

1 Rasheed McWilliams (CBN 281832)
2 rasheed@cotmanip.com
3 Obi I. Iloputaife (CBN 192271)
4 obi@cotmanip.com
5 COTMAN IP LAW GROUP, PLC
6 One Colorado | 35 Hugus Alley, Suite 210
7 Pasadena, California 91103
8 (626) 405-1413/FAX: (626) 316-7577
9 *Attorneys for Plaintiff*
10 *USB Technologies, LLC,*

11 **UNITED STATES DISTRICT COURT**

12 **CENTRAL DISTRICT OF CALIFORNIA**

13 USB Technologies, LLC, a California) Case No. 2:15-cv-04735-BRO-GJS
14 limited liability company,) [Hon. Beverly Reid O’Connell]
15) MASTER CASE
16 Plaintiff,)
17 v.) **FIRST AMENDED COMPLAINT**
18) **FOR PATENT INFRINGEMENT**
19 Sanho Corporation, a Delaware corporation,) **AND PERMANENT INJUNCTION**
20 and DOES 1 through 5, Inclusive,)
21)
22 Defendants.) **DEMAND FOR JURY TRIAL**

23

USB Technologies, LLC, a California) [Related Case No. 8:15-cv-01021]
24 limited liability company,)
25)
26 Plaintiff,)
27)
28 v.)

29 Rakuten Commerce, LLC. d/b/a)
30 www.rakuten.com, a Delaware Limited)
31 Liability company; Rakuten USA, Inc., a)
32 Delaware corporation; and DOES 1 through)
33 10, Inclusive,)
34)
35 Defendants.)

1 Plaintiff USB Technologies, LLC, (“USB Technologies”), by and through its
2 undersigned counsel, for its First Amended Complaint against Defendants, Rakuten
3 U.S.A., Inc., Rakuten Commerce, LLC., a Delaware Limited Liability company
4 (“Rakuten”); and Does 1-10 (collectively, “Defendants”) makes the following
5 allegations. These allegations are 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, Rakuten Commerce, LLC. d/b/a
23 www.rakuten.com, a Delaware Limited Liability company, having a place of business
24 at 85 Enterprise, Suite 100, Aliso Viejo, CA 92656.

25 6. Upon information and belief, Rakuten USA, Inc., a Delaware
26 corporation, having a place of business at 85 Enterprise, Suite 100, Aliso Viejo, CA
27 92656.

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 General Mobile
17 Technology Company (“GMobi”) iStick Lightning to USB flash drive products in
18 various sizes, including 8 GB, 16 GB, 32 GB, 64 GB and 128 GB (“GMobi iStick
19 Product Family”).

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

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

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

5 14. Defendant Rakuten imports, buys, sells and offers to sell to consumers
6 the iStick Product Family over a worldwide website, www.rakuten.com, without
7 regard to the patent rights of USB Technologies. A copy of an offer for sale of the
8 GMobi iStick Product Family on the Rakuten website, is attached herewith as **Exhibit**
9 **B**.

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

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

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

26 18. Defendants, buy, sell and offer to sell to consumers the i-FlashDrive
27 Product Family over a worldwide website, <http://www.rakuten.com>, without regard to
28

1 the patent rights of USB Technologies. A copy of an offer for sale of the i-FlashDrive
2 Product Family on the Rakuten website, is attached herewith as **Exhibit C**.

3 19. The Defendant(s) sell(s) and offer(s) to sell the Leef iBridge Lightning to
4 USB flash drive products in various sizes, including 16 GB, 32 GB, 64 GB and 128
5 GB (“iBridge Product Family”).

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

16 21. Each of the products in the iBridge Product Family infringe on the claims
17 of the ‘866 patent, including, but not limited to claim 1.

18 22. Defendants, buy, sell and offer to sell to consumers the iBridge Product
19 Family over a worldwide website, <http://www.rakuten.com>, without regard to the
20 patent rights of USB Technologies. A copy of an offer for sale of the iBridge Product
21 Family on the Rakuten website, is attached herewith as **Exhibit D**.

22 23. Unless enjoined by this Court, Defendants will continue to infringe
23 the ‘866 patent.

24 24. Plaintiff has been, and will continue to be, irreparably harmed by
25 Defendants’ ongoing infringement of the ‘866 patent.

26 25. This is an exceptional case under 35 U.S.C. § 285 and Plaintiff
27 should therefore be awarded treble damages pursuant to 35 U.S.C. §284, of any
28 and all damages awarded for Defendants’ infringement of the ‘866 patent.

COUNT I

CLAIM FOR PATENT INFRINGEMENT

UNDER 35 U.S.C. § 271 ('866 PATENT)

1
2
3
4 26. USB Technologies hereby incorporates by reference the allegations of
5 paragraphs 1 through 24 of this Complaint as if fully set forth herein.

6 27. Defendants have imported, offered to sell and provide, have sold and
7 provided, and continue to offer to sell and provide in the United States and in this
8 District, products and services, namely the the GMobi iStick Product Family, the i-
9 FlashDrive Product Family, and the iBridge Product Family, that infringe one or more
10 claims of the '866 Patent, including, but not limited to, Claim 1.

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

13 29. Unless enjoined by this Court, Defendants will continue to infringe
14 the '866 Patent.

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

PRAYER FOR RELIEF

19
20 WHEREFORE, Plaintiff prays for relief against Defendants as follows:

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

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

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

4 D. A finding that each Defendant’s infringement has been willful;

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

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

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

9 H. An award of interest and costs; and

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

11 **DEMAND FOR TRIAL BY JURY**

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

14
15 Respectfully submitted,

16 DATED: September 9, 2015

COTMAN IP LAW GROUP, PLC

s/ Rasheed M. McWilliams

18 By: _____

19 Rasheed M. McWilliams

20 Obi I. Iloputaife

COTMAN IP LAW GROUP, PLC

21 One Colorado | 35 Hugus Alley, Suite 210

22 Pasadena Ca, 91103

23 Telephone: (626) 405-1413

24 Facsimile: (626) 316-7577

25 Attorneys for Plaintiff

26 USB Technologies, LLC