

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

SOMALTUS LLC

Plaintiff,

vs.

APPLE INC.

Defendant.

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Case No:

**PATENT CASE**

**COMPLAINT**

Plaintiff Somaltus LLC (“Plaintiff” or “Somaltus”) files this Complaint against Apple Inc. (“Defendant” or “Apple”) for infringement of United States Patent No. 7,657,386 (hereinafter “the ‘386 Patent”).

**PARTIES AND JURISDICTION**

1. This is an action for patent infringement under Title 35 of the United States Code. Plaintiff is seeking injunctive relief as well as damages.

2. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 (Federal Question) and 1338(a) (Patents) because this is a civil action for patent infringement arising under the United States patent statutes.

3. Plaintiff is a Texas limited liability company with its principal office located at 2591 Dallas Parkway, Suite 300, Frisco, Texas 75034.

4. Upon information and belief, Defendant is a California corporation, with its principal place of business at 1 Infinite Loop, M/S 38-3TX, Cupertino, California 95014

5. This Court has personal jurisdiction over Defendant because Defendant has

committed, and continues to commit, acts of infringement in the state of Texas, has conducted business in the state of Texas, and/or has engaged in continuous and systematic activities in the state of Texas. Upon information and belief, Defendant's instrumentalities that are alleged herein to infringe were and continue to be used, imported, offered for sale, and/or sold in the Eastern District of Texas.

**VENUE**

6. Venue is proper in the Eastern District of Texas pursuant to 28 U.S.C. §§ 1391(c) and 1400(b) because Defendant is deemed to reside in this district. In addition, and in the alternative, Defendant has committed acts of infringement in this District.

**COUNT I**  
**(INFRINGEMENT OF UNITED STATES PATENT NO. 7,657,386)**

7. Plaintiff incorporates paragraphs 1 through 6 herein by reference.

8. This cause of action arises under the patent laws of the United States and, in particular, under 35 U.S.C. §§ 271, *et seq.*

9. Plaintiff is the owner by assignment of the '386 patent with sole rights to enforce the '386 patent and sue infringers.

10. A copy of the '386 Patent, titled "Integrated Battery Service System," is attached hereto as Exhibit A.

11. The '386 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

12. Upon information and belief, Defendant has infringed and continues to infringe one or more claims, including at least claim 1, of the '386 patent by making, using, importing, selling, and/or offering for sale telephones with a battery service system covered by one or more claims of the '386 patent.

13. Defendant sells, offers to sell, and/or uses telephones including, without limitation, the iPhone 6s (the “Product”), for example, and any similar devices, which infringe at least Claim 1 of the ‘386 Patent.

14. On information and belief, the Product includes a battery service system including a processor (e.g., the A9 chip), which is configured to receive signals from connectors coupled to a battery (e.g., the Product’s rechargeable lithium-ion battery).

15. The Product also includes an input device (e.g., touchscreen) coupled to the processor.

16. The Product also includes a display (e.g., Retina HD display) coupled to the processor.

17. The Product also includes a memory. On information and belief, the memory is configured to store control codes.

18. The Product includes an interface (e.g., USB interface) for communicating with other devices. The interface comprises one or more of a USB port, a serial port, and an IEEE-1394 port (e.g., the interface comprises a USB port).

19. On information and belief, the processor executes the control codes to continually adjust a charge level to the battery. The Product has a charging system according to which the system operates in fast-charge mode until the battery reaches 80% capacity and then adjusts to trickle-charge mode when the capacity exceeds 80%. When the capacity drops below 80%, the system gain adjusts to fast-charge operation. The purpose of the system is to reduce the charging level applied to the battery at high capacity in order to extend the battery lifespan. Thus, the system adjusts the charging level applied to the battery and does so continuously as the battery charge capacity repeatedly exceeds and drops below 80%.

20. Defendant's actions complained of herein will continue unless Defendant is enjoined by this court.

21. Defendant's actions complained of herein are causing irreparable harm and monetary damage to Plaintiff and will continue to do so unless and until Defendant is enjoined and restrained by this Court.

22. Plaintiff is in compliance with 35 U.S.C. § 287.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff asks the Court to:

(a) Enter judgment for Plaintiff on this Complaint on all causes of action asserted herein;

(b) Enter an Order enjoining Defendant, its agents, officers, servants, employees, attorneys, and all persons in active concert or participation with Defendant who receive notice of the order from further infringement of United States Patent No. 7,657,386 (or, in the alternative, awarding Plaintiff a running royalty from the time of judgment going forward);

(c) Award Plaintiff damages resulting from Defendant's infringement in accordance with 35 U.S.C. § 284;

(d) Award Plaintiff pre-judgment and post-judgment interest and costs; and

(e) Award Plaintiff such further relief to which the Court finds Plaintiff entitled under law or equity.

Dated: July 12, 2016

Respectfully submitted,

*/s/Jay Johnson*

**JAY JOHNSON**

State Bar No. 24067322

**D. BRADLEY KIZZIA**

State Bar No. 11547550

**ANTHONY RICCIARDELLI**

State Bar No. 24070493

**KIZZIA JOHNSON, PLLC**

1910 Pacific Ave., Suite 13000

Dallas, Texas 75201

(214) 451-0164

Fax: (214) 451-0165

[jay@kjpllc.com](mailto:jay@kjpllc.com)

[bkizzia@kjpllc.com](mailto:bkizzia@kjpllc.com)

[anthony@kjpllc.com](mailto:anthony@kjpllc.com)

**ATTORNEYS FOR PLAINTIFF**

**EXHIBIT A**