

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

\_\_\_\_\_  
**JOHN JACKSON**  
1208 Stevens Street  
North Versailles, PA 15137

Plaintiff,

v.

**WAL-MART STORES INC.**  
702 SW 8th St.  
Bentonville, AR 72712

Defendant.

Serve: The Corporation Trust Company  
Corporation Trust Center  
1209 N. Orange Street  
Wilmington, Delaware 19801

Civil Action No.: \_\_\_\_\_

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff **JOHN JACKSON** (“Plaintiff” or “**JACKSON**”) hereby asserts the following claims for patent infringement against Defendant **WAL-MART STORES INC.** (“Defendant” or “**WAL-MART**”), and alleges as follows:

**NATURE OF THE ACTION**

1. This is a civil action for patent infringement under the patent laws of the United States, 35 U.S.C. § 1 et seq.

2. Plaintiff is the original inventor and legal owner of U.S. Patent No. 10,176,719 (“the ’719 patent”), which was duly and legally issued by the United States Patent and Trademark Office (“USPTO”) on January 8, 2019.

3. Defendant offers a myriad of various infringing items for sale at its stores and on the Internet, including, but not necessarily limited to, the following remote-controlled LED light whips (hereinafter, “Infringing Items”), which can be found for sale at least at Wal-Mart retail brick and mortar stores, as well as the following Wal-Mart website address:

<https://www.walmart.com/search?q=whips+led>:

3A. VEVOR Led Whip Lights RGB Color Lighted Whips for UTV 3ft Light Whip 1pc Off-road Whip Remote Wireless Control LED Whips for Sand Dune Buggy UTV ATV Polaris Accessories RZR 4X4 Truck Jeep

3B. 2pc 3ft LED Whip Lights w/ Flag [21 Modes] [20 Colors] [Wireless Remote] [Weatherproof] Lighted Antenna Whips - Accessories for ATV Polaris RZR 4 Wheeler

3C. Novashion 3ft/4ft/5ft Light Antenna LED Whip Light Flagpole w/Flag Remote For UTV RZR ATV Polaris

3D. LABLT LED Whip Lights with Flag Remote Control Spiral RGB Chase Light Offroad Warning Lighted Antenna LED Whips/Chasing Antenna Lighted Whips for UTV, ATV, Off Road, Truck, Sand, Buggy Dune, RZR, Boat

3E. 5ft LED Whip Lights w/ Flag [21 Modes] [20 Colors] [Wireless Remote] [Weatherproof] Lighted Antenna Whips - Accessories for ATV Polaris RZR 4 Wheeler

3F. 5150 Whips 187 Style Bluetooth Controlled LED Whips 4ft

3G. Alpena BriteWhip LED Automotive Whip or Pole Light, Multicolor, 12V, Model 77478, Universal Fit for Cars, Trucks and SUVs

3H. 2pc 5ft Spiral LED Whip Lights w/Flag [21 Modes] [20 Colors] [Wireless Remote] [Weatherproof] Lighted Antenna Whips - Accessories for ATV Polaris RZR 4 Wheeler

3I. VEVOR Led Whip Lights Spiral RGB Color Lighted Whips for UTV Dancing/Chasing Light Whip 3ft 2pcs off-Road Whips Remote Wireless Control LED Whips for Sand Dune UTV ATV Polaris Accessories Jeep

3J. HOTSYSYSTEM RGB LED Whip Light Flag Poles for ATV UTV Off Road 3FT

- 3K. 1/2Pcs 3ft/4ft/5ft Dancing/Chasing LED Whip Light w/Flag 6000 color RF Remote Controlled Lighted Antenna Whip for Offroad Can-am Sand UTV ATV4
- 3L. DC12V Bendable 3ft 110pcs LED 5050 RGB Lighted Antenna Whip Light Quick Release Flagpole Lamp Waterproof Dustproof +Orange Flag+Remote Control, for ATV,UTV,RZR,SXS
- 3M. 5150 Whips Color Changing LED Whip with Wireless Remote - LIFETIME WARRANTY - Crazy Bright. Crazy Strong. Single LED Whip - 4ft
- 3N. Yeshom 2Pcs 3Ft RGB LED Whip Lights Antenna Chase US Flag Remote Control Lighted for ATV UTV Truck Buggy Off Road Jeep
- 3O. FETCOI 6FT LED Whip Lights for UTV ATV Wireless Remote LED Lighted Whip Antenna for RZR Jeep Chase Light Off-Road
- 3P. Pair 4FT RGB Lighted Spiral LED Whip Lights OFFROADTOWN With Turn Brake Reverse Signal Multi-Color Chase Lights Antenna Flag Mounts Remote Control for Polaris UTV Buggy Can-Ma ATV
- 3Q. Airkoul 2PCS 3ft RGB Spiral LED Whip Lights for ATV UTV RZR Antenna Chase + Flag&Remote
- 3R. 4 Foot RGB LED Color Antenna Spiral Whip Light W/ Remote ATV UTV 4WD Universal
- 3S. ETHEDEAL 4FT LED Whip Lights Antenna Flag Pole Quick Release Base RGB for ATV UTV Polaris
- 3T. XKGlow 5" 1pc ATV UTV Whip LED Light Kit App Control
- 3U. JLLOM A Pair 3ft RGB Spiral LED Whip Lights Antenna Chase w/Flag & Remote for ATV UTV
- 3V. MICTUNING 2PCS 4ft 360°APP Bluetooth and Remote Control Multi-colors Sprial LED Whip Lights for UTV, ATV, RZR, Dune Buggy, Sand Rails, Go Kart, Polaris, Truck, Jeep, Off-road
- 3W. Aibecy 1pcs LED Whip Lights,LED 3 Feet Lighted Whips RGB with RF Remote Control Chasing Antenna Light Whip Lights for ATV UTV Off Road Truck
- 3X. HUNLUYEN 3FT RGB LED Whip Lights

3Y. LABLT 3ft RGB Lighted LED Antenna Whip Light Flag Remote for Polaris RZR ATV 4 Wheeler

3Z. MIXFEER 1pcs LED Whip Lights,LED 3 Feet Lighted Whips RGB with RF Remote Control Chasing Antenna Light Whip Lights for ATV UTV Off Road Truck

3AA. ANQIDI 4FT RGB Spiral LED Whip Light Off-road Remote Polaris Antenna with flag for UTV ATV Can-Am RZR Buggy

3BB. DENEST 2Pcs 3Ft LED Antenna Whip Light 20 Color Combination with Base 360° Spiral

3CC. Rough Country LED Whip Light Kit for 2019-2021 Honda Talon – 92039

3DD. Stinger 2-SPXWPRGB4D 4-FOOT DYNAMIC TWISTED LED RGB WHIP LIGHT with SPXWPRFCD RF Remote for Dynamic Whips

3EE. Walmeck 1pcs LED Whip Lights,LED 3 Feet Lighted Whips RGB with RF Remote Control Chasing Antenna Light Whip Lights for ATV UTV Off Road Truck

3FF. OUKANING 4Ft LED Whip Lights Antenna Whip Light with Base for UTV ATV Off-Road

3GG. Htonron 3FT RGB LED Whip Lights

3HH. LANTRO JS 3FT RGB LED Whip Lights

3II. Krator 6ft Multi-Color LED Whip Light with Remote Control and American USA Flag - LED Antenna Whip Light Compatible with Sand Dune Buggy, ATV, UTV, RZR, Jeep, Trucks, and Other Off-Road Vehicles

3JJ. CAIKUITONRON 3FT RGB LED Whip Lights

3KK. Onemayship A Pair 3ft RGB Spiral LED Whip Lights Antenna Chase w/Flag & Remote for ATV UTV

4. Defendant has directly and/or indirectly infringed and continues to infringe, and has induced and continues to induce infringement of, one or more claims of Plaintiff's '719 patent at least by selling and offering to sell the Infringing Items.

5. Defendant has profited from the sales of the Infringing Items.

6. Plaintiff seeks injunctive relief and monetary damages.

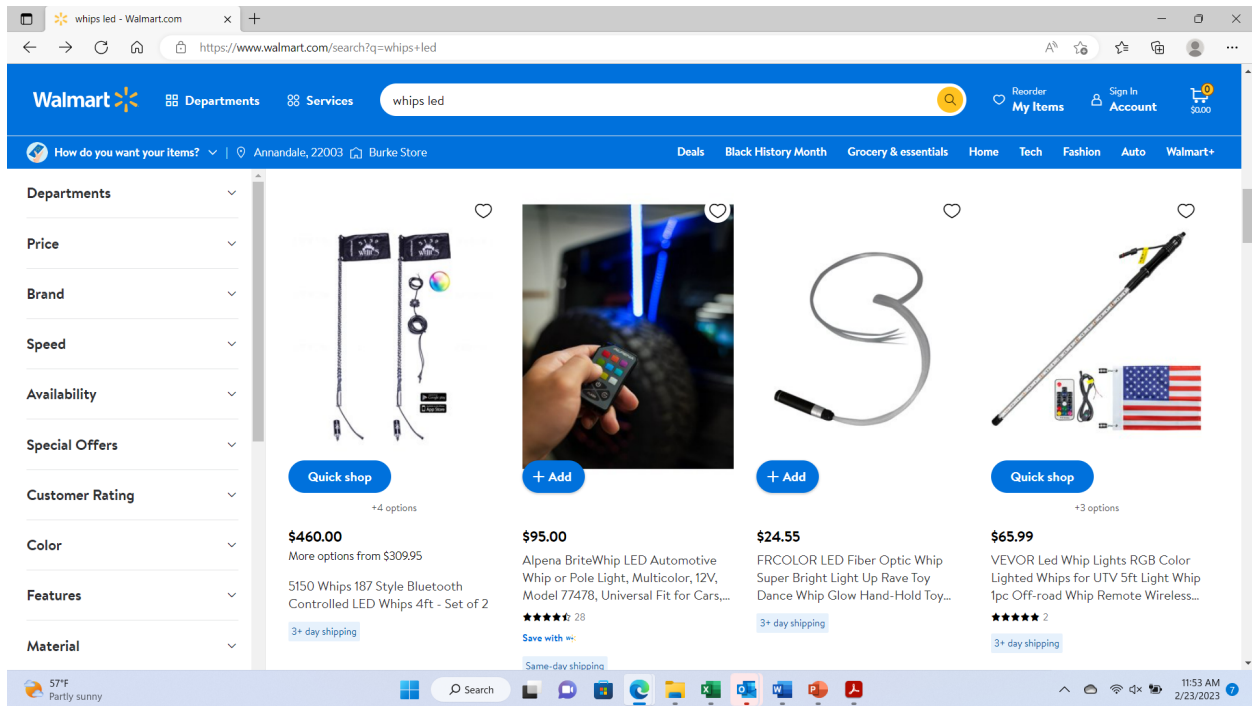
### THE PARTIES

7. Plaintiff incorporates by reference and re-alleges all the foregoing paragraphs of this Complaint as if fully set forth herein.

8. Plaintiff **JOHN JACKSON** is an individual domiciled in Pennsylvania, namely at 1208 Stevens St., North Versailles, Pennsylvania 15137.

9. Upon information and belief, Defendant **WAL-MART STORES INC.** is a corporation organized and existing under the laws of Delaware with its principal place of business at 702 SW 8th St., Bentonville, AR 72712, having a Registered Agent, The Corporation Trust Company, located at 1209 N. Orange Street, Wilmington, Delaware 19801.

10. Upon information and belief, **WAL-MART** is in the business of advertising, distributing, and selling the Infringing Items in its brick and mortar stores and on the Internet in the United States, including in this District, as can be seen from the screenshot included below:



11. Upon information and belief, the Defendant directly and/or indirectly imports, advertises, distributes, markets, offers to sell and/or sells the Infringing Items in the United States, including in the U.S. District for the District of Columbia, and otherwise purposefully directs infringing activities to this District in connection with the Infringing Items.

12. Upon information and belief and as further explained below, Defendant has been and are acting in concert, and is otherwise liable jointly, severally, and/or otherwise for a right to relief related to or arising out of the same transaction, occurrence or series of transactions or occurrences related to the using and importing into the United States, offering for sale or selling the Infringing Items.

### **JURISDICTION AND VENUE**

13. Plaintiff incorporates by reference and re-alleges all the foregoing paragraphs of this Complaint as if fully set forth herein.

14. This is a civil action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 1 et seq.

15. This Court has subject matter jurisdiction over the matters asserted herein under 28 U.S.C. §§ 1331 and 1338(a).

16. Defendant is subject to this Court's personal jurisdiction. Defendant has infringed the '719 patent in this District by, among other things, engaging in infringing conduct within and directed at or from this District. For example, Defendant has purposefully and voluntarily placed the Infringing Items for sale on its Walmart.com website on the Internet, which *ipso facto* routes into the stream of commerce with the expectation that this infringing product will be used in this District. This infringing product has been and continue to be sold and used in this District.

17. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 and 1400(b) at least because **WAL-MART** has committed acts of infringement in this District at least by offering the Infringing Items for sale on its Walmart.com website on the Internet, as well as in various stores around the United States, including in this District, thereby establishing a route of trade through this District via an electronic and in-store offerings for sale of the Infringing Items.

**PLAINTIFF’S HISTORY AND PATENTED TECHNOLOGY**

18. Plaintiff incorporates by reference and re-alleges all the foregoing paragraphs of this Complaint as if fully set forth herein.

19. Around the year 2015, Plaintiff **JOHN JACKSON** was walking in a large parking lot after a concert, and he had a difficult time locating his vehicle amongst the myriad of parked automobiles.

20. After finally finding his car after 30 minutes of searching, Plaintiff had an epiphany, namely, an invention to help people locate their vehicles, especially at night time when visibility is low.

21. Plaintiff created multiple prototypes, but finally developed a system including a light-up rod-like device that would emit light in response to activation by a portable control device, in order to help a user to locate a parked vehicle.

22. On September 23, 2017, Plaintiff filed for patent protection on his innovation at the United States Patent and Trademark Office.

23. On January 9, 2019, Plaintiff received a grant on the ‘719 patent, entitled “System for Locating a Parked Vehicle.”

24. Plaintiff **JOHN JACKSON** is, and has always been, the owner of the ’719 patent. (A true and correct copy of the ’719 patent is attached hereto as Exhibit A.)

**ACTS GIVING RISE TO THIS ACTION**

25. Plaintiff incorporates by reference and re-alleges all the foregoing paragraphs of this Complaint as if fully set forth herein.

26. On or about February of 2022, Plaintiff discovered that Defendant was selling the Infringing Items in its retail brick and mortar stores, as well as on the Internet.

27. Upon perusal of the **WAL-MART** Website, Plaintiff discovered that Infringing Items include the elements of at least independent claim 1 of the '719 patent.

28. As a result of Plaintiff's discovery of the infringing product on the **WAL-MART** Website, Plaintiff determined it to be prudent to file a lawsuit for patent infringement in this District, via Counsel.

**COUNT I: DEFENDANT'S INFRINGEMENT OF U.S. PATENT NO. 10,176,719 BY THE INFRINGING ITEMS**

29. Plaintiff incorporates by reference and re-alleges all the foregoing paragraphs of this Complaint as if fully set forth herein.

30. Defendant has directly and/or indirectly infringed and is currently directly infringing the '719 patent by importing, using, selling, offering for sale, and/or shipping in the United States, without authority, products and equipment that embody one or more claims of the '719 patent, including but not limited to the Infringing Items (i.e., hereinafter, the Alpena BriteWhip LED Whip will be used as an example, as the other Infringing Items are all similar to the Alpena BriteWhip LED Whip).

31. As stated above, as just one non-limiting example, set forth below (with claim language in italics) is a description of infringement of exemplary claim 1 of the '719 patent in connection with the Alpena BriteWhip LED Whip, which is one of the myriad of products included in the Infringing Items delineated in paragraph 3 of this Complaint. (This description is based on



publicly available information, and Plaintiff reserves the right to modify this description, including, for example, on the basis of information about the Alpena BriteWhip LED Whip that it obtains during discovery.)

1(a) *A system for locating a parked vehicle, comprising:* The Alpena BriteWhip LED Whip is a system including a plurality of components, which allows a parked vehicle to be located, as described below.

1(b) *an elongated member removably mountable on the parked vehicle, such that the elongated member supports a plurality of lights and is different and separate from an antenna of the parked vehicle;* As can be seen from the image below, the Alpena BriteWhip LED Whip includes an elongated member that is removably mountable on a parked vehicle, and the elongated member also includes a plurality of lights. Also, the Alpena BriteWhip LED Whip is different and separate from an antenna of a parked vehicle.

→ ↻ 🏠 🔍 https://alpena.ca/products/britewhip-led-automotive-whip-or-pole-light-multicolour

**ALPENA** SUPPORT ▾ ALPENA APP ABOUT US CONTACT US SHOP NOW ▾

System

plurality of lights

elongated member removably mountable on a vehicle

portable control device

ALPENA  
**BriteWhip LED Whip/Pole Light, Multicolor**

\$96.99 USD Sold out

Quantity: - 1 +

Available To ship To

Sold Out - Coming Soon

Buy with **PayPal**

[More payment options](#)

Alpena BriteWhip LED Automotive Whip or Pole Light, Multicolor, 12V, Universal Fit for Vehicles. This product brings remote control,

1(c) *a portable control device adapted to be carried away from the parked vehicle and activated to wirelessly communicate with and control the plurality of lights supported by the elongated member, such that the portable control device locates the elongated member in response to the elongated member being removed from the parked vehicle;* The Alpena BriteWhip LED Whip includes a remote control that wirelessly communicates and controls the LED lights of the Alpena BriteWhip LED Whip, and even allows the activation of the LED lights if the Alpena BriteWhip LED Whip is removed from a parked vehicle, so long as the electrical connection for the Alpena BriteWhip LED Whip remains intact.

32. At least as early as the filing and service of this Complaint, Defendant is directly and indirectly infringing the '719 patent.

33. Defendant has actual knowledge of Plaintiff's rights in the '719 patent and details of Defendant's infringement of the '719 patent based on at least the filing and service of this Complaint.

34. Defendant's use, shipping, offer for sale, and/or sale of the Alpena BriteWhip LED Whip, along with the Infringing Items delineated in paragraph 3 of this Complaint, with knowledge of or willful blindness to the fact that its actions will induce Defendant's retail partners and end users to infringe the '719 patent by at least using and/or selling the Alpena BriteWhip LED Whip and the other Infringing Items delineated in paragraph 3 of this Complaint, is in violation of 35 U.S.C. § 271.

35. Defendant's infringement has caused, and is continuing to cause, damage and irreparable injury to Plaintiff, and Plaintiff will continue to suffer damage and irreparable injury unless and until that infringement is enjoined by this Court.

36. Plaintiff **JACKSON** is entitled to injunctive relief and damages in accordance with 35 U.S.C. §§ 271, 281, 283, and 284.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff **JACKSON** respectfully requests:

A. That Judgment be entered that Defendant **WAL-MART** has infringed the '719 patent, directly, indirectly, literally, contributorily, and/or under the doctrine of equivalents;

B. That Judgment be entered against Defendant **WAL-MART**, that said infringement was willful;

C. That, in accordance with 35 U.S.C. § 283, Defendant and all affiliates, employees, agents, officers, directors, attorneys, successors, and assigns and all those acting on behalf of or in active concert or participation with any of them, be preliminarily and permanently enjoined from (1) infringing the '719 patent and (2) making, using, selling, and offering for sale the Infringing Items delineated in paragraph 3 of this Complaint or any variation of a product resembling the '719 patent;

D. An award of damages sufficient to compensate Plaintiff **JACKSON** for Defendant's infringement under 35 U.S.C. ¶ 284, including, but not limited to, any profits generated for Defendant by the sale of the Infringing Items delineated in paragraph 3 of this Complaint, as well as any profits generated for Defendant by the sale of any other products similar to the Infringing Items delineated in paragraph 3 of this Complaint.

E. That the case be found exceptional under 35 U.S.C. § 285 and that Plaintiff **JACKSON** be awarded its attorneys' fees;

F. That Plaintiff **JACKSON** be awarded its court costs, fees, and expenses that have been incurred by Plaintiff to bring about this action in this District;

- G. An award of prejudgment and post-judgment interest; and
- H. Such other and further relief as this honorable Court may deem just and proper.

DATED: February 24, 2023

Respectfully submitted,

**/s/Lev Ivan Gabriel Iwashko**

Lev Ivan Gabriel Iwashko

*Counsel for Plaintiff*

DC Bar No. 1022054

The Iwashko Law Firm, PLLC

1250 Connecticut Ave., NW

Suite 700

Washington, DC 20036

Tel: 202-441-5043

Lev@iwashkoLaw.com

AttorneyLev@gmail.com

**CERTIFICATE OF SERVICE**

I hereby certify that on February 24, 2023, I served a copy of the foregoing Complaint for Patent Infringement via process service to the Registered Agent for Defendant at the following address:

The Corporation Trust Company  
Corporation Trust Center  
1209 N. Orange Street  
Wilmington, Delaware 19801

**/s/Lev Ivan Gabriel Iwashko**  
Lev Ivan Gabriel Iwashko  
*Counsel for Plaintiff*