

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

MICHEAL WRIGHT

Plaintiff,

V.

**E-SYSTEMS LLC, dba TRICPLATE, and
BOB HASTINGS, dba GHOSTPLATE**

Defendants.

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Case No. 3:12-cv-4715

DEMAND for JURY TRIAL

PLAINTIFF'S ORIGINAL PETITION for PATENT INFRINGEMENT

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES MICHEAL WRIGHT, Plaintiff herein, and files this Original Petition against **TRICPLATE.COM** and **GHOSTPLATE**, Defendants herein, for patent infringement.

I. PARTIES

1. Plaintiff **MICHEAL WRIGHT** resides at 4701 E. 870th Rd Casey, IL 62420.
2. Defendant **E-SYSTEMS LLC, dba TRICPLATE.COM**, is a foreign limited-liability company headquartered and registered in Nevada, and may be served via its registered agent **EASTBIZCOM, INC.**, at 5348 Vegas Drive, Las Vegas 89108 NV.
3. Defendant **BOB HASTINGS, dba GHOSTPLATE** is an individual who may be served at 1396 Deep Bay Blvd RR1, Severn Bridge, Ontario P0E 1N0, or wherever he may be found.

II. JURISDICTION AND VENUE

4. This is an action for patent infringement arising under the patent laws of the United States. Title 35, United States Code. This Court has exclusive subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 (federal question) and 1338(a) (diversity).

5. This Court has personal jurisdiction over the Defendants because each had conducted, and does conduct, business within the Northern District of Texas. As set forth in this Complaint, each of the Defendants operates one or more electronic catalogs and advertizing that are accessible from within the State of Texas and the Northern District of Texas.

6. As further set forth in this Complaint on information and belief, E-Systems has contributed to and induced acts of infringement within the State of Texas and the Northern District of Texas. Each of the Defendants, directly, or through intermediaries, ships, distributes, offers for sale, sells, and advertises its products and/or services in the United States, including within the State of Texas and the Northern District of Texas.

III. FACTS

7. Plaintiff invented a license plate cover that obfuscates the content on a license plate during vehicle exhibitions. The United States Patent and Trademark Office awarded patents 6,556,337 on April 29, 2003, and 6,714,340 on March 30, 2004 (corporately, "Patents") to Plaintiff, after full and fair examinations. The Patents are valid and enforceable.

8. **TRICPLATE** currently sells a device that infringes on Claim 1 and other claims of the '340 patent as discussed in Exhibit A, which is a true and correct copy of the letter sent to **TRICPLATE**, and which is incorporated herein. Exhibit B is a true and correct copy of the **TRICPLATE** website, located at the URL <http://www.tricplate.com/>.

9. **GHOSTPLATE** currently sells an infringing device which violates Claim 1 and other claims of the '340 patent as discussed in Exhibit C, which is a true and correct copy of the letter

sent to **GHOSTPLATE**, and which is incorporated herein. Exhibit D is a true and correct copy of the **GHOSTPLATE** website, located at the URL <http://www.ghostplate.com/>.

10. Defendants are infringing the Patents directly, and jointly with other entities by, without authority, making, using, selling, and offering for sale in the United States, including the Northern District of Texas, their respective electronic catalogs, which electronic catalogs embody the patented inventions claimed in the Patent.

11. Each of the Defendants are infringing the Patent literally, violating 35 U.S.C. § 271.

12. Each of the Defendants are infringing the Patent under the doctrine of equivalents.

13. Each of the Defendants are actively, intentionally, or knowingly inducing or contributing to infringement of the Patent by others, including agents, contractors, and actual and prospective customers who access the Defendants' online electronic catalogs and sales documentation.

14. Plaintiff's remedy by civil action for infringement is provided by 35 U.S.C. § 281.

15. Infringement of the Patent by Defendants is willful and deliberate, making this case exceptional pursuant to 35 U.S.C. § 285 and justifying treble damages by 35 U.S.C. § 284.

16. Prior to the filing of this action, Plaintiff complied with 35 U.S.C. § 287.

IV. PRAYER FOR RELIEF

17. **WHEREFORE**, Plaintiff respectfully prays that Defendant be cited to appear and answer herein and that, upon a final hearing of the cause, judgment be entered for the Plaintiff against Defendants, awarding the following:

- a. A permanent injunction against the Defendants, enjoining them, their respective directors, officers, agents, employees, successors, subsidiaries, assigns, and all persons

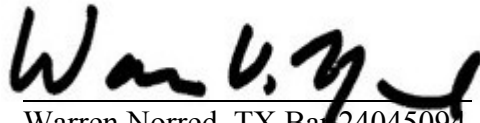
acting in privity, concert, or participation with the Defendants, from making, using, selling, or offering for sale in the United States, or importing into the United States, any and all products and/or services embodying the patented inventions claimed in the Patent;

- b. Damages for infringement of its patent pursuant to 35 U.S.C. §§ 281, 284;
- c. Enhanced damages for willful infringement, pursuant to 35 U.S.C. § 284;
- d. Pre-judgment and post-judgment interest at the highest legal maximum rate;
- e. Costs, expenses, and fees, including reasonable and necessary attorney's fees, pursuant to 35 U.S.C. § 285;
- f. Payment of costs of suit herein incurred pursuant to, *inter alia*, 35 U.S.C. § 297(b)(1);
- g. Other relief to which Plaintiff may be entitled at law or in equity, whether pled or unpled.

JURY DEMAND - Plaintiff requests trial by jury of all claims.

Dated: November 15, 2012

Respectfully submitted,



Warren Norred, TX Bar 24045094

Norred Law, PLLC

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Attorney for Plaintiff

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June 28, 2011

Mr. John Vanhara
 E-Systems LLC
 d.b.a. Tricplate.com
 5348 Vegas Drive
 Las Vegas, Nevada 89108

VIA E-mail and
Certified Mail

Re: Intellectual Property of Michael Wright

Dear Mr. Vanhara:

We are attorneys for Mr. Michael Wright. Your products known as Motorcycle Tricplate and Automobile Tricplate, as advertised online at <http://www.tricplate.com/> (attached) contain features that are covered by Mr. Wright's US Patent Nos. 6,556,337 and 6,714,340 (also attached).

Comparison of claim 1 of US Pat. No. 6,556,337 with the Motorcycle Tricplate shows that the Motorcycle Tricplate has features covered by claim 1 of US Pat. 6,556,337. The following claim chart exemplifies that certain features in your Motorcycle Tricplate are covered by Mr. Wright's '337 patent:

U.S. Pat. No. 6,556,337 (Claim 1)	Motorcycle Tricplate
<i>Claim Element</i>	<i>Present in the Motorcycle Tricplate?</i>
A license plate cover for selectively obfuscating the specific indicia on a vehicles' license plate comprising:	Motorcycle Tricplate kit including the custom frame assembly with switchable film
a. a tinting plate that fits over the indicia on the vehicle's license plate and is capable of reversible changing at least from a transparent state to a tinted state upon the input of energy;	YES - switchable film (as shown in the slideshow on your web site, the switchable film is placed over the indicia (e.g., license plate letters/numbers) on the vehicle's license plate and is switched between a transparent state to a tinted state) upon the input of energy
b. a regulation means that controls the energy input into tinting plate; and	YES - manual on/off toggle switch (and/or key chain remote fob) (the toggle switch (and/or

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	key chain remote fob) is a regulation means that controls the energy input into the switchable film)
c. an attachment means for attaching the tinting plate over the indicia of the vehicle's license plate.	YES - the custom frame assembly with the switchable film (the custom frame assembly is the means for attaching the tinting plate over the indicia of the vehicle's license plate)

Also, comparison of claim 1 of US Pat. No. 6,556,337 with the Automobile Tricplate similarly shows that the Automobile Tricplate has features covered by claim 1 of US Pat. 6,556,337. The following claim chart exemplifies that certain features in your Automobile Tricplate are covered by Mr. Wright's '337 patent:

U.S. Pat. No. 6,556,337 (Claim 1)	Automobile Tricplate
<i>Claim Element</i>	<i>Present in the Automobile Tricplate?</i>
A license plate cover for selectively obfuscating the specific indicia on a vehicles' license plate comprising:	Automobile Tricplate kit including the custom frame assembly with switchable film
a. a tinting plate that fits over the indicia on the vehicle's license plate and is capable of reversible changing at least from a transparent state to a tinted state upon the input of energy;	YES - switchable film (as shown in the slideshow on your web site, the switchable film is placed over the indicia (e.g., license plate letters/numbers) on the vehicle's license plate and is switched between a transparent state to a tinted state) upon the input of energy
b. a regulation means that controls the energy input into tinting plate; and	YES - manual on/off toggle switch (and/or key chain remote fob) (the toggle switch (and/or key chain remote fob) is a regulation means that controls the energy input into the switchable film)
c. an attachment means for attaching the tinting plate over the indicia of the vehicle's license plate.	YES - the custom frame assembly with the switchable film (the custom frame assembly is the means for attaching the tinting plate over the indicia of the vehicle's license plate)

Further, comparison of claim 1 of US Pat. No. 6,714,340 with the Motorcycle Tricplate similarly shows that the Motorcycle Tricplate has features covered by claim 1 of US Pat. 6,714,340. The following claim chart exemplifies that certain features in your Motorcycle Tricplate are covered by Mr. Wright's '340 patent:

U.S. Pat. No. 6,714,340 (Claim 1)	Motorcycle Tricplate
<i>Claim Element</i>	<i>Present in the Motorcycle Tricplate?</i>
A license plate cover for selectively obfuscating the specific indicia on a vehicles'	Motorcycle Tricplate kit including the custom frame assembly with switchable film

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license plate comprising:	
a. a tinting plate that fits over the indicia on the vehicle's license plate and is capable of reversibly changing at least from a tinted state to a transparent state upon the input of energy;	YES - switchable film (as shown in the slideshow on your web site, the switchable film is placed over the indicia (e.g., license plate letters/numbers) on the vehicle's license plate and is switched between a transparent state to a tinted state) upon the input of energy
b. a regulation means that controls the energy input into tinting plate; and	YES - manual on/off toggle switch (and/or key chain remote fob) (the toggle switch (and/or key chain remote fob) is a regulation means that controls the energy input into the switchable film)
c. an attachment means for attaching the tinting plate over the indicia of the vehicle's license plate.	YES - the custom frame assembly with the switchable film (the custom frame assembly is the means for attaching the tinting plate over the indicia of the vehicle's license plate)

Furthermore, comparison of claim 1 of US Pat. No. 6,714,340 with the Automobile Tricplate similarly shows that the Automobile Tricplate has features covered by claim 1 of US Pat. 6,714,340. The following claim chart exemplifies that certain features in your Automobile Tricplate are covered by Mr. Wright's '340 patent:

U.S. Pat. No. 6,714,340 (Claim 1)	Automobile Tricplate
<i>Claim Element</i>	<i>Present in the Automobile Tricplate?</i>
A license plate cover for selectively obfuscating the specific indicia on a vehicles' license plate comprising:	Automobile Tricplate kit including the custom frame assembly with switchable film
a. a tinting plate that fits over the indicia on the vehicle's license plate and is capable of reversibly changing at least from a tinted state to a transparent state upon the input of energy;	YES - switchable film (as shown in the slideshow on your web site, the switchable film is placed over the indicia (e.g., license plate letters/numbers) on the vehicle's license plate and is switched between a transparent state to a tinted state) upon the input of energy
b. a regulation means that controls the energy input into tinting plate; and	YES - manual on/off toggle switch (and/or key chain remote fob) (the toggle switch (and/or key chain remote fob) is a regulation means that controls the energy input into the switchable film)
c. an attachment means for attaching the tinting plate over the indicia of the vehicle's license plate.	YES - the custom frame assembly with the switchable film (the custom frame assembly is the means for attaching the tinting plate over the indicia of the vehicle's license plate)

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Thus, from a preliminary review, we are inclined to believe that Tricplate.com's Motorcycle Tricplate and Automobile Tricplate products practice one or more of the patent claims of Mr. Wright.

Mr. Wright desires to amicably resolve this matter. He is thus willing to discuss licensing of his patents to E-Systems LLC in exchange for E-Systems LLC paying Mr. Wright reasonable royalties for Motorcycle Tricplates and Automobile Tricplates that have previously been sold and that will be sold in the future. However, until this matter is resolved, it is requested that E-Systems LLC, d.b.a. Tricplate.com, cease and desist from selling or offering for sale the Motorcycle Tricplate and Automobile Tricplate.

We look forward to hearing from you regarding this matter. Please note that, while our main law office is in Cleveland, Ohio, I am based in Las Vegas, so if you would like to discuss this matter in person, as opposed to discussing this matter over the phone or by email, we can schedule a meeting in person at a mutually convenient time.

Very truly yours,

/Francis L. Dunn, Jr./
Francis L. Dunn, Jr.

Attachments: www.tricplate.com web page, US Pat. 6,556,337, US Pat. 6,714,340

cc: Michael Wright



Secure online ordering through PayPal

USA SIZE MOTORCYCLE TRICPLATE

- 1 kit includes:
- (1) Custom frame assembly with switchable film
 - (1) 12 Volt DC Power Conditioner
 - (1) Green LED Indicator light
 - (1) Wire harness
 - (1) Manual on/off toggle switch
 - (1) Manual on/off show mode switch
 - (2) Key chain remote fob
 - (1) Special 10 amp fuse with special tap in power spade
 - (1) Full color instructional manual with wiring schematic for easy installation



\$449

Add to Cart



USA SIZE AUTOMOBILE TRICPLATE

- 1 kit includes:
- (1) Custom frame assembly with switchable film
 - (1) 12 Volt DC Power Conditioner
 - (1) Green LED Indicator light



~~\$549~~

Add to Cart

Unmatched build quality

Many of our components that we use are of aircraft grade quality materials. From snap link molex connectors to aviation grade quality wire approved remote and special fuse that allows for easy installation without cutting into any factory wiring. Our film is specifically made and laser cut into each specific size. UV inhibitor layers coat the film which ensures that your film will not yellow over time from the sun or heat. We use a specially built clean room to assemble each unit, the result is a perfect dust free laminate. The use of special resin and laminate the film from outside debris and is completely waterproof. After each piece is assembled it is then sent to a special vacuum chamber where it sits in a specially controlled temperature room for over 4 hrs to let the material bond itself together to form an impermeable. This build quality translates to a superior and robust system that is simply unmatched. Our electronic system mated to our plate system has undergone through major lab and actual road testing for over 3 yrs before the first product was ever sold! Note: (none of our prototypes have failed!) **Our plate and electronics has gone over 3 million cycles (and counting) on/off on a vibration table without failure!**

Beware of white glass copycats, these are inferior products bought through another party that you see all over YouTube. It weighs like a brick (6lbs). Ask them how it's made. Cheap products = inferior products! Actually, have you ever seen any of these products with a real license plate behind it? Instead, they use a piece of paper with light blue letters? Now why is that? That's because when you put a real license plate back there you can read every number and letter!

Frequently asked questions

Q Why does Tricplate cost as much as they do?

A We use a specific type of film especially made just for us, we also use aircraft grade quality materials to ensure years of trouble free use. The special laminating process itself takes over 4 hrs to cure and the result is perfection. We adhere a spec UV coating to the film to protect it from heat and discoloration. Special clean rooms and vacuum machines ensures zero dust debris or fingerprints. **It's a product built to high standards not low volume price. See quality tab for more info.**

Q What is the warranty

A We offer a full 1 year warranty against any manufacturers defect or malfunction.

Q Does the frame have any Tricplate logo or markings?

A No, the frame is black and is very low key. No markings.

Q Will it fit my specific vehicle?

A If you can put a frame around your license plate and have 3/4" depth, our frame will fit.

Q Do I need to purchase anything else for my installation?

A 2 things - You need to purchase from your local auto part store or local hardware store (2) bolts specific to your car's license plate thread at about 1 to 1 1/4 " inch in length. The second item you need is a silicone or caulk sealant. You can also use black tape to seal your plate to the frame. This is done to keep debris out of the inside of your plate and keeps the glass clean from inside.

Q Does it come with a manual switch or just remote?

A The unit comes with a manual on/off switch plus another switch for the show mode and 2 remotes.

Q How do I know if my plate is clear or dark when I'm driving?

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Direct e-mail: fdunn@thepatentattorneys.com

September 19, 2011

Ghostplate.com
sales@ghostplate.com

VIA E-mail
sales@ghostplate.com

Re: Intellectual Property of Michael Wright; Ghostplate.com product

Dear Sir or Madam:

We are intellectual property counsel for Michael Wright. It has come to our attention that your product known as Ghostplate, as advertised online at <http://www.ghostplate.com/>, has several features that are covered by one or more of Mr. Wright's utility patents (US Pat. No. 6,556,337 and US Pat. No. 6,714,340, attached hereto).

Comparison of claim 1 of US Pat. No. 6,556,337 with the Ghostplate kit shows that the Ghostplate kit has features covered by claim 1 of US Pat. 6,556,337. The following claim chart exemplifies that certain features in your Ghostplate kit are covered by Mr. Wright's '337 patent:

U.S. Pat. No. 6,556,337 (Claim 1)	Ghostplate kit
<i>Claim Element</i>	<i>Present in the Ghostplate?</i>
A license plate cover for selectively obfuscating the specific indicia on a vehicles' license plate cover comprising:	Ghostplate kit includes an aluminum frame with switchable PDLC film
a. a tinting plate that fits over the indicia on the vehicle's license plate and is capable of reversible changing at least from a transparent state to a tinted state upon the input of energy;	YES - switchable PDLC film (as shown on the Ghostplate.com web site and video, the switchable PDLC film is placed over the indicia (e.g., license plate letters/numbers) on the vehicle's license plate and is switched between a transparent state to a tinted state) upon the input of energy
b. a regulation means that controls the energy input into tinting plate; and	YES - switch (and/or key chain remote fob) (the switch (and/or key chain remote fob) is a regulation means that controls the energy input into the switchable PDLC film)

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c. an attachment means for attaching the tinting plate over the indicia of the vehicle's license plate.	YES - the aluminum frame and mounting bracket which holds the switchable PDLC film (the aluminum frame and mounting bracket is the attachment means for attaching the tinting plate (the switchable PDLC film) over the indicia of the vehicle's license plate)
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Further, comparison of claim 1 of US Pat. No. 6,714,340 with the Ghostplate kit similarly shows that the Ghostplate kit has features covered by claim 1 of US Pat. 6,714,340. The following claim chart exemplifies that certain features in your Ghostplate kit are covered by Mr. Wright's '340 patent:

U.S. Pat. No. 6,714,340 (Claim 1)	Ghostplate
<i>Claim Element</i>	<i>Present in the Ghostplate?</i>
A license plate cover for selectively obfuscating the specific indicia on a vehicles' license plate comprising:	Ghostplate kit includes an aluminum frame with switchable PDLC film
a. a tinting plate that fits over the indicia on the vehicle's license plate and is capable of reversibly changing at least from a tinted state to a transparent state upon the input of energy;	YES - switchable PDLC film, as shown on the Ghostplate.com web site and video, the switchable PDLC film is placed over the indicia (e.g., license plate letters/numbers) on the vehicle's license plate and is capable of reversibly changing at least from a tinted state to a transparent state upon the input of energy
b. a regulation means that controls the energy input into tinting plate; and	YES - switch (and/or key chain remote fob) (the switch (and/or key chain remote fob) is a regulation means that controls the energy input into the switchable PDLC film)
c. an attachment means for attaching the tinting plate over the indicia of the vehicle's license plate.	YES - the aluminum frame and mounting bracket which holds the switchable PDLC film (the aluminum frame and mounting bracket is the attachment means for attaching the tinting plate (the switchable PDLC film) over the indicia of the vehicle's license plate)

Mr. Wright desires to amicably resolve this matter. He is thus willing to discuss licensing of his patents to Ghostplate.com in exchange for Ghostplate.com paying Mr. Wright reasonable royalties for Ghostplate kits that have previously been sold or that will be sold in the future. However, until this matter is resolved, it is requested that Ghostplate.com, cease and desist from selling or offering for sale the Ghostplate kit.

We look forward to hearing from you regarding this matter. You can contact me by e-mail or phone, as provided above. Thank you for your attention in this matter.

September 19, 2011

Page 3

Very truly yours,

/Francis L. Dunn, Jr./

Francis L. Dunn, Jr.

Attachments: www.ghostplate.com web page; US Pat. 6,556,337; US Pat. 6,714,340

GHOSTPLATE.COM

"THE ULTIMATE IN LICENSE PLATE PRIVACY PROTECTION"

Home Page

NEW PRODUCT LAUNCH

GHOSTPLATE BLACKOUT!

For more information on the new GHOSTPLATE Blackout
go to the above Menu Bar Tab
marked **Ghostplate Blackout**

GHOSTPLATE 2.0

For more information on *GHOSTPLATE 2.0*
go to the above Menu Bar Tab
marked **Ghostplate 2.0**



GHOSTPLATE 1.0

THE BEST PRIVACY LICENSE PLATE COVER AVAILABLE

The Ghostplate provides a level of privacy and security in our customers everyday lives.

Exhibit D, p. 3

Many suspicious individuals are all too aware that it is a simple matter to obtain your family's personal information including name, address and in some cases, your phone number and other personal identification by searching your license plate number. This can be done either on-line or through your local motor vehicle licensing office.

When installed correctly, the GHOSTPLATE permits you to have complete control when and where your license plate information is exposed. You will be able to have the ability to obscure your license plate from probing eyes with a simple flip of a switch.

The GHOSTPLATE cover consists of a PDLC membrane protected by bullet resistant glass.

In the natural state, the PDLC membrane is completely opaque which obscures the plate and tag information.

When power is applied, the PDLC membrane switches to a completely transparent state and remains so until the current is suspended.

NOW YOU SEE IT



AND.....

NOW YOU DON'T



DEALER INQUIRIES WELCOME

INTELLECTUAL PROPERTY NOTICE and DISCLAIMER

By purchasing and/or using these GHOSTPLATE.COM PDLC components, you agree to the following terms and conditions. The PDLC components sold herewith are to be used only for privacy purposes while on private property and in accordance with all local, state, provincial and federal laws. The GHOSTPLATE.COM components are not to be used to defeat photographic law enforcement or hinder law enforcement investigations at any time. You agree to use GHOSTPLATE.COM PDLC products for their intended purpose and not for reverse engineering or reproduction. Any unauthorized or illegal use of GHOSTPLATE.COM PDLC components is not recommended and will void any applicable warranties. Furthermore, to the extent allowed under applicable law, GHOSTPLATE.COM and its licensees shall have a royalty free, worldwide, perpetual, non-exclusive license to all rights to any inventions or improvements made to GHOSTPLATE.COM PDLC components.

PRODUCT LIMITATIONS

The manufacturer, retailer, wholesaler assumes no responsibility for any use or misuse of this product in violation of any laws. PDLC product performance may vary in transparency depending on license plate contrast between background and lettering, shade and lighting conditions, extreme temperatures and method and angle of installation. The manufacturer, retailer, wholesaler assumes no responsibility for any use or misuse or application of this product in violation of any laws. Before installing this product, check your state or province and local laws and regulations. In some states, it is against the law to display on any vehicle a registration plate which is obscured in any manner which inhibits the proper operation of photographic law enforcement cameras or photographic toll collection cameras. The use of this PDLC license plate cover is for show purposes only and is intended to conceal the identity of the owner of the vehicle when in use on private property. It is not designed or intended to be used in any way that may violate any laws or conceal a vehicle's identification plate from photo enforcement cameras or law enforcement personnel. GHOSTPLATE.COM will not be responsible for the use or illegal use of GHOSTPLATE.COM products. Nothing contained herein is intended as legal advice. Check your local laws and regulations prior to installation and use of this product. All sales are final. GHOSTPLATE.COM All rights reserved 2010

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sales@ghostplate.com



2010-03-17

