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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-05051
14	limited liability company,	)	
15	Plaintiff,	)	<b>COMPLAINT FOR PATENT</b>
16		)	<b>INFRINGEMENT AND</b>
17	v.	)	<b>PERMANENT INJUNCTION</b>
18		)	
19	Wal-Mart Stores, Inc., a Delaware	)	<b>DEMAND FOR JURY TRIAL</b>
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 Wal-Mart Stores, Inc.  
3 (“Walmart”); and Does 1-5 (collectively, “Defendants”)] makes the following  
4 allegations. These 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, Wal-Mart Stores, Inc. is a corporation  
22 organized under the laws of the State of Delaware having a place of business at 702  
23 S.W. 8<sup>th</sup> Street, Bentonville, Arkansas 72716.

24 6. The true names and capacities, whether individual, corporate or  
25 otherwise of the Defendants named herein as DOES 1 through 5, 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 7. Plaintiff is informed and believes and, upon such, alleges that each of the  
2 Defendants designated herein as “DOE” are allegedly responsible in some manner for  
3 the events and happenings herein alleged, and that Plaintiff’s damages as alleged  
4 herein were proximately caused by such Defendants.

5 **FACTS**

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

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

11 10. The Defendant(s) sell(s) and offer(s) to sell the General Mobile  
12 Technology Company (“GMobi”) iStick Lightning to USB flash drive products in  
13 various sizes, including 8 GB, 16 GB, 32 GB, 64 GB and 128 GB (“GMobi iStick  
14 Product Family”).

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

26 12. Each of the products in the GMobi iStick Product Family infringe on the  
27 claims of the ‘866 patent, including, but not limited to claim 1.  
28

1 13. Defendant WalMart imports, buys, sells and offers to sell to consumers  
2 the iStick Product Family over a worldwide website, [www.walmart.com](http://www.walmart.com), without  
3 regard to the patent rights of USB Technologies. A copy of an offer for sale of the  
4 GMobi iStick Product Family on the Walmart website, is attached herewith as **Exhibit**  
5 **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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