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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-04836
14	limited liability company,)	
15	Plaintiff,)	COMPLAINT FOR PATENT
16)	INFRINGEMENT AND
17	v.)	PERMANENT INJUNCTION
18)	
19	Ebay Inc., a Delaware corporation; and)	DEMAND FOR JURY TRIAL
20	DOES 1 through 10, Inclusive,)	
21	Defendants.)	
22)	

1 Plaintiff USB Technologies, LLC, (“USB Technologies”), by and through its
2 undersigned counsel, for its Complaint against Defendant Ebay Inc. (“eBay”); and
3 Does 1-10 (collectively, “Defendants”)] makes the following allegations. These
4 allegations are made upon information and belief.

5 **JURISDICTION AND VENUE**

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

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

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

17 **THE PARTIES**

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

21 5. Upon information and belief, Ebay, Inc. is a corporation organized under
22 the laws of the State of Delaware having a place of business at 2065 Hamilton
23 Avenue, San Jose, California 95125.

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

1 13. Defendant eBay imports, buys, sells and offers to sell to consumers the
2 iStick Product Family over a worldwide website, www.ebay.com, without regard to
3 the patent rights of USB Technologies. A copy of an offer for sale of the GMobi
4 iStick Product Family on the eBay website, is attached herewith as **Exhibit B**.

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

8 15. The i-FlashDrive Product Family are double interface Lightning to USB
9 flash memory drives. The i-FlashDrive Product Family comprises a first transmission
10 interface, a circuit board with a microprocessor and a plurality of flash memory. The i-
11 FlashDrive Product Family comprises a first bus interface to perform a signal
12 transmission and a second bus interface circuit different from the flash memory card.
13 The i-FlashDrive Product Family also contains interface detection and switching
14 circuit, for switching to the first interface circuit or the second interface circuit based
15 on an initializing signal generated from the system interface circuit. The
16 microprocessor within the i-FlashDrive Product Family switches to the right interface,
17 determining and supporting a connection action automatically based on the type of
18 system interface circuit detected.

19 16. Each of the products in the i-FlashDrive Product Family infringe on the
20 claims of the ‘866 patent, including, but not limited to claim 1.

21 17. Defendants, buy, sell and offer to sell to consumers the i-FlashDrive
22 Product Family over a worldwide website, <http://www.ebay.com>, without regard to
23 the patent rights of USB Technologies. A copy of an offer for sale of the i-FlashDrive
24 Product Family on the eBay website, is attached herewith as **Exhibit C**.

25 18. The Defendant(s) sell(s) and offer(s) to sell the Leef iBridge Lightning to
26 USB flash drive products in various sizes, including 16 GB, 32 GB, 64 GB and 128
27 GB (“iBridge Product Family”).
28

1 19. The iBridge Product Family are double interface Lightning to USB flash
2 memory drives. The iBridge Product Family comprises a first transmission interface, a
3 circuit board with a microprocessor and a plurality of flash memory. The iBridge
4 Product Family comprises a first bus interface to perform a signal transmission and a
5 second bus interface circuit different from the flash memory card. The iBridge
6 Product Family also contains interface detection and switching circuit, for switching
7 to the first interface circuit or the second interface circuit based on an initializing
8 signal generated from the system interface circuit. The microprocessor within the
9 iBridge Product Family switches to the right interface, determining and supporting a
10 connection action automatically based on the type of system interface circuit detected.

11 20. Each of the products in the iBridge Product Family infringe on the claims
12 of the '866 patent, including, but not limited to claim 1.

13 21. Defendants, buy, sell and offer to sell to consumers the iBridge Product
14 Family over a worldwide website, <http://www.ebay.com>, without regard to the patent
15 rights of USB Technologies. A copy of an offer for sale of the iBridge Product
16 Family on the eBay website, is attached herewith as **Exhibit D**.

17 22. The Defendant(s) sell(s) and offer(s) to sell the Bidul i-USBKey flash
18 drive products in various sizes, including 8 GB, 16 GB, and 32 GB (“iUSB Product
19 Family”).

20 23. The iUSB Product Family are double interface 30 Pin and/or Lightning to
21 USB flash memory drives. The iUSB Product Family comprises a first transmission
22 interface, a circuit board with a microprocessor and a plurality of flash memory. The
23 iUSB Product Family comprises a first bus interface to perform a signal transmission
24 and a second bus interface circuit different from the flash memory card. The iUSB
25 Product Family also contains interface detection and switching circuit, for switching
26 to the first interface circuit or the second interface circuit based on an initializing
27 signal generated from the system interface circuit. The microprocessor within the
28

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

3 24. Each of the products in the iUSB Product Family infringe on the claims
4 of the '866 patent, including, but not limited to claim 1.

5 25. Defendants, buy, sell and offer to sell to consumers the iUSB Product
6 Family over a worldwide website, <http://www.ebay.com/>, without regard to the patent
7 rights of USB Technologies. A copy of an offer for sale of the iUSB Product Family
8 on the eBay website, is attached herewith as **Exhibit E**.

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

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

13 28. 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 29. USB Technologies hereby incorporates by reference the allegations of
20 paragraphs 1 through 28 of this Complaint as if fully set forth herein.

21 30. 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 the GMobi iStick Product Family, the i-
24 FlashDrive Product Family, the iBridge Product Family and the iUSB Product Family,
25 that infringe one or more claims of the '866 Patent, including, but not limited to,
26 Claim 1.

27 31. Defendants' infringement of the '866 Patent has been and continues to be
28 willful.

1 32. Unless enjoined by this Court, Defendants will continue to infringe
2 the '866 Patent.

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

7 **PRAYER FOR RELIEF**

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

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

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

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

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

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

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

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

25 H. An award of interest and costs; and

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

27 ///

28 ///

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 25, 2015

COTMAN IP LAW GROUP, PLC

s/ Rasheed M. McWilliams

By: _____

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