

1 [Rasheed@cotmanip.com](mailto:Rasheed@cotmanip.com)  
 2 Obi I. Iloputaife (CBN 192271)  
 3 Rasheed McWilliams (SBN 281832)  
 4 [obi@cotmanip.com](mailto:obi@cotmanip.com)  
 5 COTMAN IP LAW GROUP, PLC  
 6 35 Hugus Alley, Suite 210  
 7 Pasadena, CA 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. 2:16-cv-05259
14	limited liability corporation,	)	
15		)	<b>COMPLAINT FOR PATENT</b>
16	Plaintiff,	)	<b>INFRINGEMENT AND</b>
17		)	<b>PERMANENT INJUNCTION</b>
18	v.	)	
19		)	<b>DEMAND FOR JURY TRIAL</b>
20	PNY Technologies Inc., a Delaware	)	
21	corporation, and P.N.Y. Electronics, Inc.,	)	
22	a New Jersey corporation,	)	
23		)	
24	Defendant.	)	
25		)	

1 Plaintiff USB Technologies, LLC, (“USB Technologies”), by and through its  
2 undersigned counsel, for its Complaint against Defendants PNY Technologies Inc.  
3 and P.N.Y. Electronics, Inc., (collectively, “Defendants” or “PNY”) makes the  
4 following allegations. These allegations are made upon information and belief.

5 **NATURE OF THE ACTION**

6 1. This is an action to stop Defendants’ infringement of United States Patent  
7 Number 7,809,866 (“the ‘866 Patent”).

8 **THE PARTIES**

9 2. USB Technologies is a limited liability company organized under the  
10 laws of the State of California and has an office and principal place of business at 35  
11 Hugus Alley, Suite 210, Pasadena, California 91103.

12 3. PNY Technologies Inc., is a corporation organized under the laws of the  
13 State of Delaware having a place of business at 100 Jefferson Road, Parsippany, NJ  
14 07054.

15 4. P.N.Y. Electronics, Inc., is a corporation organized under the laws of the  
16 State of New Jersey having a place of business at 100 Jefferson Road, Parsippany, NJ  
17 07054.

18 **JURISDICTION AND VENUE**

19 5. This patent infringement action arises under the patent laws of the United  
20 States including 35 U.S.C. §§ 271, et seq.

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

23 7. This Court has personal jurisdiction over the Defendants because they  
24 (either directly or through their subsidiaries, divisions, groups or divisions) have  
25 sufficient minimum contacts with the forum as a result of business conducted within  
26 the State of California and this district; and/or specifically over the Defendants (either  
27 directly or through their subsidiaries, divisions, groups or distributors) because of  
28 their infringing conduct within or directed at the State of California and this district.

1 8. Venue is proper in this district pursuant to 28 U.S.C. §1391(b) and  
2 1400(b).

3 **FACTS**

4 9. USB Technologies is the owner, by assignment, the ‘866 Patent,” entitled  
5 “Double interface SD flash memory card,” which was duly and legally issued on  
6 October 5, 2010, by the United States Patent and Trademark Office.

7 10. A copy of U.S. Patent No. 7,809,866 is attached to this Complaint as  
8 Exhibit A.

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

10 12. Claim 1 of the ‘866 Patent discloses a double interface flash memory  
11 card, which has a first transmission interface and a circuit board with a  
12 microprocessor and a plurality of flash memory thereon.

13 13. The double interface flash memory as described in Claim 1 has a first bus  
14 interface circuit especially for a system interface circuit of the flash memory card  
15 being able to perform signal transmission.

16 14. In addition, the double interface flash memory has a second bus interface  
17 circuit for the other information apparatuses, which are different from the flash  
18 memory card, being able to perform signal transmission.

19 15. Furthermore, the double interface flash memory card has an interface  
20 detection and switching circuit, electrically connecting with the first transmission  
21 interface, the first bus interface circuit and the second bus interface circuit for  
22 detecting if there is an initializing signal generated from the system interface circuit  
23 and switching to the first bus interface circuit or the second bus interface circuit  
24 according to the initializing signal being generated or not generated.

25 16. Finally, the microprocessor switches the status thereof to a working  
26 mode and a suitable system interface circuit mode is started according to what type of  
27 the system interface circuit being detected by the interface detection and switching  
28 circuit so that the microprocessor can detect, determine and support a connection

1 action signal automatically; when either the first transmission interface or the second  
2 transmission interface offers the action signal at the transmission end thereof and, in  
3 the meantime, the microprocessor switches the circuit and the related electronic  
4 elements on the circuit board to support data transmission action of the first  
5 transmission interface or the second transmission interface in the flash memories.

6 17. The PNY Duo Link-On-The-Go drives (“ACCUSED PRODUCT(S)”) feature a double interface flash memory as described in Claim 1, namely a USB  
7 interface and lightning interface. The drives also feature a first transmission interface  
8 and a circuit board with a microprocessor and a plurality of flash memory thereon.

9 18. The ACCUSED PRODUCTS are available in 32GB, 64GB and 128GB  
10 variants.

11 19. The ACCUSED PRODUCTS have a second bus interface circuit or the  
12 USB interface which is different from the flash memory card which can perform  
13 signal transmission.

14 20. The ACCUSED PRODUCTS have a second bus interface circuit for the  
15 other information apparatuses, which are different from the flash memory card, being  
16 able to perform signal transmission, namely the lightning interface.

17 21. The ACCUSED PRODUCTS also feature an interface detection and  
18 switching circuit. The interface detection and switching circuit of the ACCUSED  
19 PRODUCT(S), are electrically connected to the first transmission interface, the first  
20 bus interface circuit and the second bus interface circuit. The interface detection and  
21 switching circuit detects if there is an initializing signal from the system interface  
22 circuit, in this case, either the USB interface or the lightning interface. The circuit is  
23 then switched to the first bus interface or second bus interface circuit based on  
24 whether the initializing signal is generated or not generated.

25 22. The ACCUSED PRODUCTS’ microprocessor switches the status based  
26 on whether a USB interface is detected or a lightning interface is detected. This then  
27 allows the microprocessor to detect, determine and support the correct connection  
28

1 signal automatically, with the first transmission interface or the second transmission  
2 interface, namely, the USB interface or the lightning interface. The microprocessor in  
3 turn switches the circuit and the related electronic elements to support data  
4 transmission action using either the first transmission interface or second  
5 transmission interface to the flash memories, namely, either through the USB  
6 interface or the lighting interface.

7 23. At a minimum, the ACCUSED PRODUCTS' have all the elements of at  
8 least Claim 1 of the '866 patent.

9 24. Defendants sell the ACCUSED PRODUCTS to their customers in the  
10 United States, including Best Buy. See Exhibit B.

11 25. Defendants' retailer Best Buy resells the ACCUSED PRODUCTS to  
12 their customers in the United States, including in this district. See Exhibit B.

13 **COUNT I**

14 **CLAIM FOR PATENT INFRINGEMENT**

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

16 26. USB Technologies realleges and incorporates by reference the  
17 allegations of the preceding paragraphs of this Complaint as if fully set forth herein.

18 27. Defendants have sold, offered to sell and imported in the United States  
19 and in this district, products and services that infringe on at least Claim 1 of the  
20 '866 Patent, namely the ACCUSED PRODUCTS.

21 28. On information and belief, Defendants' customers have sold and offered  
22 for sale the ACCUSED PRODUCTS in the United States and in this district.

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

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

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for relief against Defendants as follows:

1. In favor of Plaintiff that Defendants have infringed the ‘866 Patent;
2. Requiring Defendants to pay Plaintiff its damages, costs, expenses, and pre-judgment and post-judgment interest for Defendants’ infringement of the ‘866 Patent as provided under 35 U.S.C § 284; but not less than a reasonable royalty; and
3. For such other and further relief as may be just and equitable.

**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 15, 2016

**COTMAN IP LAW GROUP, PLC**

*s/Rasheed M. McWilliams*

By: \_\_\_\_\_

Rasheed M. McWilliams  
Obi I. Iloputaife  
COTMAN IP LAW GROUP, PLC  
35 Hugus Alley, Suite 210  
Pasadena, CA 91103  
(626) 405-1413/FAX: (626) 316-7577  
*Attorneys for Plaintiff*  
*USB Technologies, LLC*