



1 Plaintiff USB Technologies, LLC, (“USB Technologies”), by and through its  
2 undersigned counsel, for its Complaint against Defendant Gigastone America Corp.  
3 (“GIGASTONE”) makes the following allegations. These allegations are made upon  
4 information and belief.

5 **NATURE OF THE ACTION**

6 1. This is an action to stop Defendant’s 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 laws  
10 of the State of California and has an office and principal place of business at 35 Hugus  
11 Alley, Suite 210, Pasadena, California 91103.

12 3. GIGASTONE is a corporation organized under the laws of the State of  
13 California having a place of business at 15770 Laguna Canyon Road, Suite 100, Irvine,  
14 CA 92618.

15 **JURISDICTION AND VENUE**

16 4. This patent infringement action arises under the patent laws of the United  
17 States including 35 U.S.C. §§ 271, et seq.

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

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

26 7. Venue is proper in this district pursuant to 28 U.S.C. §1391(b) and  
27 1400(b).

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**FACTS**

1  
2 8. USB Technologies is the owner, by assignment, the ‘866 Patent,” entitled  
3 “Double interface SD flash memory card,” which was duly and legally issued on  
4 October 5, 2010, by the United States Patent and Trademark Office.

5 9. A copy of U.S. Patent No. 7,809,866 is attached to this Complaint as  
6 Exhibit A.

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

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

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

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

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

23 15. Finally, the microprocessor switches the status thereof to a working  
24 mode and a suitable system interface circuit mode is started according to what type of  
25 the system interface circuit being detected by the interface detection and switching  
26 circuit so that the microprocessor can detect, determine and support a connection  
27 action signal automatically; when either the first transmission interface or the second  
28 transmission interface offers the action signal at the transmission end thereof and, in

1 the meantime, the microprocessor switches the circuit and the related electronic  
2 elements on the circuit board to support data transmission action of the first  
3 transmission interface or the second transmission interface in the flash memories.

4 16. The Gigastone PhotoFast Max drives, namely the Gigastone Max 2.0,  
5 Gigastone Max 64 and Gigastone Max 128 (“ACCUSED PRODUCT(S)”) feature a  
6 double interface flash memory as described in Claim 1, namely a USB interface and  
7 lightning interface. The drives also feature a first transmission interface and a circuit  
8 board with a microprocessor and a plurality of flash memory thereon.

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

11 18. 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 19. 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 20. 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 21. 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 signal automatically, with the first transmission interface or the second transmission

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

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

8 23. Defendant GIGASTONE sells the ACCUSED PRODUCTS to its  
9 customers in the United States, including B&H Photo-Video-Audio and Fry's  
10 Electronics. See Exhibit B.

11 24. Defendant GIGASTONE's customer, Fry's Electronics, sell the  
12 ACCUSED PRODUCTS to their customers in the United States, including in this  
13 district. See Exhibit B.

14 **COUNT I**

15 **CLAIM FOR PATENT INFRINGEMENT**

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

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

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

22 27. On information and belief, Defendant's customers have sold and offered  
23 for sale the ACCUSED PRODUCTS in the United States and in this district.

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

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

3 **PRAYER FOR RELIEF**

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

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

10 **DEMAND FOR TRIAL BY JURY**

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

13 Respectfully submitted,

14  
15 DATED: July 15, 2016

**COTMAN IP LAW GROUP, PLC**

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