

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

ALLSTAR TIRE & WHEEL, INC.)
Plaintiff,) CIVIL ACTION NO. 2:07-cv-448
vs.) JURY TRIAL DEMANDED
SAVINI STYLING GROUP, INC.,)
Defendants.)

**COMPLAINT FOR PATENT INFRINGEMENT
AND DEMAND FOR JURY TRIAL**

TO THE HONORABLE UNITED STATES DISTRICT COURT:

For its Complaint, Allstar Tire & Wheel, Inc. alleges as follows:

PARTIES

1. Allstar Tire & Wheel, Inc. ("ATW") is a California corporation with its principal place of business at 1403 N. Batavia, Suite 107, Orange, CA 92867.
2. On information and belief, Savini Styling Group, Inc. ("Savini") is a California corporation with a principal place of business at 10725 Springdale Ave., Unit 3, Santa Fe Springs, CA 90670. Savini may be served with process by serving its registered agent Gui Hee Kim Chung, at 10725 Springdale Ave., Unit 3, Santa Fe Springs, CA 90670.
3. Savini imports and sells high-end automobile wheels under various brand names, including "Savini," "Avarus" and "Zinik."

JURISDICTION AND VENUE

4. This action arises under the Patent Laws of the United States, Title 35 U.S.C. §§ 101 *et seq.*

5. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

6. The jurisdiction of this Court over the Defendant Savini is proper because, *inter alia*, Savini places its products which infringe ATW's patent into the stream of commerce, which stream is directed at the State of Texas, including this district, with the knowledge and understanding that such products would be sold in the State of Texas, including this district.

7. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b) and (c).

PATENT AT ISSUE

8. On March 29, 2005, United States Letters of Patent No. D503,369 ("the '369 Patent") entitled "Decorative Vehicular Wheel Lip" was duly and legally issued to Joey K. Kato. All rights, title and interest in the '302 Patent were assigned to ATW, which remains the sole owner. *See Exhibit A.* Such rights, title and interest include, without limitation, the right to sue for infringement of the '369 Patent.

DESIGN PATENT INFRINGEMENT

9. Upon information and belief, Defendant Savini is now, and/or has been infringing the '369 Patent under 35 U.S.C. §271, *et seq.* by, without permission or authority from ATW, importing into the United States and selling, offering to sell, and/or using within the United States, including this District, automobile wheels covered by this patent. Examples of such infringing automobile wheels include Avarus Models AV1, AV2 and AV3 and other products as yet unidentified.

10. Savini has notice of its infringement as prescribed by 35 U.S.C. § 287(a).

11. On information and belief, Savini's foregoing acts of infringement were willful and deliberate from the time which it first received notice of its infringement as prescribed by 35 U.S.C. § 287(a) and continue to be willful and deliberate.

12. ATW has been damaged by the foregoing acts of infringement of its patent by Savini and will continue to be damaged by such infringement unless enjoined by the Court.

RELIEF REQUESTED

Wherefore, ATW respectfully requests that this Court enter judgment against Defendant Savini as follows:

- A. That the '369 Patent was, during all relevant periods, valid and enforceable;
- B. That the '369 Patent has been infringed by Defendant Savini;
- C. An injunction against further infringement of the '369 Patent by Defendant Savini;
- D. An award of damages in the amount of all of Savini's profits from sales of products infringing ATW's patent, or, in the alternative, an award of damages sufficient to compensate ATW for patent infringement that has occurred, together with pre-judgment interest and costs;
- E. An award of all other damages permitted by 35 U.S.C. § 284, including increased damages up to three times the amount of compensatory damages found;
- F. That this is an exceptional case and an award to ATW of its costs and reasonable attorney's fees incurred in this action as provided by 35 U.S.C. § 285.
- G. Such other relief that this Court deems just and proper.

JURY DEMAND

Pursuant to Fed . R. Civ. P. 38(b), ATW hereby demands a trial by jury on all issues triable of right by a jury.

Respectfully Submitted,

DATED: October 9, 2007

By: /s/ James A. Stockard, Jr.
James A. Stockard, Jr.
Texas State Bar No. 19256100

JAFARI LAW GROUP, INC.
801 N. Parkcenter Drive, Suite 220
Santa Ana, California, 92705
Telephone: (714) 542-2265
Facsimile: (714) 542-2286

Attorneys for Plaintiff,
Allstar Tire & Wheel, Inc.