

1 William C. Bollard, Bar No. 105489
william@jbblaw.com
2 JULANDER, BROWN & BOLLARD
9110 Irvine Center Drive
3 Irvine, California 92618
Telephone: (949) 477-2100
4 Facsimile: (949) 477-6355

5 Charles Quinn
cquinn@grahamcurtin.com
6 Glen M. Diehl
gdiehl@grahamcurtin.com
7 GRAHAM CURTIN, P. A.
4 Headquarters Plaza
8 Morristown, New Jersey 07962-1991
Tel; 973-292-1700

9 Attorneys for Plaintiff COMARCO
10 WIRELESS TECHNOLOGIES, INC.

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

15
16 COMARCO WIRELESS
TECHNOLOGIES, INC., a Delaware
17 corporation,

18 Plaintiff,

19 vs.

20 BEST BUY STORES, L.P., a Virginia
21 limited partnership; and
22 BESTBUY.COM, LLC, a Virginia
limited liability company,

23 Defendants.

Case No. 8:15-cv-00256

**AMENDED COMPLAINT and
JURY DEMAND**

JULANDER | BROWN | BOLLARD
ATTORNEYS AT LAW
JBB

24
25
26
27
28

1 Plaintiff Comarco Wireless Technologies, Inc., by its undersigned attorneys,
2 as and for its complaint against defendants Best Buy Stores, L.P., and BestBuy.com,
3 LLC, says:

4 **PARTIES**

5 1. Plaintiff Comarco Wireless Technologies, Inc. is a Delaware
6 corporation that maintains its principal place of business at 25541 Commercentre
7 Drive, Lake Forest, California 92630 (“Comarco”).

8 2. Defendant Best Buy Stores, L.P. is a Virginia limited partnership that
9 maintains its principal place of business at 7601 Penn Avenue South, Richfield,
10 Minnesota 55423 (“Best Buy Stores”).

11 3. Defendant BestBuy.com, LLC is a Virginia limited liability company
12 corporation that maintains its principal place of business at 7601 Penn Avenue
13 South, Richfield, Minnesota 55423 (“BestBuy.com”).

14 **JURISDICTION**

15 4. This is an action for patent infringement under the patent laws of the
16 United States, 35 U.S.C. §1, *et seq.*

17 5. This Court has subject matter jurisdiction over this action pursuant to
18 28 U.S.C. §§1331 and 1338.

19 **BACKGROUND**

20 6. Most portable electronic devices (such as laptop computers, tablets, cell
21 phones, and media players) require direct electrical current (“DC”) to operate and to
22 recharge their batteries. However, common electrical outlets usually provide only
23 alternating electrical current (“AC”). Hence, purveyors of portable electronic
24 devices typically provide a power supply (also known as a power adapter or a
25 charger) with new products. A typical power supply sold with a new portable
26 device plugs into a wall outlet, either directly or through a cable, and converts AC
27 power from the wall outlet into DC power that is used to operate a portable device
28 or charge its battery.

JULANDER | BROWN | BOLLARD
ATTORNEYS AT LAW
JBB



JULANDER | BROWN | BOLLARD
ATTORNEYS AT LAW

1 7. A power supply sold with a new electronic device satisfies the specific
2 power requirement of the device and has a cable tip of a shape and size that is
3 specifically designed to fit the power port of the device. However, different
4 portable electronic devices usually have different power requirements as well as
5 power ports of different shapes and sizes. Thus, it is generally not possible, for
6 example, to use the power supply accompanying a new laptop to charge a cell
7 phone. Indeed, the power supply for one brand of laptop cannot be used to operate
8 or charge the battery of another brand. There is even variation within brands as
9 some models have different power requirements and connector ports. Consequently,
10 a person must use a different power adapter for each portable electronic device that
11 a person owns. This is inconvenient.

12 8. Comarco pioneered the manufacture and sale of power adapters and
13 adapter cables, and has obtained 48 patents covering inventions in the field. Of
14 relevance here is United States Patent No. 7,460,381, entitled “Programmable Power
15 Supply,” which was duly and lawfully issued on December 2, 2008 (the “‘381
16 patent”). A copy of the ‘381 patent is attached as Exhibit A.

17 9. The ‘381 patent discloses and claims a programmable power supply
18 that provides different levels of voltage to portable electronic devices with differing
19 voltage requirements using cable connectors that program the power supply to
20 deliver the specific level of voltage required by a particular electronic device. The
21 invention of the ‘381 patent enables owners of portable electronic devices with
22 different voltage requirements to use one power supply to charge such devices,
23 rather than separate power supplies dedicated to each device.

24 10. Also of relevance is United States Patent No. 7,863,770, entitled
25 “Power Supply Equipment for Simultaneously Providing Operating Voltages to a
26 Plurality of Devices,” which was duly and lawfully issued on January 4, 2011 (the
27 “‘770 patent”). The ‘770 patent has been reexamined twice under 35 U.S.C. § 301,
28 *et seq.*, as evidenced by Reexamination Certificates issued on September 16, 2013,

1 and January 9, 2015. Copies of the ‘770 patent and the Reexamination Certificates
2 are attached, collectively, as Exhibit B.

3 11. The ‘770 patent discloses and claims a power supply that provides two
4 separate direct current outputs of different voltages to charge the batteries of
5 different electronic devices, having different power requirements, at the same time.
6 Thus, the invention of the ‘770 patent enables people to use one power supply,
7 instead of two, to simultaneously charge, for example, a laptop computer and a cell
8 phone.

9 12. Comarco is the assignee of the ‘381 and ‘770 patents.

10)
11)
12)
13)
14)
15)
16)
17)
18)
19)
20)
21)
22)
23)
24)
25)
26)
27)
28)
FIRST COUNT

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

14. Defendants Best Buy Stores, and BestBuy.com have infringed at least
claim 8 of the ‘381 patent, in violation of 35 U.S.C. § 271, through the sale of at
least Rocketfish AC Power Adapters bearing model numbers RF-BPRAC3, RF-
BPRAC4, RF-AC9023, RF-NBAC, and RF-BSLAC. A claim chart illustrating
Defendants’ infringement with respect to, for example, model RF-BPRAC3, is
attached as Exhibit C.

15. Comarco has sustained damages as a consequence of Defendants’
infringement of the ‘381 patent.

16. Upon information and belief, defendant Defendants’ infringement, as
aforesaid, has been willful.

SECOND COUNT

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

///



1 18. Defendants Best Buy Stores, and BestBuy.com infringed at least claim
2 37 of the ‘770 patent, in violation of 35 U.S.C. § 271, through the sale of at least
3 Rocketfish Slimline AC Power Adapter with USB under model number RF-
4 BSLAC. A claim chart illustrating Defendants’ infringement with respect to model
5 RF-BSLAC is attached as Exhibit D.

6 19. Comarco has sustained damages as a consequence of Defendants’
7 infringement of the ‘770 patent.

8
9 WHEREFORE, plaintiff Comarco Wireless Technologies, Inc., requests
10 judgment in its favor and against Defendants Best Buy Stores and BestBuy.com, as
11 follows:

- 12 a. for judgment that Defendants Best Buy, Best Buy Stores and
13 BestBuy.com have infringed the ‘381 and ‘770 patents;
- 14 b. for an award of damages in an amount sufficient to compensate
15 Comarco for Defendants Best Buy Stores and BestBuy.com’s infringement, together
16 with prejudgment interest and costs of suit;
- 17 c. for judgment that Defendants Best Buy Stores and BestBuy.com
18 willfully infringed the ‘381 patent and an award to Comarco of treble damages
19 under 35 U.S.C. § 284;
- 20 d. for judgment that this is an exceptional case under 35 U.S.C. § 285, and
21 an award of reasonable attorneys’ fees and expenses to Comarco;
- 22 e. for such other and further relief as the Court may deem just and
23 appropriate.

24 ///

25 ///

26 ///

27

28



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

JURY DEMAND

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

DATED: March 31, 2015

JULANDER, BROWN & BOLLARD

By: /s/ William C. Bollard
William C. Bollard
Attorneys for Plaintiff COMARCO
WIRELESS TECHNOLOGIES, INC.

