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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

BY _____

6 Attorneys for Plaintiff,
7 PIAO SHANG INDUSTRY CO., LTD.,

8
9 UNITED STATES DISTRICT COURT
10 FOR THE CENTRAL DISTRICT OF CALIFORNIA
11 LOS ANGELES DIVISION

12 PIAO SHANG INDUSTRY CO., LTD.,

13 Plaintiff,

14 v.

15 XENTRIS WIRELESS, LLC,

16 Defendant.
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Case No.

CV 12 9895 -MWF

**COMPLAINT FOR PATENT
INFRINGEMENT** (FMO)

Jury Trial Demanded

BY FAX

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PLAINTIFF’S ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Piao Shang Industry Co., Ltd. (“Plaintiff”), by and through its undersigned counsel, files this Original Complaint for patent infringement against Xentris Wireless, LLC (“Defendant” or “Xentris”) 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. 5,305,381 entitled “Cradle for Telephone” (the “’381 patent”; a copy of which is attached hereto as Exhibit A). Plaintiff is the legal owner of all of the rights under the ’381 patent to bring this infringement action. Plaintiff seeks injunctive relief and monetary damages.

PARTIES

2. Plaintiff is a company organized and existing under the laws of the Republic of Taiwan. Plaintiff maintains its principal place of business at No. 271, Chen Chien St., Shu Lin City, Taipei, Taiwan 238. Plaintiff owns the ’381 patent, and possesses the right to sue for infringement and recover past damages.

3. Upon information and belief, Defendant is a limited liability corporation organized and existing under the laws of the State of Illinois with its principal place of business located at 1250A Greenbriar Drive, Addison, IL, 60101.

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).

5. The Court has personal jurisdiction over Defendant because: Defendant is present within or has minimum contacts with the State of California and the Central District of California; Defendant has purposefully availed itself of the privileges of conducting business in the State of California and in the Central District of California; Defendant has sought protection and benefit

1 from the laws of the State of California; Defendant regularly conducts business within the State of
2 California and the Central District of California; and Plaintiff's causes of action arise directly
3 from Defendant's business contacts and other activities in the State of California and the Central
4 District of California.

5 6. Specifically, Defendant, directly and/or through authorized intermediaries,
6 shipped, made, used, offered for sale, distributed, imported, sold, or advertised, and continues to
7 ship, make, use, offer to sell, distribute, import, sell, or advertise (including providing an
8 interactive web page) its products and services in the United States, the State of California, and
9 the Central District of California. Upon information and belief, Defendant has committed patent
10 infringement directly and/or indirectly in the State of California and in the Central District of
11 California. Defendant solicits customers in the State of California and in the Central District of
12 California. Upon information and belief, Defendant has many paying customers who are
13 residents of the State of California and in the Central District of California, and who each use
14 Defendant's products and services in the State of California and in the Central District of
15 California.

16 7. Venue is proper in the Central District of California pursuant to 28 U.S.C. §§ 1391
17 and 1400(b).

18
19 **COUNT I – PATENT INFRINGEMENT**

20 8. The '381 patent was duly and legally issued by the United States Patent and
21 Trademark Office on April 19, 1994, after full and fair examination. Moreover, following a full
22 and fair Reexamination proceeding, an Ex Parte Reexamination Certificate issued on July 20,
23 2010. (A true and correct copy of which is attached hereto as Exhibit B). Plaintiff was the legal
24 owner of the '381 patent throughout the period of Defendant's infringing acts and still owns the
25 '381 patent, and Plaintiff thus possesses all rights of recovery under the '381 patent, including the
26 right to sue for infringement and recover past damages

27 9. Xentris owns, operates, advertises, controls, sells, uses and otherwise provides
28 telephone cradles. Xentris has infringed and continues to infringe one or more claims of the '381

1 patent by making, using, providing, offering to sell, and selling (directly or through
2 intermediaries), in this district and elsewhere in the United States, telephone cradles that embody
3 the patented invention, and will continue to do so unless enjoined by this Court. More
4 particularly, Plaintiff is informed and believes Xentris makes, uses, provides, offers to sell, and
5 sells the “Universal Vehicle Mount”, and other devices that embody the patented invention.
6 Xentris has further willfully infringed the ‘381 patent, as Xentris has been aware of the ‘381
7 patent since at least November 4, 2008, which is the date that Xentris received a letter from
8 Plaintiff notifying Defendant of the existence and purported infringement of the ‘381 patent.

9 10. Defendant’s aforesaid activities have been without authority and/or license from
10 Plaintiff.

11 11. Plaintiff has complied with the statutory requirement of placing a notice of the
12 Letters Patent on all telephone cradles it manufactures and sells and has otherwise provided
13 notice of the patent to Defendant.

14 12. Plaintiff is entitled to recover from Defendant the damages sustained by Plaintiff
15 as a result of the Defendant’s wrongful acts in an amount subject to proof at trial.

16 13. Upon information and belief, the infringement of one or more claims of the ’381
17 patent by Defendant is willful and deliberate. Upon information and belief, the direct,
18 contributory and/or induced infringement of one or more claims of the ’381 patent by Defendant
19 is willful and deliberate. As a result, Plaintiff is entitled to increased damages under 35 U.S.C. §
20 284 and to attorneys’ fees and costs incurred in prosecuting this action under 35 U.S.C. § 285
21 with respect to Defendant.

22 14. Defendant’s infringement of Plaintiff’s exclusive rights under the ’381 patent will
23 continue to damage Plaintiff, causing irreparable harm for which there is no adequate remedy at
24 law, unless enjoined by this Court.

25 **JURY DEMAND**

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27 15. Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of
28 Civil Procedure.

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PRAYER FOR RELIEF

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

- A. An adjudication that one or more of the claims of the '381 patent have been infringed, either literally or under the doctrine of equivalents, by Defendant and that such infringement is willful;
- B. An award to Plaintiff of damages adequate to compensate Plaintiff for the Defendant's acts of infringement together with pre-judgment interest and post-judgment interest;
- C. That, should Defendant's acts of infringement be found to be willful from the time that Defendant became aware of the infringing nature of its actions, that the Court award treble damages for the period of such willful infringement pursuant to 35 U.S.C. § 284.
- D. An award of Plaintiff's costs of suit and reasonable attorneys' fees pursuant to 35 U.S.C. § 285 due to the exceptional nature of this case, or as otherwise permitted by law with respect to Defendant;
- E. A grant of permanent injunction pursuant to 35 U.S.C. § 283, enjoining Defendant from further acts of infringement with respect to the claims of the '381 patent; and

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F. Any further relief that this Court deems just and proper.

Dated: November 19, 2012

Respectfully submitted,

HENINGER GARRISON DAVIS, LLC



Steven W. Ritcheson

**Attorneys for Plaintiff Piao Shang Industry Co.,
Ltd.**