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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

J&M Corporation, an Arizona corporation,
Plaintiff,
vs.
Sena Technologies, Inc., a corporation,
Defendant.

CASE NO.

**COMPLAINT FOR PATENT
INFRINGEMENT**

(JURY TRIAL DEMANDED)

Plaintiff J&M Corporation (“J&M”) brings this complaint against Sena Technologies, Inc. (“Sena”) and alleges as follows:

NATURE OF THE ACTION

1. This is an action for infringement of United States Patent No. 9,398,620 (“the ’620 Patent”). This action arises under the patent laws of the United States, Title 35, United States Code.

THE PARTIES

2. J&M is an Arizona corporation, doing business in Tucson, Arizona, located at 1415 South Cherry Avenue, Tucson, AZ 85713. J&M has been researching and developing leading motorcycle audio products for several decades.

3. Upon information and belief, Defendant Sena Technologies, Inc. is a corporation doing business worldwide with its principal place of business located at 19 Heolleung-Ro 569-Gil, Gannam-Gu, Seoul, South Korea 06376 and in California at 3150 Almaden Expy Ste 238, San Jose, CA 95118. Sena does business in the District of Arizona and the City of Tucson.

JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §1331 and 28 U.S.C. §1338 because this case presents a well-pleaded federal question under the Patent Act of 1952 (as amended), 35 U.S.C. §§1, et seq., and pursuant to 28 U.S.C. §1332 because there is complete diversity between the parties and the amount in controversy exceeds \$75,000.

5. This Court has personal jurisdiction over Defendant Sena. Sena conducts business within the State of Arizona and the City of Tucson. Sena directly or through intermediaries (including distributors, retailers, and others) ships, distributes, offers for sale, sells, and advertises its products in the United States, the State of Arizona, and the City of Tucson. Sena has purposefully and voluntarily placed infringing products in the

1 stream of commerce with the knowledge and expectation that its products will be
2 purchased by end users in the District of Arizona. Sena has committed the tort of patent
3 infringement within this District. For example, Sena maintains an internet website at
4 www.sena.com through which it advertises its infringing products, including its accused
5 FreeWire devices at <https://www.sena.com/product/freewire/>. The Sena website is fully
6 accessible to customers in Arizona. The accused devices may be purchased by residents
7 of the State of Arizona through Sena's interactive e-commerce site at
8 <http://www.buysena.com/bluetooth-adapters/freewire.html>. Moreover, Sena sells and
9 ships products to at least four dealers located in the City of Tucson, and many others
10 located in the State of Arizona, which may be located at [https://www.sena.com/store-](https://www.sena.com/store-locator)
11 [locator](https://www.sena.com/store-locator).
12
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15 6. Venue is proper in this District pursuant to 28 U.S.C. §1391(b) and
16 28 U.S.C. §1400(b) because a substantial part of the acts and events out of which this
17 action arises occurred in whole or in part in the District of Arizona.
18

19 7. There are no current related actions in this District.

20 **FACTUAL BACKGROUND**

21 8. J&M is an innovative manufacturer of motorcycle audio products located in
22 Tucson, Arizona. Through its novel and patented innovations in motorcycle audio
23 products, J&M is a leading edge player in the motorcycle audio equipment market.
24

25 9. On July 19, 2016, the United States Patent and Trademark Office granted
26 J&M a patent covering its method of wireless communication between two devices

1 connected over a wireless personal area network (PAN) (“J&M Technology”) and its
2 products utilizing J&M Technology—the ’620 Patent (attached hereto as Exhibit A).

3
4 10. J&M currently manufactures and sells Bluetooth® helmet headsets and
5 dongles embodying the J&M Technology covered in the ’620 Patent.

6 11. J&M owns all rights, title, and interest in the ’620 Patent, including the right
7 to sue for past damages.

8
9 12. Sena manufactures and sells Sena’s FreeWire dongle products (hereinafter,
10 “FreeWire Product” or “FreeWire”). As detailed below, upon information and belief, and
11 as confirmed in its product documentation, the FreeWire infringes at least claim 11 of
12 the ’620 Patent under 35 U.S.C. § 271(a).

13 13. Claim 11 of the ’620 Patent reads as follows:

14
15 11. A system, comprising: a dongle configured to plug into an analog audio jack of
16 a motorcycle audio system providing an analog audio signal, the dongle configured
17 to receive the analog audio signal from and outputting an analog microphone signal
18 to the motorcycle audio system through the jack, the dongle including means for
19 converting the analog audio signal to a digitized audio signal and means for
20 converting a digitized microphone signal to the analog microphone signal; and the
dongle also configured to simultaneously transmit the digitized audio signal and
receive the digitized microphone signal over a wireless personal area network
(PAN).

21 14. Upon information and belief, Sena’s FreeWire has an Onboard Audio-In
22 port, which allows a FreeWire to be plugged into an analog audio jack of a motorcycle
23 audio system providing an analog audio signal. *See* FreeWire User Guide at pages 6 and
24 9 (available at <https://www.sena.com/product/freewire/#support>).
25
26

1 15. Further, the FreeWire User Guide specifies that the FreeWire is configured
2 to communicate with devices producing analog audio signals, such as a CB radio, a GPS
3 system, and a radio station by receiving those analog audio signals. *Id.* at 1.

4
5 16. Moreover, the FreeWire is configured to “receive the analog audio signal
6 from and outputting[s] an analog microphone signal to the motorcycle audio system
7 through the jack”. *See* FreeWire’s Product Webpage
8 (<https://www.sena.com/product/freewire>).
9

10 17. In addition, the FreeWire’s Product Webpage describes listening to a device
11 that provides analog audio signal. The FreeWire has means for “converting the analog
12 audio signal to a digitized audio signal and means for converting a digitized microphone
13 signal to the analog microphone signal.” *Id.*
14

15 18. Further, the FreeWire contains means for “converting a digitized
16 microphone signal to the analog microphone signal.” *Id.*

17 19. The FreeWire Product Webpage also recites a simultaneous connection to a
18 motorcycle’s audio system and utilization of a Bluetooth® headset, Sena 20S. *Id.* Thus,
19 the FreeWire is configured to “simultaneously transmit the digitized audio signal and
20 receive the digitized microphone signal over a wireless personal area network (PAN).”
21

22 20. Upon information and belief, as shown below, Sena indirectly infringes
23 claim 1 of the ’620 Patent under 35 U.S.C. § 271(b) and/or (c).
24

25 21. In the language of claim 1, the FreeWire system—containing a FreeWire
26 itself and at least one wireless device—includes “a first device including: an interface for

1 connecting to [a] vehicle audio system,” i.e., the FreeWire itself, which connects to a
2 vehicle audio signal. *See* FreeWire User Guide at 4 and 9.

3
4 22. Further, the FreeWire system includes “an analog-to-digital converter for
5 converting the analog stereo audio signal to a digitized stereo audio signal.” *Id.* at 4.

6 23. Moreover, the FreeWire system includes “a wireless interface configured to
7 simultaneously transmit the digitized stereo audio signal to and receive a digitized voice
8 signal from a second device over a wireless personal-area network (PAN)”. *Id.*

9
10 24. Additionally, in the FreeWire system “[a] second device,” i.e., a Bluetooth®
11 headset, “[is] configured to simultaneously receive the digitized stereo audio signal from
12 the first device and transmit the digitized voice signal to the first device over the PAN.”
13 *Id.*

14
15 25. Finally, the FreeWire system is designed specifically to receive analog
16 stereo audio from the claimed “a vehicle audio system producing an analog stereo audio
17 signal,” and Sena instructs users to connect its FreeWire system to analog stereo sources.
18 *Id.* at 4 & 9.

19
20 **FIRST CLAIM FOR RELIEF**
21 **(Infringement of the '620 Patent)**

22 26. J&M incorporates the foregoing paragraphs 1-25 of the Complaint by
23 reference as though fully set forth herein.

1 27. Sena has infringed, and continues to infringe, claims of the '620 Patent
2 under 35 U.S.C. § 271(a), literally and/or under the doctrine of equivalents, by making,
3 using, selling, and/or offering to sell infringing FreeWire Products.
4

5 28. Sena has also induced, and continues to induce, infringement of the '620
6 Patent under 35 U.S.C. § 271(b), by knowingly encouraging third parties to use infringing
7 FreeWire Products in the United States without license or authority from J&M.
8

9 29. In addition, Sena has contributed to the infringement, and continues to
10 contribute to the infringement of the '620 Patent under 35 U.S.C. § 271(c), by making,
11 using, selling, and/or offering to sell infringing FreeWire Products.
12

13 30. Sena's acts have been and are now being done willfully with knowledge of
14 or reason to know that they constitute infringement of the '620 Patent.
15

16 31. Sena has had knowledge of the '620 Patent since at least January 19, 2017
17 when J&M informed Sena about the infringement of the '620 Patent.
18

19 32. J&M has suffered and will continue to suffer irreparable harm, damage, and
20 injury by reason of the complained of acts for which J&M has no adequate remedy at law.
21

22 33. As a direct and proximate result of Sena's acts of patent infringement, J&M
23 has been and continues to be injured, and has sustained and will continue to sustain
24 substantial damages in an amount not presently known.
25

26 34. J&M is entitled to recover compensatory damages as a result of Sena's
infringement under 35 U.S.C. § 284, including a reasonable royalty and/or lost profits.

1 35. Due to Sena's willful infringement and the particular circumstances of this
2 case, J&M is entitled to recover enhanced damages under 35 U.S.C. § 284, including
3 treble damages.
4

5 36. Due to Sena's willful infringement and the exceptional nature of this case,
6 J&M is entitled to recover attorneys' fees under 35 U.S.C. § 285.
7

8 **PRAYER FOR RELIEF**

9 WHEREFORE, J&M prays that judgment be entered by this Court in its favor and
10 against Sena as follows:

- 11 a. That Sena, and all other persons, firms, or corporations acting in concert or
12 participation with them, be enjoined and restrained, during the pendency of this
13 action and permanently thereafter, from making, using, importing, offering for sale,
14 or selling FreeWire Products and any and all goods which infringes the '620
15 Patent;
16 b. That J&M recover damages sustained, including lost profits and/or a reasonable
17 royalty, as a result of Sena's infringement of the '620 Patent, pursuant to 35 U.S.C.
18 § 284;
19 c. That Sena's infringement be adjudged to be willful, its infringing conduct adjudged
20 egregious, and that J&M's damages be trebled or otherwise enhanced, pursuant to
21 35 U.S.C. § 284;
22 d. That Sena's infringement be adjudged to be willful and this case declared
23 exceptional, and that J&M recover its reasonable costs, expenses, and attorney
24 fees, pursuant to 35 U.S.C. § 285; and
25 e. J&M be granted such other and further relief as the Court may deem just and
26 proper.

1 DATED this 30th day of March, 2017.

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6 By /s/ Deanna Conn

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