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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA



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MAGNADYNE CORPORATION

Plaintiff,

v.

WINEGARD COMPANY

Defendant.

Case No. 3:20cv722

-FILED-

AUG 26 2020

At _____ M
ROBERT N. TRGOVICH, Clerk
U.S. DISTRICT COURT
NORTHERN DISTRICT OF INDIANA

**COMPLAINT FOR PATENT INFRINGEMENT AND
JURY DEMAND**

Plaintiff, Magnadyne Corporation, by and through its undersigned counsel, for its Complaint against Winegard Company, alleges as follows:

THE PARTIES

1. Plaintiff Magnadyne Corporation (“Magnadyne”) is a California corporation with its principal place of business at 1111 West Victoria Street, Compton, California 90220 and with operations that cater to the recreational vehicle market located at 52822 Airport Parkway, Elkhart, IN 46514. Magnadyne sells antennas for the recreational vehicle market.

2. Defendant Winegard Company (“Winegard”) is a company with its principal location at 3000 Kirkwood Street, Burlington, Iowa, 52601 that acquired WiFi Ranger on August 14, 2020.

3. Winegard operates an Innovation Center for the recreational vehicle market located at 401 Northpointe Blvd., Suite 500, Elkhart, Indiana 46514. As explained at winegard.com, this Innovation Center is “Located in the heart of the RV industry, in Elkhart, Ind., the center showcases Winegard’s latest products in connectivity, satellite, cellular, and TV.” This “center is also home to many training functions to ensure [Winegard’s] network of dealers, distributors, reps, and technicians fully understand how our world-class products operate and function in their everyday environments.” Winegard also sells antennas for the recreational vehicle market.

JURISDICTION

4. This is an action for patent infringement arising under the Patent Laws of the United States, Title 35, United States Code. The subject matter jurisdiction for this Court is founded upon 28 U.S.C. § 1338 (patents) and 28 U.S.C. § 1331 (federal question).

5. Upon information and belief, Defendant is subject to this Court's jurisdiction because the Defendant maintains a place of business in the Northern District of Indiana and continuously engages in substantial sales and other business transactions in this District. Defendant has sold infringing products and/or committed infringing acts in this District. The United States District Court for the Northern District of Indiana therefore has personal jurisdiction over the Defendant.

6. Venue is based upon 28 U.S.C. § 1400(b) and is proper as Winegard maintains an Innovation Center in the Northern District of Indiana and services the recreational vehicle industry in Elkhart, Indiana, in competition with Magnadyne.

THE PATENT-IN-SUIT

7. On April 2, 2018, Magnadyne filed a patent application with the application number 15/943,054 titled "Combination External Vehicle Antenna Housing and Installation Method."

8. On October 4, 2018, application number 15/943,054 was published as US2018/0287250A1 ("the '250 Publication"). (Exhibit A.) The '250 Publication included 21 claims, including claim 4. On October 5, 2018, the '250 Publication was provided to Winegard via WiFi Ranger which is owned by Winegard.

9. Given that Winegard and Magnadyne are competitors in the recreational vehicle market, it is reasonable to infer that Winegard had actual notice of the '250 Publication.

10. On April 14, 2020, U.S. Patent No. 10,622,709 ("the '709 patent") was duly and legally issued to Magnadyne Corporation. (Exhibit B.)

11. The '709 Patent included 18 claims including claim 1 which is substantially identical to the invention claims in claim 4 of the '250 Publication.

12. Magnadyne is the owner of record by assignment and has the right to bring suit under the '709 Patent and '250 Publication.

13. On April 14, 2020, Magnadyne wrote to Winegard, specifically to the President or General Counsel, notifying Winegard of infringement of the '709 Patent by Winegard's Air 360+ product. After receiving this Magnadyne letter, Winegard did not dispute infringement of the '709 Patent. This letter is attached as Exhibit C.

14. Also by letter on April 14, 2020, Magnadyne also notified WiFi Ranger of products accused of infringement of the '709 Patent. This letter is attached as Exhibit D.

PATENT INFRINGEMENT

15. Plaintiff repeats and re-alleges the allegations contained in Paragraphs 1-14 above as if fully set forth herein.

16. Defendant Winegard sells a product named the Air 360+ and now also sells the WiFi Ranger products accused of infringement identified in the April 14, 2020 notice letter referenced above.

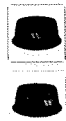
17. As of August 17, 2020, the Air 360+ product is advertised for sale on www.winegard.com as follows:

Find a Dealer Register Your Product Newsletter Sign Up Support Accounts Cart Search 800.288.8094

WINEGARD PRODUCTS ▾ INDUSTRY ▾ PLANS ▾ SERVICES ▾ TECHNOLOGY ▾ ABOUT US ▾

AIR 360+

HOME ▾ INDUSTRY ▾ RECREATIONAL VEHICLE RV ▾ CELLULAR ▾ AIR 360 PLUS ▾ AIR 360 PLUS BLACK



AIR 360+ AMPLIFIED OMNIDIRECTIONAL VHF/UHF & FM RV ANTENNA W/ OPTIONAL 4G LTE/WIFI GATEWAY ADD-ON (AR-360B)

The AIR 360+ revolutionizes the omnidirectional field by providing powerful performance in an easy-to-install design with 360° signal reception. Out of the box, the AIR 360+ can receive VHF/UHF/FM frequencies while parked. Upgrade this Internet ready device with the Winegard Gateway for 4G LTE & WiFi capabilities. The AIR 360+ is an all-in-one solution for your Internet, TV, and FM signal needs! With no hand cranking or aiming, the AIR 360+ antenna is always ready for viewing, listening, and Internet access!

In Stock.
PRICE: \$124.99

Add to Cart

FIND A DEALER

18. The Air 360+ is also sold with a compatible product, Winegard’s Gateway product. This product carries at least model number GW-1000.

19. The manufacture, use, sale, offer for sale, and importation of at least the Air 360+ product whether sold with or without the compatible Gateway product—directly infringes at least claim 1 of the ’709 Patent as described and explained in the allegations provided above. Winegard’s activities also constitute infringement of other claims of the ’709 Patent. Plaintiff has suffered damages as a result of the infringing activities of Winegard, and Magnadyne will continue to suffer such damages as long as those infringing activities continue.

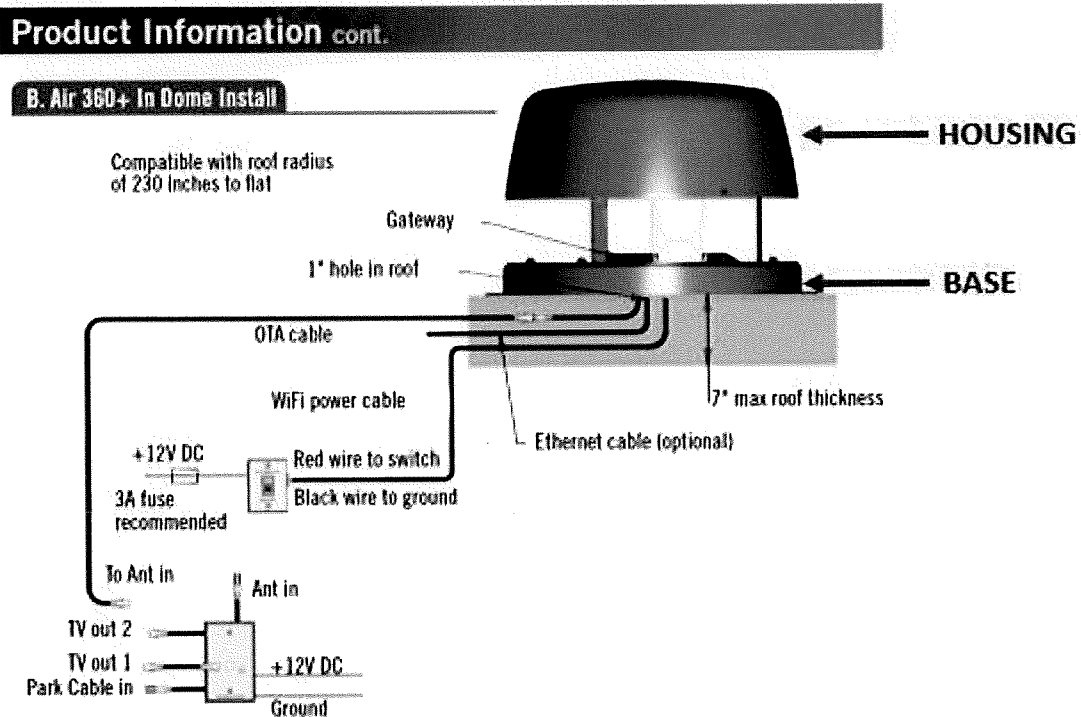
20. Even though it received actual notice of infringement on April 12, 2020 and the published patent application in 1998, Winegard continued its infringement of the '709 Patent thereafter. Defendant's infringement has been willful, wanton and deliberate.

21. Winegard has been, and still is, infringing, actively inducing others to infringe, and contributorily infringing the '709 Patent.

22. Claim 1 of the '709 Patent reads as follows: "A combination antenna apparatus assembly to an exterior location on a vehicle comprising: a base attached to the exterior location; and a housing detachably connected to the base, wherein the housing defines an enclosed area above the base that is adapted to receive a repeater/router, wherein the base includes an outer flange adapted to be attached to the exterior location with fasteners, a raised ring inside the outer flange, wherein the raised ring defines a cup-shaped cavity inside the raised ring and below the enclosed area."

23. The Air 360+ product includes each and every limitation of claim 1 as alleged below.

24. The following was taken from www.winegard.com on page 5 of the installation manual for the Air 360+ on August 17, 2020. As illustrated in red, the Air 360+ includes the claimed base and housing.

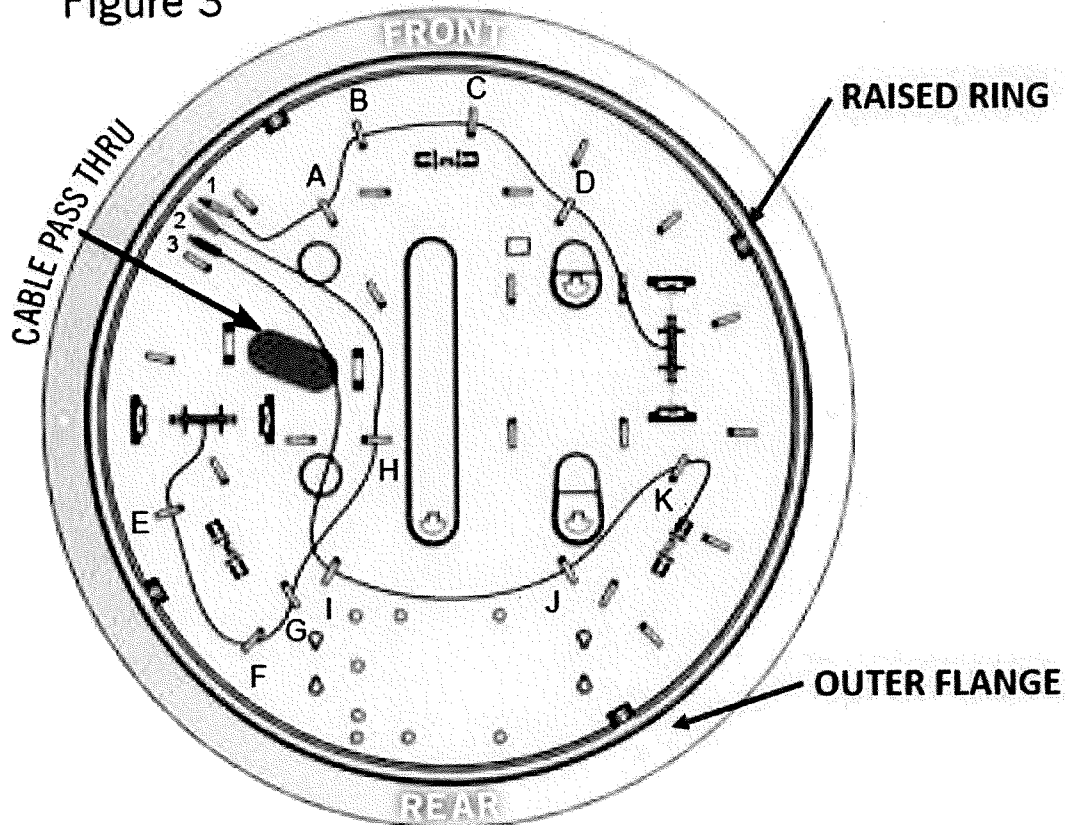


25. The base is shown attached to an exterior location of a vehicle. The housing is detachably connected to the base.

26. The housing defines an enclosed area above the base that is adapted to receive a repeater/router, such as a Gateway product shown in the image above or LAN antenna.

27. The outer flange of the base is also shown in the image above. As shown in the installation manual, the flange includes screw holes to attach the base to the exterior location of a vehicle. As explained, the installation guide explains: "Screw in 6 mounting screws into the 6 mounting holes around the flange of the base and into the roof."

Figure 3



28. The raised ring is inside the outer flange. The raised ring defines a cup-shaped cavity inside the raised ring and below the enclosed area defined partially by the housing.

29. In addition to direct infringement, Winegard induces others to infringe the '709 Patent based in part on the installation manual and product demonstrations provided by Winegard to its dealers and customers. Moreover, the Air 360+ is a material part of the apparatus claimed in claim 1 of the '709 Patent and has no substantial non-infringing use and is not a staple article of commerce. By making, using, importing, demonstrating, offering for sale, and/or selling technology including, but not limited to, its Air 360+ product and other related products in the United States, Winegard is infringing claims of the '709 Patent, including at least claim 1, under at least 35 U.S.C. § 271(a), (b), and (c).

30. With notice of infringement of the '709 Patent, Winegard continues to infringe by its sales of its Air 360+ product and other related products such as those identified in Exhibit D for similar reasons.

31. Winegard is a substantially larger company than Magnadyne. It would, therefore, be reasonable to infer that Winegard believed that it could infringe the '709 Patent with impunity based on its size and resources advantage. On information and belief, Defendant was advised of the existence of Magnadyne's patent rights and continued in its sale of the Air 360+ product.

32. Winegard competes with Magnadyne in the recreational vehicle market. It would, therefore, be reasonable to infer that Winegard had actual notice of the '250 Publication prior to the issuance of the '709 Patent. In fact, Winegard through its acquisition of WiFi Ranger had actual notice of the '250 Publication on October 5, 1998.

33. Since claim 4 of the '250 Publication is substantially identical to claim 1 of the '709 Patent, Magnadyne is further entitled to pre-issuance damages pursuant to 35 U.S.C. §154.

34. On information and belief, Magnadyne expects that future evidentiary support for these infringement allegations will be shown upon further examination and after a reasonable opportunity for further investigation and discovery.

35. Plaintiff has suffered damages as a result of the infringing activities of Winegard and will continue to suffer such damages as long as those infringing activities continue.

36. Magnadyne has been, and will continue to be, irreparably harmed by defendant's infringing conduct unless defendant is enjoined by this Court.

37. Magnadyne has no adequate remedy at law.

DEMAND FOR RELIEF

WHEREFORE, Magnadyne asks the Court to:

A. adjudge that defendant has infringed the '709 Patent, including but not limited to claim 1 of the '709 Patent;

B. enter a preliminary and permanent injunction to enjoin defendant from infringing the '709 Patent pursuant to 35 U.S.C. § 283;

C. award Magnadyne damages against defendant adequate to compensate Magnadyne for the infringement of the '709 Patent pursuant to 35 U.S.C. § 284;

D. award Magnadyne a reasonable royalty against defendant based on the '250 Publication pursuant to 35 U.S.C. § 154(d);

E. find that defendant's infringement is deliberate and willful, and that the damages awarded to Magnadyne be trebled pursuant to 35 U.S.C. § 284;

F. declaring this an exceptional case within the meaning of 35 U.S.C. § 285, and awarding Plaintiff its reasonable attorney's fees and costs and disbursements in this action;

G. award Magnadyne interest and costs; and

H. award Magnadyne such other relief as is just or reasonable.

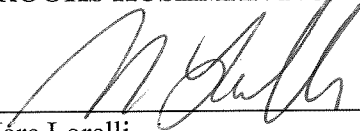
JURY DEMAND

Magnadyne demands a trial by jury for all issues so triable in this matter.

Respectfully submitted,

BROOKS KUSHMAN P.C.

Dated: August 25, 2020



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