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 12 *USB Technologies, LLC,*

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

13	USB Technologies, LLC, a California)	Case No. 2:15-cv-04804
14	limited liability company,)	
15)	COMPLAINT FOR PATENT
16	Plaintiff,)	INFRINGEMENT AND
17)	PERMANENT INJUNCTION
18	v.)	
19)	DEMAND FOR JURY TRIAL
20	Brookstone Company, Inc., a New)	
21	Hampshire corporation; Brookstone)	
22	Holdings, Inc., a New Hampshire)	
23	corporation; and DOES 1 through 5,)	
24	Inclusive,)	
25)	
26	Defendants.)	

1 Plaintiff USB Technologies, LLC, (“USB Technologies”), by and through its
2 undersigned counsel, for its Complaint against Defendant Brookstone Company, Inc.
3 and Brookstone Holdings, Inc. (collectively, “Brookstone”); and Does 1-5
4 (collectively, “Defendants”) makes the following allegations. These allegations are
5 made upon information and belief.

6 **JURISDICTION AND VENUE**

7 1. This is an action for patent infringement arising under the patent laws of
8 the United States, including 35 U.S.C. §§ 271, 281, and 283-285.

9 2. This Court has subject matter jurisdiction over this action pursuant to 28
10 U.S.C. § § 1331 and 1338(a) because it arises under United States Patent law.

11 3. Venue is proper in this District pursuant to 28 U.S.C. §1391(b) and (c).
12 On information and belief, Defendants are subject to this Court’s personal jurisdiction
13 in that the acts and transactions complained of herein include the import and sale of
14 infringing goods, identified herein, through the State of California and specifically in
15 this District. Furthermore, Defendants’ sales transactions are initiated nationwide
16 over the Internet, including sales targeted to the State of California and this District,
17 thereby purposefully availing themselves of the benefits of the state.

18 **THE PARTIES**

19 4. USB Technologies is a limited liability company organized under the
20 laws of the State of California and has an office and principal place of business at 35
21 Hugus Alley, Suite 210 Pasadena, California 91103.

22 5. Upon information and belief, Brookstone Company, Inc. is a corporation
23 organized under the laws of the State of New Hampshire having a place of business at
24 One Innovation Way, Merrimac, New Hampshire 03054.

25 6. Upon information and belief, Brookstone Holdings, Inc. is a corporation
26 organized under the laws of the State of New Hampshire having a place of business at
27 One Innovation Way, Merrimac, New Hampshire 03054.

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1 7. The true names and capacities, whether individual, corporate or
2 otherwise of the Defendants named herein as DOES 1 through 10, inclusive, are
3 unknown to Plaintiff, who therefore sues Defendants by such fictitious
4 names. Plaintiff will ask leave of Court to amend this Complaint and insert the true
5 names and capacities of said Defendants when the same have been ascertained.

6 8. Plaintiff is informed and believes and, upon such, alleges that each of the
7 Defendants designated herein as “DOE” are allegedly responsible in some manner for
8 the events and happenings herein alleged, and that Plaintiff’s damages as alleged
9 herein were proximately caused by such Defendants.

10 **FACTS**

11 9. USB Technologies is the owner, by assignment, of U.S. Patent No.
12 7,809,866 (“the ‘866 Patent”), which was duly and legally issued on October 5, 2010
13 by the United States Patent and Trademark Office. A copy of U.S. Patent No.
14 7,809,866 is attached to this complaint as **Exhibit A**.

15 10. The claims of the ‘866 Patent are valid and enforceable.

16 11. The Defendant(s) sell(s) and offer(s) to sell the Photofast i-FlashDrive
17 HD and iFlashDrive Evo Lightning to USB flash drive products in various sizes,
18 including 16 GB, 32 GB, and 64 GB (“i-FlashDrive Product Family”).

19 12. The i-FlashDrive iStick Product Family are double interface Lightning to
20 USB flash memory drives. The i-FlashDrive iStick Product Family comprises a first
21 transmission interface, a circuit board with a microprocessor and a plurality of flash
22 memory. The i-FlashDrive iStick Product Family comprises a first bus interface to
23 perform a signal transmission and a second bus interface circuit different from the
24 flash memory card. The i-FlashDrive iStick Product Family also contains interface
25 detection and switching circuit, for switching to the first interface circuit or the second
26 interface circuit based on an initializing signal generated from the system interface
27 circuit. The microprocessor within the i-FlashDrive iStick Product Family switches to
28

1 the right interface, determining and supporting a connection action automatically
2 based on the type of system interface circuit detected.

3 13. Each of the products in the i-FlashDrive iStick Product Family infringe
4 on the claims of the '866 patent, including, but not limited to claim 1.

5 14. Defendants, buy, sell and offer to sell to consumers the i-FlashDrive
6 Product Family over a worldwide website, www.brookstone.com, without regard to
7 the patent rights of USB Technologies. A copy of an offer for sale of the i-FlashDrive
8 iStick Product Family on the Brookstone website, is attached herewith as **Exhibit B**.

9 15. Unless enjoined by this Court, Defendants will continue to infringe
10 the '866 patent.

11 16. Plaintiff has been, and will continue to be, irreparably harmed by
12 Defendants' ongoing infringement of the '866 patent.

13 17. This is an exceptional case under 35 U.S.C. § 285 and Plaintiff
14 should therefore be awarded treble damages pursuant to 35 U.S.C. §284, of any
15 and all damages awarded for Defendants' infringement of the '866 patent.

16 **COUNT I**

17 **CLAIM FOR PATENT INFRINGEMENT**

18 **UNDER 35 U.S.C. § 271 ('866 PATENT)**

19 18. USB Technologies hereby incorporates by reference the allegations of
20 paragraphs 1 through 17 of this Complaint as if fully set forth herein.

21 19. Defendants have imported, offered to sell and provide, have sold and
22 provided, and continue to offer to sell and provide in the United States and in this
23 District, products and services, namely the GMobi iStick Product Family, that infringe
24 one or more claims of the '866 Patent, including, but not limited to, Claim 1.

25 20. Defendants' infringement of the '866 Patent has been and continues to be
26 willful.

27 21. Unless enjoined by this Court, Defendants will continue to infringe
28 the '866 Patent.

1 22. As a direct and proximate result of Defendants' infringement of the '866
2 Patent, USB Technologies has been and will continue to be damaged in an amount yet
3 to be determined, including but not limited to Plaintiff's lost profits and/or reasonable
4 royalties.

5 **PRAYER FOR RELIEF**

6 WHEREFORE, Plaintiff prays for relief against Defendants as follows:

7 A. For a preliminary injunction to issue against each Defendant, its agents,
8 servants, employees, successors and assigns and all others in concert and privity with
9 it from making, using, offering to sell, selling, or importing into the United States any
10 product infringing on the claims of United States Patent No. 7,809,866;

11 B. For a permanent injunction to issue against each Defendant, its agents,
12 servants, employees, successors and assigns and all others in concert and privity with
13 it from making, using, offering to sell, selling, or importing into the United States any
14 product infringing on claims of United States Letters Patent No. 7,809,866;

15 C. An award of damages in an amount to be determined at trial, but not less
16 than a reasonable royalty and/or Plaintiff's lost profits as a result of each Defendant's
17 infringing actions;

18 D. A finding that each Defendant's infringement has been willful;

19 E. A trebling, pursuant to 35 U.S.C. § 284, of any and all damages awarded
20 for each Defendant's infringement of the '866 Patent;

21 F. A finding that this is an exceptional case under 35 U.S.C. § 285;

22 G. An award, pursuant to 35 U.S.C. § 285, of reasonable attorneys' fees;

23 H. An award of interest and costs; and

24 I. For such other and further relief as may be just and equitable.

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DEMAND FOR TRIAL BY JURY

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff hereby demands a jury trial on all issues and causes of action triable to a jury.

Respectfully submitted,

DATED: June 24, 2015

COTMAN IP LAW GROUP, PLC

s/ Rasheed M. McWilliams

By: _____

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