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LODGED - SOUTHERN DIVISION CLERK, U.S. DISTRICT COURT
AUG 11 2006
CENTRAL DISTRICT OF CALIFORNIA BY DEPUTY

15 UNITED STATES DISTRICT COURT
16 CENTRAL DISTRICT OF CALIFORNIA

17 JOEY KATO, an individual,
18 Plaintiff,

19 v.

20 JEFF MEEHAN, an individual; DAVID
21 S. AYNEHCHI, an individual;
22 ALLSTAR TIRE AND WHEEL, INC.,
23 an entity; and DOES 1 through 10,
24 inclusive,

25 Defendants.

26 CASE NO.
27 CV06-5051 PA (RZx)

28 COMPLAINT FOR PATENT
29 INFRINGEMENT AND DEMAND
30 FOR JURY TRIAL

31 COMPLAINT

32 1. Plaintiff Joey Kato ("Kato"), for his complaint against defendants, Jeff
33 Meehan ("Meehan"); David S. Aynehchi (Aynehchi); and Allstar Tire and Wheel, Inc.
34 ("Allstar"); and each of them (collectively "Defendants" unless individually
35 designated) alleges

36 as follows:

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BY 1 001

39 COMPLAINT

40 2006 AUG 14 AM 9:02

41 U.S. DISTRICT COURT
42 CENTRAL DISTRICT OF CALIF.
43 SANTA ANA

44 FILED

THE PARTIES

2 2. Kato is and was at all times alleged herein an individual and resident of
3 the State of California, County of Orange.

4 3. Meehan is and was at all times alleged herein an individual residing in
5 the County of Orange, State of California.

6 4. On information and belief, Aynehchi is and was at all times alleged
7 herein an individual residing in the County of Orange, State of California.

8 5. On information and belief, Allstar is an entity doing business in the
9 County of Orange, State of California. Allstar is controlled by Aynehchi, and has
10 been used by Defendants to perpetrate their wrongful and illegal scheme alleged
11 herein.

12 6. Kato is unaware of the true names and capacities of defendants sued
13 herein as Does 1 through 10, inclusive, and therefore sues these defendants by
14 fictitious names. Kato will amend this Complaint to allege their true names and
15 capacities when ascertained. Kato is informed and believe that each of the fictitiously
16 named defendants is responsible in some manner for the events and happenings
17 alleged herein and that Kato's damages were proximately caused by said defendants.

18 7. Kato is informed and believes that at all times alleged herein each of the
19 defendants was the agent, principal, co-conspirator, affiliate, representative, and/or
20 partner of each of the remaining defendants and, in doing the acts hereinafter alleged,
21 was acting within the scope of such relationship and with the permission, consent
22 and/or ratification of his or its co-defendants.

23 8. To the extent any individual defendant is and was conducting business
24 through a corporation, partnership, limited liability company, or other entity, such
25 individual defendant remains personally liable for any and all fraudulent and wrongful
26 conduct carried on through the use of the entity, to further any unlawful acts.

JURISDICTION AND VENUE

28 9. This Court has jurisdiction over Kato's patent infringement claim.

1 pursuant to the patent laws of the United States, 35 U.S.C. §1 et seq., and pursuant to
2 28 U.S.C. §1338

3 10. Venue is proper in this judicial district pursuant to 28 U.S.C. §§1391(b),
4 1391(c), and 1400(b) because Defendants have regularly conducted business in this
5 judicial district and certain of the acts complained herein occurred in this judicial
6 district.

BACKGROUND FACTS

8 11. This action arises out of Defendants' infringement of a patent owned by
9 Kato.

10 12. On March 29, 2005, U.S. Patent No. USD 503,369S, entitled "Decorative
11 Vehicular Wheel Lip" was duly and legally issued to Kato. (Hereinafter, "The 369S
12 Patent".

13 13. The 369S patent is an ornamental design for a vehicular wheel lip. A true
14 and correct copy of the 369S patent is attached hereto as Exhibit "A" and incorporated
15 herein by reference.

16 14. On information and belief, Defendants have been and are infringing,
17 contributing to infringement, and/or inducing others to infringe the 369S patent by
18 making, using, offering for sale, selling or importing custom aftermarket wheels with
19 the “ornamental design for a decorative vehicular wheel lip.” Defendants’ acts of
20 infringement have occurred within this district and elsewhere throughout the United
21 States.

22 15. On information and belief, Defendants' have willfully infringed the 369S
23 patent by continuing their acts of infringement after being on notice of this patent.

COUNT ONE

26 16. Kato repeats and re-alleges the allegations of paragraphs 1 through 15
27 above as if fully set forth herein

28 17. In violation of 35 U.S.C. §271, Defendants have infringed and are

1 continuing to infringe, literally and/or under the doctrine of equivalents, the 369S
2 patent in their manufacture, use, offering for sale, sale and/or importation of custom
3 aftermarket wheels with the "ornamental design for a decorative vehicular wheel lip,"
4 and/or by inducing or contributing to the infringement of the 369S patent by others.

5 18. Kato has been damaged by Defendants' infringement and, unless
6 Defendants' obtain a license to the 369S patent from Kato or are enjoined by this
7 Court, Defendants will continue their infringing activity and Kato will continue to be
8 damaged.

9 **PRAYER FOR RELIEF**

10 WHEREFORE, plaintiff Kato prays for the following relief against defendants
11 and each of them:

12 1. A preliminary and permanent injunction against Defendants, their agents,
13 servants, employees, attorneys, all parent and subsidiary corporations, all assignees
14 and successors in interest, and those persons in active concert or participation with
15 Defendants, including distributors and customers, enjoining them from continuing acts
16 of infringement of Kato's 369S patent;

17 2. An award of damages under 35 U.S.C. §284 for Defendants' infringement
18 of Kato's 369S patent, together with pre-judgement and post-judgement interest;

19 3. A trebling of said damages pursuant to 35 U.S.C. §284;

20 4. An award of attorney's fees pursuant to 35 U.S.C. §285;

21 5. An injunction against Defendants, their officers, agents, servants,
22 employees, attorneys, all parent and subsidiary corporations all assignees and
23 successors in interest, and those persons in active concert or participation with
24 Defendants, enjoining them from manufacturing, importing or selling products
25 incorporating Kato's proprietary design; and

26 6. Any such other relief that this Court deems just and proper.

27 **JURY TRIAL DEMAND**

28 Plaintiff Kato hereby demands a jury trial on all claims asserted herein.

1 Dated: July 25, 2006

Respectfully submitted,

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6 Jeffrey S. Benice
7 Attorney for Plaintiff
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Jeffrey S. Benice
Attorney for Plaintiff
Kato