

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court OREGON on the following Patents or Trademarks:

DOCKET NO. 08-cv-1341 HA	DATE FILED 11/13/08	U.S. DISTRICT COURT OREGON
PLAINTIFF Yakima Products, Inc. a Delaware corporation		DEFENDANT Car Mate USA, Inc. a California corporation doing business as INNO
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	See complaint	
2	5,056,700	
3	6,401,423	
4	6,467,664	
5	6,840,418	

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1		
2		
3		
4		
5		

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK Sheryl S. McConnell	(BY) DEPUTY CLERK 	DATE 11/14/08
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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

YAKIMA PRODUCTS, INC., a Delaware
corporation,

Plaintiff,

v.

CAR MATE USA, INC. d/b/a INNO, a
California corporation,

Defendant.

No. 08-cv-1341 HA

**COMPLAINT FOR PATENT
INFRINGEMENT**

JURY TRIAL DEMANDED

For its complaint, Plaintiff Yakima Products, Inc. alleges against Defendant Car Mate USA, Inc. d/b/a Inno as follows:

THE PARTIES

1. Plaintiff Yakima Products, Inc. ("Yakima") is a corporation organized and existing under the laws of the state of Delaware, having its principal place of business at 15025 SW Koll Parkway, Beaverton, Oregon 97006.

2. Defendant Car Mate USA, Inc. d/b/a Inno, upon information and belief, is a California corporation, having a principal place of business at 383 Van Ness Avenue, Suite 1603, Torrance, California 90501.

JURISDICTION AND VENUE

3. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a) because the claim for patent infringement arises under the patent laws of the United States, Title 35 of the United States Code.

4. This Court has jurisdiction pursuant to 28 U.S.C. § 1332 because the parties are of diverse citizenship and the value of the matter in controversy exceeds \$75,000.

5. On information and belief, Defendant is engaged in conducting business in the state of Oregon in connection with the allegations of this suit and is subject to personal jurisdiction in this district.

6. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b)(2) and (c), and 1400(b) because a substantial part of the events giving rise to the claim occurred in Oregon.

BACKGROUND

7. Yakima designs, makes, and sells bicycle and rooftop automobile racks, rooftop cargo boxes, and other related accessories.

8. Yakima owns U.S. Patent No. 5,056,700 (the '700 patent), attached as Exhibit 1, covering automobile mountable bicycle carriers as defined in the claims of the patent. The '700 patent was filed on September 29, 1989, was fully examined, and was issued on October 15, 1991.

9. Yakima owns U.S. Patent No. 6,431,423 (the '423 patent), attached as Exhibit 2, covering assemblies for carrying a bicycle on a vehicle as defined in the claims of the patent. The '423 patent was filed on May 17, 2000, was fully examined, and was issued on August 13, 2002.

10. Yakima owns U.S. Patent No. 6,467,664 (the '664 patent), attached as Exhibit 3, covering bicycle carriers as defined in the claims of the patent. The '664 patent was filed on September 10, 2001, was fully examined, and was issued on October 22, 2002.

11. Yakima owns U.S. Patent No. 6,840,418 (the '418 patent), attached as Exhibit 4, covering bicycle carriers as defined in the claims of the patent. The '418 patent was filed on September 25, 2002, was fully examined, and was issued on January 11, 2005.

12. Yakima has marked its bicycle racks and assemblies with the U.S. Patent Nos. 5,056,700; 6,431,423; 6,467,664; and 6,840,418 (collectively, "the Yakima patents").

INFRINGEMENT OF THE YAKIMA PATENTS

13. Yakima incorporates by reference the preceding paragraphs.

14. On information and belief, Defendant is making, using, offering for sale, and selling, and inducing others to make, use, offer for sale, and sell, bicycle carriers and assemblies that infringe the Yakima patents, including the INH301 Aero Light, and contributing to infringement by others of the Yakima patents, without authorization from Yakima, all in violation of 35 U.S.C. § 271, causing damages to Yakima including, without limitation, lost profits.

15. On information and belief, Defendant has been aware of the Yakima patents, and this case is exceptional under 35 U.S.C. § 285.

16. Unless restrained by this Court, Defendant's infringement of the Yakima patents will continue. Yakima has been and will continue to be irreparably injured by this infringement.

17. Yakima is entitled to relief provided by 35 U.S.C. §§ 281, 283, 284, and 285.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Yakima demands this Court to enter judgment against Defendant and its subsidiaries, affiliates, agents, servants, employees, attorneys, and all persons in active concert or participation with it, granting the following relief:

- A. A decree that Defendant has infringed the Yakima patents;
- B. A preliminary and permanent injunction prohibiting and enjoining further infringement of the Yakima patents pursuant to 35 U.S.C. § 283;
- C. An accounting against Defendant for an amount adequate to compensate for the infringement of the Yakima patents, including profits lost by Yakima as a result of infringement of the Yakima patents pursuant to 35 U.S.C. § 284; in any event, Yakima shall be awarded no less than a reasonable royalty for the unauthorized use of the claimed inventions in the Yakima patents by Defendant;
- D. An award of reasonable attorney fees against Defendant, pursuant to 35 U.S.C. § 285; and
- E. Such other and further relief as may be just and proper.

JURY DEMAND

Plaintiff Yakima hereby demands a trial by jury of all issues so triable.

Dated this 13th day of November, 2008.

Respectfully,

KOLISCH HARTWELL, P.C.

By /s/ Peter E. Heuser
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