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 11 *Attorneys for Plaintiff*
 12 *USB Technologies, LLC,*

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

13	USB Technologies, LLC, a California)	Case No. 2:15-cv-05052
14	limited liability company,)	
15	Plaintiff,)	COMPLAINT FOR PATENT
16)	INFRINGEMENT AND
17	v.)	PERMANENT INJUNCTION
18)	
19	Photo 4 Less, Inc., a New York)	DEMAND FOR JURY TRIAL
20	corporation; and DOES 1 through 5,)	
21	Inclusive,)	
22	Defendants.)	

1 Plaintiff USB Technologies, LLC, (“USB Technologies”), by and through its
2 undersigned counsel, for its Complaint against Defendant Photo 4 Less, Inc. (“PL”);
3 and Does 1-5 (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, Photo 4 Less Inc. is a corporation organized
22 under the laws of the State of New York having a place of business at 5417 New
23 Utrecht Avenue, Brooklyn, New York 11219.

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

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

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

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

13 **COUNT I**

14 **CLAIM FOR PATENT INFRINGEMENT**

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

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

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

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

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

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

3 **PRAYER FOR RELIEF**

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

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

9 B. For a permanent 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 claims of United States Letters Patent No. 7,809,866;

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

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

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

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

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

21 H. An award of interest and costs; and

22 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: July 2, 2015

COTMAN IP LAW GROUP, PLC

s/ Rasheed M. McWilliams

By: _____

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