

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

|                                |   |                       |
|--------------------------------|---|-----------------------|
| Escort Inc.,                   | ) |                       |
|                                | ) | Case No.: 1:07-cv-852 |
| Plaintiff,                     | ) |                       |
|                                | ) |                       |
| v.                             | ) | Judge: J. Barrett     |
|                                | ) |                       |
| Cobra Electronics Corporation, | ) |                       |
|                                | ) |                       |
| Defendant.                     | ) | JURY TRIAL DEMANDED   |

**COMPLAINT**

Plaintiff Escort Inc. (“Escort”), by its attorneys and for its Complaint, alleges as follows:

**THE PARTIES**

1. Plaintiff Escort is an Illinois corporation with its principal place of business located at 5440 West Chester Road, West Chester, Ohio 45069.

2. Upon information and belief, defendant Cobra Electronics Corporation (“Cobra”) is a corporation existing under the laws of Delaware with its principal place of business at 6500 W. Cortland Street, Chicago, Illinois 60707. On information and belief, Cobra does substantial, continuous and systematic business in the State of Ohio, including in the Southern District of Ohio and within the jurisdiction of the Western Division of the United States District Court for the Southern District of Ohio. Additionally, on information and belief, Cobra has one or more distributors, sales agents, authorized resellers, dealers, and/or warranty centers within the judicial district.

### **JURISDICTION OF VENUE**

3. This is an action for patent infringement and arises under the patent laws of the United States, Title 35, United States Code. Federal question jurisdiction is conferred pursuant to 28 U.S.C. §§1331 and 1338(a).

4. On information and belief, based upon the substantial, continuous and systematic business activities of Cobra in the State of Ohio, including the Southern District of Ohio and within the jurisdiction of the Western Division of the United States District Court for the Southern District of Ohio, and Cobra's purposefully directed activities to residents of the State of Ohio, this Court has personal jurisdiction over Cobra. Moreover, Cobra has committed acts of infringement within this district.

5. Venue is proper in this judicial district under 28 U.S.C. §§1391(b)-(c), and 1400(b).

### **BACKGROUND FACTS**

6. On December 30, 2003, the United States Patent and Trademark Office issued United States Letters Patent No. 6,670,905, entitled "Radar Warning Receiver with Position and Velocity Sensitive Functions" ("the '905 patent"). A true and correct copy of the '905 patent is attached hereto as Exhibit 1.

7. Escort holds all right, title and interest in and to the '905 patent with full rights to pursue recovery of royalties or damages for infringement of the '905 patent, including full rights to recover past and future damages.

**Count I – Infringement of U.S. Letters Patent No. 6,670,905**

8. On information and belief, Cobra has made, used, offered for sale or sold a radar and laser detector product having the Model Number “XRS R9G” which infringes at least one claim of the ‘905 patent. On information and belief, this radar and laser detector has been and/or is being offered for sale and/or sold by Cobra, its distributor(s), dealer(s), and/or its sales agent(s) within the geographic boundary of the Western Division of the United States District Court of the Southern District of Ohio.

9. The allegations of paragraphs 1-8 are incorporated herein by reference as though fully set forth herein.

10. Cobra has infringed, contributed to the infringement and/or induced others to infringe the ‘905 patent and, unless enjoined, will continue to do so by making, using, selling or offering for sale products that are claimed by the ‘905 patent and contributing to or inducing others to make, use, sell or offer for sale products claimed by the ‘905 patent without license or permission from Escort.

11. On information and belief, the acts of infringement complained of herein are being carried out willfully and with full knowledge by Cobra of the ‘905 patent.

12. As a result of Cobra’s actions, Escort has suffered and continues to suffer substantial injury, including irreparable injury, which will result in damages to Escort, including loss of sale and profits, which Escort would have made but for the acts of infringement by Cobra, unless Cobra is preliminarily and permanently enjoined from infringing the ‘905 patent.

WHEREFORE, plaintiff prays for relief against Cobra as follows:

A. That a judgment be entered that Cobra has infringed United States Letters Patent No. 6,670,905;

B. That Cobra, its agents, sales representatives, servants and employees, associates, attorneys, parents, successors and assigns, and any and all persons or entities acting at, through, under or in active concert or participation with it, be enjoined and restrained preliminarily and permanently from infringing United States Letters Patent No. 6,670,905;

C. That a judgment be entered that Cobra be required to pay over to Escort all damages sustained by Escort due to such acts of infringement and that such damages be trebled pursuant to 35 U.S.C. § 284 for the willful acts of infringement complaint of herein;

D. That this case be adjudged and decreed exceptional under 35 U.S.C. § 285 entitling Escort to an award of its reasonable attorney fees and that such reasonable attorney fees be awarded;

E. That Escort be awarded its costs and prejudgment interest on all damages;

F. That Cobra be required to file with the Court within 30 days after entry of the final judgment of this case a written statement under oath setting forth in detail the manner in which Cobra has complied with the judgment; and,

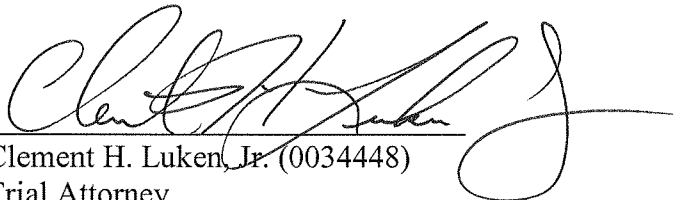
G. That Escort be awarded such other and further relief as the Court deems just and proper.

**JURY DEMAND**

Plaintiff hereby demands and requests trial by jury of all issues raised that are triable by jury.

Respectively submitted,

Dated: October 12, 2007



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