC,

Plaintiff,

v.

Case No.
JURY TRIAL DEMANDED

AUDIOVOX ELECTRONICS CORPORATION,

Defendant.

COMPLAINT FOR PATENT INFRINGEMENT AND DEMAND FOR JURY TRIAL

Plaintiff Old World Industries, LLC, through its attorneys, Whyte Hirschboeck Dudek, LLC, for its complaint against Defendant Audiovox Electronics Corporation, alleges as follows:

THE PARTIES

1. Plaintiff Old World Industries, LLC (“Old World”) is a limited liability company organized under the laws of the state of Illinois with its principal place of business at 4065 Commercial Drive, Northbrook, Illinois 60062.

2. On information and belief, Defendant Audiovox Electronics Corporation (“Audiovox”) is a Delaware corporation with a principal place of business at 150 Marcus Blvd., Hauppauge, New York 11788.

JURISDICTION AND VENUE

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

4. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b) and 1400(b).

5. This Court has personal jurisdiction over Defendant at least because they conduct substantial business and not isolated activities within Wisconsin and this Judicial District and have committed infringing acts in Wisconsin and this Judicial District. Audiovox's contacts within the Judicial District include selling infringing products to retail stores in the Western District of Wisconsin, including a Best-Buy store located at 7357 West Towne Way, Madison, Wisconsin 53719. In addition, Audiovox's infringing products are offered for sale and shipment by various online retailers to individuals within the Judicial District. Representative online retailers include amazon.com; aztekcomputers.com; bestbuy.com; bonanza.com; crutchfield.com; nextbest.co; paflip.com; qualitymobilevideo.com; sears.com; and tamaytech.com.

THE PATENTS-IN-SUIT

6. Paragraphs 1-5 are incorporated by reference as if set forth here in full.

7. United States Patent No. 7,511,607 ("the '607 patent") lawfully issued March 31, 2009 and is entitled "Vehicle back-up viewing system." The named inventors are D. Larry Hubbard and Richard Smolenski. Old World is the legal owner of the '607 patent by virtue of an Assignment of Patent Rights duly recorded on October 17, 2011 in the United States Patent And Trademark Office. A copy of the '607 patent is attached as Exhibit A hereto.

8. U.S. Patent No. 7,245,207 ("the '207 patent") lawfully issued July 17, 2007 and is entitled "Camera and display device for use with vehicles." The named inventors are Mervin A. Dayan, Maurice S. Dayan, and Larry D. Sharp. Old World is the legal owner of the '207 patent by virtue of an Assignment of Patent Rights duly recorded March 13, 2012 in the United States Patent and Trademark Office. A copy of the '207 patent is attached as Exhibit B hereto.

COUNT ONE – INFRINGEMENT OF THE ‘607 PATENT

9. Paragraphs 1-8 are incorporated by reference as if set forth here in full.

10. On information and belief, Audiovox has infringed and continues to infringe, contributorily infringe and/or induce infringement of one or more claims of the ‘607 patent, pursuant to 35 U.S.C. §§ 271(a), (b), (c), and/or (g), either directly or indirectly, literally or under the doctrine of equivalents, by making, using, offering for sale and selling in the United States, and by importing in the United States, without authority, vehicle rear view camera systems and related components including but not limited to Audiovox ACA240 2.5’ Wireless Vehicle Rear View Camera System; Audiovox ACA250 Wireless Vehicle Rear Observation System; Audiovox ACA300 Wireless Monitor/Back-up Camera Transmitter/Receiver Kit; and Audiovox ACA450 Wireless Color Monitor/Back-up Camera Package (the “Accused Products”).¹

11. Audiovox directly infringes and/or will infringe one or more claims of the ‘607 patent by making, using, selling, offering for sale, and importing vehicle rear view camera systems and related components practicing the claimed inventions of the ‘607 patent.

12. Audiovox is actively inducing and/or contributing to the infringement of the ‘607 patent by others through Audiovox’s making, using, selling, and offering to sell vehicle rear view camera systems and related components including the Accused Products. Further, on information and belief, Audiovox contributes to the infringement of the ‘607 patent because Audiovox knows that its vehicle rear view camera systems and related components are made for use in infringement and are not staple articles of commerce suitable for a substantial non-infringing use. Audiovox specifically instructs that the vehicle rear view camera systems and related components be set-up in a

¹ The aforementioned are not intended to exclusively define or otherwise limit the categories of Accused Products. Old World anticipates that Audiovox will introduce additional products in the future that will also infringe the Patents-in-Suit.

manner that infringes one or more claims of the '607 patent. Audiovox states in various user manuals that use of the vehicle rear view camera systems and related components in any other fashion could lead to defective or undesirable operation.

13. On information and belief, Audiovox's infringement of the '607 patent has been and continues to be deliberate and willful, thereby rendering this an exceptional case pursuant to 35 U.S.C. §§ 284 and 285.

14. If Audiovox's infringing activities are not enjoined, Old World will suffer irreparable harm that cannot be adequately compensated by a monetary award and for which there is no adequate remedy at law.

15. Old World has suffered economic harm as a result of Audiovox's infringing activities in an amount to be proven at trial.

COUNT TWO – INFRINGEMENT OF THE '207 PATENT

16. Paragraphs 1-8 are incorporated by reference as if set forth here in full.

17. On information and belief, Audiovox has infringed and continues to infringe, contributorily infringe and/or induce infringement of one or more claims of the '207 patent, pursuant to 35 U.S.C. §§ 271(a), (b), (c), and/or (g), either directly or indirectly, literally or under the doctrine of equivalents, by making, using, offering for sale and selling in the United States, and by importing in the United States, without authority, vehicle rear view camera systems and related components including but not limited to Audiovox ACA240 2.5' Wireless Vehicle Rear View Camera System; Audiovox ACA250 Wireless Vehicle Rear Observation System; and Audiovox ACA450 Wireless Color Monitor/Back-up Camera Package.

18. Audiovox directly infringes and/or will infringe one or more claims of the '207 patent by making, using, selling, offering for sale, and importing vehicle rear view camera systems and related components.

19. On information and belief, Audiovox's infringement of the '207 patent has been and continues to be deliberate and willful, thereby rendering this an exceptional case pursuant to 35 U.S.C. §§ 284 and 285.

20. If Audiovox's infringing activities are not enjoined, Old World will suffer irreparable harm that cannot be adequately compensated by a monetary award and for which there is no adequate remedy at law.

21. Old World has suffered economic harm as a result of Audiovox's infringing activities in an amount to be proven at trial.

PRAYER FOR RELIEF

WHEREFORE Old World seeks the following relief from the Court:

A. That this Court adjudge and decree that each of the claims of the '607 patent and the claims of the '207 patent are valid and enforceable and that Audiovox has, directly infringed, induced infringement, and/or contributed to the infringement of one or more claims of each of '607 and the '207 patents and;

B. A permanent injunction enjoining Audiovox and its' affiliates, subsidiaries, officers, directors, employees, agents, representatives, licensees, successors, assigns, and all those acting for Audiovox and on its behalf, or acting in concert with it directly or indirectly, from importing, making, using, selling, and/or offering to sell vehicle rear view back up camera systems and components including the Accused Products any other Audiovox product that would directly or indirectly infringe one or more claims of the Patents-In-Suit;

C. An award of damages, together with interest, to Old World in an amount adequate to compensate Old World for Audiovox's infringement of the Patents-In-Suit, as provided in 35 U.S.C. § 284;

D. An adjudication that Audiovox has willfully infringed the '607 and the '207 patents and an increase in the award of damages to Old World up to three times in view of Audiovox's willful infringement;

E. A declaration that this is an exceptional case under 35 U.S.C. § 285 and that Old World be awarded attorneys' fees and costs incurred in prosecuting its claims as provided under 35 U.S.C. § 285 and Fed. R. Civ. P. 54(d); and

F. Such other relief as this Court deems proper.

JURY DEMAND

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff Old World hereby demands a trial by jury.

Dated: August 3, 2012

Respectfully Submitted,

/s/ Eugenia G. Carter

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