

**COPY**  
ORIGINAL  
FILED

2011 NOV 17 P 3:19

RICHARD W. HEIKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ADR

E-filing

1 IAN N. FEINBERG (SBN 88324)  
ifeinberg@feinday.com  
2 M. ELIZABETH DAY (SBN 177125)  
eday@feinday.com  
3 DAVID ALBERTI (SBN 220625)  
dalberti@feinday.com  
4 SAL LIM (SBN 211836)  
slim@feinday.com  
5 YAKOV ZOLOTOREV (SBN 224260)  
yzolotorev@feinday.com  
6 MARC BELLOLI (SBN 244290)  
mbelloli@feinday.com  
7 FEINBERG DAY ALBERTI & THOMPSON LLP  
401 Florence Street, Suite 200  
8 Palo Alto, CA 94301  
Telephone: 650.618.4360  
9 Facsimile: 650.618.4368

10 Attorneys for Plaintiff  
KGR IP LLC

11  
12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA

14  
15 KGR IP LLC,  
16 Plaintiff,  
17 v.

18 **CV 11-05586**  
CASE NO. ~~05586~~  
COMPLAINT FOR PATENT  
INFRINGEMENT

LB

18 AMERICAN HONDA MOTOR CO.,  
19 INC., HONDA NORTH AMERICA, INC.  
AND HONDA MOTOR CO., LTD.  
20 Defendants.

DEMAND FOR JURY TRIAL

21  
22 Plaintiff KGR IP LLC ("KGR") complains and alleges as follows against Defendants  
23 American Honda Motor Co., Inc. ("American Honda"), Honda North America, Inc. ("Honda  
24 North America") and Honda Motor Car Co., Ltd. ("Honda Japan");

25 **THE PARTIES**

26 1. KGR is a limited liability company organized and existing under the laws of the  
27 State of California with its principal place of business in the Northern District of California and a  
28 mailing address at P.O. Box 20134, Stanford, California 94309.

BY FAX



1 11. Venue is proper under 28 U.S.C. §§ 1391 and 1400 because Honda has committed  
2 acts of infringement in this district, and/or is deemed to reside in this district.

3 **INTRADISTRICT ASSIGNMENT**

4 12. Pursuant to Local Rule 3-2(c), this case is subject to district-wide assignment  
5 because it is an Intellectual Property Action.

6 **THE PATENT**

7 13. On October 28, 2003, the United States Patent and Trademark Office duly and  
8 legally issued the '614 Patent, entitled "Multi-Variate Data Presentation Method Using  
9 Ecologically Valid Stimuli" to Stephen Michael Kosslyn, Giorgio Ganis and [REDACTED]  
10 [REDACTED] (the "Inventors"). A true and correct copy of the '614 Patent is attached as Exhibit A.

11 14. The Inventors assigned the '614 Patent to KGR, which holds all right, title and  
12 interest in and to the '614 Patent, including the right to sue for past, present and future  
13 infringement and the right to seek injunctive relief.

14 **FIRST CLAIM FOR RELIEF**

15 **(Infringement of the '614 patent by American Honda)**

16 15. KGR incorporates by reference herein the averments set forth in paragraphs 1  
17 through 14 above.

18 16. American Honda has and continues to infringe directly at least claim 1 of the '614  
19 Patent, at least by using the Honda Insight with the Eco Assist function.

20 17. American Honda has and continues to induce others (users of the Eco Assist  
21 function) to infringe at least claim 1 of the '614 Patent, at least by making, using, offering to sell,  
22 selling and/or importing the Honda Insight with the Eco Assist function and instructing others to  
23 use the Eco Assist function. American Honda has notice of the '614 Patent, and has acted with  
24 the specific intent to induce others to infringe the '614 Patent.

25 18. American Honda has and continues to contribute to the infringement by others  
26 (users of the Eco Assist function) of at least claim 1 of the '614 Patent, at least by making, using,  
27 offering to sell, selling and/or importing the Honda Insight with the Eco Assist Function.  
28 American Honda has notice of the '614 Patent. There is no substantial non-infringing use of the

1 Eco Assist function.

2 19. As a result of American Honda's acts of infringement, KGR has suffered and will  
3 continue to suffer damages in an amount to be proven at trial.

4 **SECOND CLAIM FOR RELIEF**

5 **(Infringement of the '614 patent by Honda North America)**

6 20. KGR incorporates by reference herein the averments set forth in paragraphs 1 through  
7 14 above.

8 21. Honda North America has and continues to infringe at least claim 1 of the '614  
9 Patent, at least by using the Honda Insight with the Eco Assist function.

10 22. Honda North America has and continues to induce others (users of the Eco Assist  
11 function) to infringe at least claim 1 of the '614 Patent, at least by making, using, offering to sell,  
12 selling and/or importing the Honda Insight with the Eco Assist function and instructing others to  
13 use the Eco Assist function. Honda North America has notice of the '614 Patent, and has acted  
14 with the specific intent to induce others to infringe the '614 Patent.

15 23. Honda North America has and continues to contribute to the infringement by  
16 others (users of the Eco Assist function) of at least claim 1 of the '614 Patent, at least by making,  
17 using, offering to sell, selling and/or importing the Honda Insight with the Eco Assist Function.  
18 Honda North America has notice of the '614 Patent. There is no substantial non-infringing use of  
19 the Eco Assist function.

20 24. As a result of Honda North America's acts of infringement, KGR has suffered and  
21 will continue to suffer damages in an amount to be proven at trial.

22 **THIRD CLAIM FOR RELIEF**

23 **(Infringement of the '614 patent by Honda Japan)**

24 25. KGR incorporates by reference herein the averments set forth in paragraphs 1 through  
25 14 above.

26 26. Honda Japan has and continues to infringe directly at least claim 1 of the '614  
27 Patent, at least by using the Honda Insight with the Eco Assist function.

28 27. Honda Japan has and continues to induce others (users of the Eco Assist function)

1 to infringe at least claim 1 of the '614 Patent, at least by making, using, offering to sell, selling  
2 and/or importing the Honda Insight with the Eco Assist function and instructing others to use the  
3 Eco Assist function. Honda Japan has notice of the '614 Patent, and has acted with the specific  
4 intent to induce others to infringe the '614 Patent.

5 28. Honda Japan has and continues to contribute to the infringement by others (users  
6 of the Eco Assist function) of at least claim 1 of the '614 Patent, at least by making, using,  
7 offering to sell, selling and/or importing the Honda Insight with the Eco Assist Function. Honda  
8 North America has notice of the '614 Patent. There is no substantial non-infringing use of the  
9 Eco Assist function.

10 29. As a result of Honda Japan's acts of infringement, KGR has suffered and will  
11 continue to suffer damages in an amount to be proven at trial.

12 **PRAYER**

13 WHEREFORE, KGR requests a judgment:

- 14 A. That defendants American Honda, Honda North America and Honda Japan have  
15 infringed one or more claims of United States Patent No. United States Patent No. 6,639,614;  
16 B. That United States Patent No. 6,639,614 is valid and enforceable;  
17 C. Awarding to KGR its damages caused by defendants American Honda, Honda  
18 North America and Honda Japan's infringement of United States Patent No. 6,639,614, including  
19 an assessment of pre-judgment and post-judgment interest and costs;  
20 D. Preliminarily and permanently enjoining defendants American Honda, Honda  
21 North America and Honda Japan's from further infringement of United States Patent No.  
22 6,639,614; and  
23 E. Awarding KGR such other and further relief as the Court may deem just and  
24 proper.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Dated: November 17, 2011

FEINBERG DAY ALBERTI & THOMPSON LLP

By: 

Ian N. Feinberg  
M. Elizabeth Day  
David Alberti  
Sal Lim  
Yakov Zolotorev  
Marc Belloli

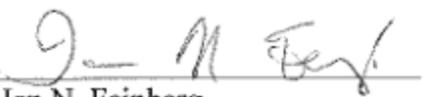
Attorneys for Plaintiff  
KGR IP LLC

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**DEMAND FOR JURY TRIAL**

KGR demands trial by jury for all issues so triable pursuant to Fed. R. Civ. Pro. 38(b) and Civil L.R. 3-6(a).

Dated: November 17, 2011 FEINBERG DAY ALBERTI & THOMPSON LLP

By:   
Ian N. Feinberg  
M. Elizabeth Day  
David Alberti  
Sal Lim  
Yakov Zolotorev  
Marc Belloli

Attorneys for Plaintiff  
KGR IP LLC