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9 Attorneys for Plaintiff COMARCO
10 WIRELESS TECHNOLOGIES, INC.

11 **UNITED STATES DISTRICT COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN DIVISION**

13
14 COMARCO WIRELESS
15 TECHNOLOGIES, INC., a Delaware
corporation,

16 Plaintiff,

17 vs.

18 APPLE, INC., a California corporation,

19 Defendant.
20

Case No. 8:15-cv-00145

**SECOND AMENDED COMPLAINT
and JURY DEMAND**

21 Plaintiff Comarco Wireless Technologies, Inc., by its undersigned attorneys,
22 as and for its complaint against defendant Apple Inc., says:
23

24 **PARTIES**

25 1. Plaintiff Comarco Wireless Technologies, Inc., is a Delaware
26 corporation that maintains its principal place of business at 25541 Commercentre
27 Drive, Lake Forest, California 92630 ("Comarco").
28



1 2. Defendant Apple Inc. is a California corporation that maintains its
 2 principal place of business at 1 Infinite Loop, Cupertino, California 95014
 3 ("Apple").
 4

5 **JURISDICTION**

6 3. This is an action for patent infringement under 35 U.S.C. §1, *et seq.*

7 4. This Court has subject matter jurisdiction over this action pursuant to
 8 28 U.S.C. §§1331 and 1338.
 9

10 **BACKGROUND**

11 5. Portable electronic devices (such as laptop computers, tablets, cell
 12 phones, and media players) usually require a power adapter (also known as a power
 13 supply or a charger) in order to charge the batteries of such devices. A typical
 14 power adapter plugs into an electrical outlet and converts alternating electrical
 15 current ("AC") provided by most all household, office, and other outlets into direct
 16 electrical current ("DC") that most portable electronic devices need to operate and to
 17 recharge their batteries. Power adapters also usually include a cable that plugs into
 18 the device and conveys DC power from the adapter to the device.
 19

20 6. Comarco pioneered the manufacture and sale of power adapters and
 21 adapter cables, and has obtained 48 patents covering inventions in the field. Of
 22 relevance here is United States Patent No. 8,492,933, entitled "Power Supply
 23 Equipment for Providing a Data Signal, Identification Information and Power to an
 24 Electronic Device," which was duly and lawfully issued on July 23, 2013 (the "'933
 25 patent"). A copy of the '933 patent is attached as Exhibit A.
 26

27 7. The '933 patent discloses and claims a power adapter that converts
 28 power from either an AC or DC power source to DC power that is supplied to an
 electronic device using a cable with an output connector that plugs into the device.
 The output connector is a "smart tip" that includes a circuit that receives a data

1 request from an electronic device and transmits a signal in response that identifies
2 the adapter to the electronic device.

3 8. By providing information identifying an adapter to an electronic
4 device, the invention of the '933 patent ensures that appropriate power is drawn by
5 the device or its battery and prevents fires and malfunctions. In addition, the
6 invention of the '933 patent enables purveyors of portable electronic devices, such as
7 Apple, to make sure that only approved power adapters are used to operate or charge
8 the batteries of the device.

9 9. Comarco is the assignee of the '993 patent.

10 **COUNT ONE**

11 10. Comarco repeats the allegations of paragraphs 1 through 9 as if fully
12 set forth here.

13 11. Defendant Apple has infringed, and continues to infringe, claim 1 of
14 the '933 patent, in violation of 35 U.S.C. § 271(a), through the distribution and sale
15 of Apple products, such as the iPad, that include the Apple 5 Watt USB Power
16 Adapter (Part No. MD810LL/A) or the 12 Watt USB Power Adapter (Part No.
17 MD836LL/A), together with an Apple Lightning cable connector (such as Part No.
18 MD8182M/A). A claim chart illustrating Apple's direct infringement with respect
19 to, by way of example, the iPad, is attached as Exhibit B.

20 12. Defendant Apple has also infringed, and continues to infringe, claim 1
21 of the '933 patent, in violation of 35 U.S.C. § 271(a), through the distribution and
22 sale of the Apple 5 Watt USB Power Adapter (Part No. MD810LL/A) or the 12
23 Watt USB Power Adapter (Part No. MD836LL/A), together with an Apple
24 Lightning cable connector (such as Part No. MD8182M/A), because the foregoing
25 adapters are designed to be used with one of the foregoing Lightning cable
26 connectors and therefore directly infringe claim 1 of the '933 patent.

27 ///
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JULANDER | BROWN | BOLLARD
ATTORNEYS AT LAW

1 13. Defendant Apple has induced others to infringe, and continues to
2 induce others to infringe, claim 1 of the '933 patent, in violation of 35 U.S.C. §
3 271(b), through the distribution and sale of the Apple 5 Watt or 12 USB Power
4 Adapters and Apple Lightning cable connectors (such as Part Nos. MD8182M/A
5 and MD8232M/A), because Apple's customers are and have been encouraged to use,
6 and in fact use, one of the foregoing adapters with one of the foregoing Lightning
7 cable connectors, and thereby directly infringe claim 1 of the '933 patent. Defendant
8 Apple has sold and continues to sell the foregoing adapters and Lightning cable
9 connectors with the specific intent to encourage and cause its customers to directly
10 infringe claim 1 of the '933 patent.

11 14. Defendant Apple has contributorily infringed, and continues to
12 contributorily infringe, claim 1 of the '933 patent, in violation of 35 U.S.C. § 271(c),
13 through the distribution and sale of the Apple 5 Watt or 12 USB Power Adapters
14 and Apple Lightning cable connectors (such as Part Nos. MD8182M/A and
15 MD8232M/A), because Apple's customers use one of the foregoing adapters in
16 combination with one of the foregoing Lightning cable connectors and thereby
17 directly infringe claim 1 of the '933 patent. Defendant Apple has sold and continues
18 to sell the foregoing adapters and Lightning cables with the specific intent to
19 encourage and cause its customers to directly infringe claim 1 of the '933 patent.

20 The foregoing Apple adapters and Lightning cables are not staple articles of
21 commerce suitable for substantial noninfringing uses; rather, they are made and sold
22 for a specific function without any purpose other than infringement.

23 15. Comarco has sustained damages and suffered irreparable harm as a
24 consequence of Apple's infringement, and will continue to sustain damages and
25 irreparable harm unless Apple is enjoined from infringing the '933 patent.

26 **COUNT TWO**

27 16. Comarco repeats the allegations of paragraphs 1 through 15 as if fully
28 set forth here.



1 17. Defendant Apple has induced others to infringe, and continues to
2 induce others to infringe, claims 1 and 2 of the '933 patent, in violation of 35 U.S.C.
3 § 271(b), through the distribution and sale of the Apple Lightning to 30-Pin Adapter
4 (Part No. MD823ZM/A) because Apple's customers are and have been encouraged
5 to use, and in fact use, the Lightning to 30-Pin Adapter with 30-pin cables and
6 power adapters, and thereby directly infringe claims 1 and 2 of the '933 patent.
7 Defendant Apple has sold and continues to sell the 30-Pin Adapter with the specific
8 intent to encourage and cause its customers to directly infringe claims 1 and 2 of the
9 '933 patent.

10 18. Defendant Apple has contributorily infringed, and continues to
11 contributorily infringe, claims 1 and 2 of the '933 patent, in violation of 35 U.S.C. §
12 271(c), through the distribution and sale of the Lightning to 30-Pin Adapter because
13 Apple's customers use the Lightning to 30-Pin Adapter with 30 pin cables and
14 power adapters and thereby directly infringe claims 1 and 2 of the '933 patent.
15 Defendant Apple has sold and continues to sell the Lightning to 30-Pin Adapter
16 with the specific intent to encourage and cause its customers to directly infringe
17 claims 1 and 2 of the '933 patent. The Lightning to 30-Pin Adapter is not a staple
18 article of commerce suitable for substantial noninfringing uses; rather, it is made
19 and sold for a specific function without any purpose other than infringement.

20 19. Comarco has sustained damages and suffered irreparable harm as a
21 consequence of Apple's infringement, and will continue to sustain damages and
22 irreparable harm unless Apple is enjoined from infringing the '933 patent.

23
24 WHEREFORE, plaintiff Comarco Wireless Technologies, Inc., requests
25 judgment in its favor and against defendant Apple Inc., as follows:

- 26 a. for judgment that Apple has infringed the '933 patent;
27 b. for a permanent injunction barring Apple, and all persons and entities
28 in active concert or participation with it, from infringing the '933 patent;

1 c. for an award of damages in an amount sufficient to compensate
2 Comarco for Apple's infringement, together with prejudgment interest and costs of
3 suit; and

4 d. for such other and further relief as the Court may deem just and
5 appropriate.

6
7 **JURY DEMAND**

8 Comarco requests trial by jury on all issues triable at law.

9
10 DATED: March 13, 2015

JULANDER, BROWN & BOLLARD

11
12 By: /s/ William C. Bollard

13 William C. Bollard
14 Attorneys for Plaintiff COMARCO
15 WIRELESS TECHNOLOGIES, INC.
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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF ORANGE

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Orange, State of California. My business address is 9110 Irvine Center Drive, Irvine, CA 92618.

On March 13, 2015, I served true copies of the following document(s) described as **AMENDED COMPLAINT AND JURY DEMAND** on the interested parties in this action as follows:

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Attorneys for Defendant
APPLE, INC.

BY CM/ECF NOTICE OF ELECTRONIC FILING: I electronically filed the document(s) with the Clerk of the Court by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. Participants in the case who are not registered CM/ECF users will be served by mail or by other means permitted by the court rules.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on March 13, 2015, at Irvine, California.

/s/ William C. Bollard
William C. Bollard



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ATTORNEYS AT LAW

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