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2011 NOV 17 P 3:19

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

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11
12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14

15 KGR IP LLC,

16 Plaintiff,

17 v.

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

20 Defendants.

CV 11-05586
CASE NO.
COMPLAINT FOR PATENT
INFRINGEMENT

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.

-1-

2. KGR is the owner by assignment of all right, title and interest in and to United States Patent No. 6,639,614 ("the '614 Patent").

3. KGR is informed and believes that American Honda is a corporation organized and existing under the laws of the State of Delaware with its principal place of business at 1919 Torrance Boulevard, Torrance, California 90501.

4. KGR is informed and believes that Honda North America is a corporation organized and existing under the laws of the State of California with its principal place of business at 700 Van Ness Ave., Torrance, California 90501.

5. KGR is informed and believes that Honda Japan is a corporation organized and existing under the laws of Japan with its principal place of business at 1-1, 2-chome, Minami-Aoyama, Minato-ku, Tokyo 107-8556, Japan.

6. KGR is informed and believes that American Honda is a wholly-owned and controlled direct or indirect subsidiary of Honda Japan.

7. KGR is informed and believes that Honda North America is a wholly-owned and controlled direct or indirect subsidiary of Honda Japan.

8. As used herein, "Honda" will refer to American Honda, Honda North America and Honda Japan collectively.

JURISDICTION AND VENUE

9. This is an action for patent infringement arising under the patent laws of the United States, United States Code, 35 U.S.C. § 271 et seq. This Court has subject matter jurisdiction over this action under Title 28 United States Code, §§ 1331 and 1338.

10. KGR is informed and believes that this Court has personal jurisdiction over American Honda and Honda North America because they are residents of the State of California, and over American Honda, Honda North America and Honda Japan because they have committed, and continue to commit, acts of infringement in California, including in this district. KGR is informed and believes that American Honda and Honda North America each also maintains a registered agent in California, namely CT Corporation System, 818 West Seventh Street, Los Angeles, California 90017.

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

INTRADISTRICT ASSIGNMENT

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

THE PATENT

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

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

FIRST CLAIM FOR RELIEF

(Infringement of the '614 patent by American Honda)

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

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

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

18. American Honda has and continues to contribute to the infringement by others (users of the Eco Assist function) of at least claim 1 of the '614 Patent, at least by making, using, offering to sell, selling and/or importing the Honda Insight with the Eco Assist Function. 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 Dated: November 17, 2011

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Dated: November 17, 2011

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