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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-05055
14	limited liability company,)	
15)	COMPLAINT FOR PATENT
16	Plaintiff,)	INFRINGEMENT AND
17)	PERMANENT INJUNCTION
18	v.)	
19)	DEMAND FOR JURY TRIAL
20	Cornerstone Brands, Inc. d/b/a)	
21	Frontgate.com, a Delaware corporation;)	
22	and DOES 1 through 5, Inclusive,)	
)	
	Defendants.)	
)	

23 Plaintiff USB Technologies, LLC, (“USB Technologies”), by and through its
 24 undersigned counsel, for its Complaint against Defendant Cornerstone Brands, Inc.
 25 d/b/a Frontgate.com (“Frontgate”); and Does 1-5 (collectively, “Defendants”) makes
 26 the following allegations. These allegations are made upon information and belief.

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JURISDICTION AND VENUE

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

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

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

13 **THE PARTIES**

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

17 5. Upon information and belief, Cornerstone Brands, Inc. d/b/a
18 Frontgate.com is a corporation organized under the laws of the State of Delaware
19 having a place of business at 5568 West Chester Road, West Chester, Ohio 45069.

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

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

FACTS

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2 8. USB Technologies is the owner, by assignment, of U.S. Patent No.
3 7,809,866 (“the ‘866 Patent”), which was duly and legally issued on October 5, 2010
4 by the United States Patent and Trademark Office. A copy of U.S. Patent No.
5 7,809,866 is attached to this complaint as **Exhibit A**.

6 9. The claims of the ‘866 Patent are valid and enforceable.

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

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

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

23 13. Defendants, buy, sell and offer to sell to consumers the i-FlashDrive
24 Product Family over a worldwide website, <http://www.frontgate.com/>, without regard
25 to the patent rights of USB Technologies. A copy of an offer for sale of the i-
26 FlashDrive Product Family on the Frontgate website is attached herewith as **Exhibit**
27 **B**.

28

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

3 15. Plaintiff has been, and will continue to be, irreparably harmed by
4 Defendants' ongoing infringement of the '866 patent.

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

8 **COUNT I**

9 **CLAIM FOR PATENT INFRINGEMENT**

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

11 17. USB Technologies hereby incorporates by reference the allegations of
12 paragraphs 1 through 16 of this Complaint as if fully set forth herein.

13 18. Defendants have imported, offered to sell and provide, have sold and
14 provided, and continue to offer to sell and provide in the United States and in this
15 District, products and services, namely the i-FlashDrive Product Family that infringe
16 one or more claims of the '866 Patent, including, but not limited to, Claim 1.

17 19. Defendants' infringement of the '866 Patent has been and continues to be
18 willful.

19 20. Unless enjoined by this Court, Defendants will continue to infringe
20 the '866 Patent.

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

25 **PRAYER FOR RELIEF**

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

27 A. For a preliminary injunction to issue against each Defendant, its agents,
28 servants, employees, successors and assigns and all others in concert and privity with

1 it from making, using, offering to sell, selling, or importing into the United States any
2 product infringing on the claims of United States Patent No. 7,809,866;

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

6 C. A finding that each Defendant's infringement has been willful;

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

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

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

11 G. An award of interest and costs; and

12 H. For such other and further relief as may be just and equitable.

13 **DEMAND FOR TRIAL BY JURY**

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

16
17 Respectfully submitted,

18 DATED: July 2, 2015

COTMAN IP LAW GROUP, PLC

s/ Rasheed M. McWilliams

By: _____

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