

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DEREK CASARI,)	
)	
Plaintiff,)	Civil Action No. 17-cv-
)	
v.)	
)	
)	JURY TRIAL DEMANDED
QUAIL ELECTRONICS, INC.,)	
)	
Defendant.)	

COMPLAINT FOR PATENT INFRINGEMENT

Derek Casari (“Casari” or “Plaintiff”), by its undersigned counsel, respectfully sets forth its Complaint against Defendant Quail Electronics, Inc. (“Quail Electronics, Inc.” or “Defendant”) stating as follows:

THE PARTIES

1. Plaintiff Derek Casari (“Plaintiff” or “Mr. Casari”) is an individual who resides in California. Mr. Casari is the inventor of the invention set forth in U.S. Patent No. 6,217,390 B1.
2. Defendant Quail Electronics, Inc. (“Defendant”) is a California corporation with its place of business at 2171 Research Drive, Livermore, CA 94550.

JURISDICTION AND VENUE

3. This Complaint alleges patent infringement under 35 U.S.C. § 271.
4. This Court has subject matter jurisdiction for patent claims pursuant to 28 U.S.C. §§ 1331 and 1338.
5. The Court has personal jurisdiction over Defendant because Defendant has established minimum contacts with this forum by purposely availing itself of the laws and

benefits of the forum, and the exercise of jurisdiction over the Defendant would not offend traditional notions of fair play and substantial justice. On information and belief, Defendant has voluntarily conducted business in this judicial district.

6. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391 (b) and (c) and/or 1400, because Defendant is subject to personal jurisdiction in this judicial district.

FACTUAL ALLEGATIONS

7. Mr. Casari is the owner of United States Patent No. 6,217,390 B1 (the “’390 Patent”), entitled “AC Adaptor for Computer,” and issued on April 17, 2001. A true and correct copy of the ’390 Patent is attached hereto as Exhibit “A.”

8. Claim 1 of the ’390 Patent, the only claim of the patent, is addressed to an AC adapter and claims:

An AC adapter for a computer, comprising:

a single rigid housing with a concave end and a flat end;

a tubular shroud at said concave end of said housing;

three male prongs attached to said concave end of said housing and fully recessed within said tubular shroud;

wherein all of said male prongs have identical rectangular cross-sections;
wherein said concave end of said housing is adapted to be plugged into a conventional IEC power port on a conventional computer;

three female sockets at said flat end of said housing; and

three conductors connected between said male prongs and said female sockets to provide a straight-through connection;

wherein said female sockets are adapted to receive a conventional AC power plug from an electrical device, so that said AC adapter is adapted to connect said conventional AC power plug to said International Electrotechnical Commission (IEC) power port on said computer for powering said electrical device through said computer.

9. Defendant Quail has and is currently offering for sale, selling and/or importing into the United States several IEC-60320-C14 3 Prong Plug to NEMA 5-15R adaptors identified by Quail as Item ## 0507.B, 0503.B and 0504.B and which are described as a device that “adapts the standard IEC-60320-C14 Plug into the NEMA 5-15R Receptacle” (the “Quail Adapters”). See Quail website pages attached hereto as Exhibit “B.” Quail will continue to offer to, sell and import such adaptors unless enjoined by this Court.

10. Defendant Quail was on notice of a patent infringement allegation by Mr. Casari in respect to the '390 Patent as early as October 24, 2013, when legal counsel for Mr. Casari notified Gregory W. Ruppert, President of Quail, of the '390 Patent. Notice of patent infringement was again provided to Defendant Quail by letter dated May 15, 2015.

11. Despite the May 13, 2016 notice, Defendant Quail has continued to offer to sell, sell and import its Quail Adapters for use in the United States.

COUNT I

INFRINGEMENT OF THE 6,217,390 B1 PATENT

12. The preceding paragraphs of the Complaint are hereby incorporated by reference as though the same were fully set forth herein.

13. Upon information and belief, Quail's offer for sale, sale and importation of the Quail Adapters constitutes direct infringement of claim 1 of the '390 Patent, literally or under the doctrine of equivalents, and violates 35 U.S.C. §271(a).

14. More specifically, and upon information and belief, the Quail Adapters include the elements of Claim 1 of the '390 Patent (or equivalents thereto). In particular, the Quail Adapters provide an adaptor comprising:

a single rigid housing with a concave end and a flat end;

a tubular shroud at said concave end of said housing;

three male prongs attached to said concave end of said housing and fully recessed within said tubular shroud;

wherein all of said male prongs have identical rectangular cross-sections;

wherein said concave end of said housing is adapted to be plugged into a conventional IEC power port on a conventional computer;

three female sockets at said flat end of said housing; and

three conductors connected between said male prongs and said female sockets to provide a straight-through connection;

wherein said female sockets are adapted to receive a conventional AC power plug from an electrical device, so that said AC adapter is adapted to connect said conventional AC power plug to said International Electrotechnical Commission (IEC) power port on said computer for powering said electrical device through said computer.

15. Upon information and belief, Defendant's making, offer for sale and/or sale of the Quail Adapters, with instructions to use claim 1 of the '390 Patent induces infringement of the '390 Patent under 35 U.S.C. §271(b).

16. When Defendant Quail has imported and sold the Quail Adapters and/or offered them for sale, Quail was and is aware of the '390 Patent and has known that use of Quail Adapters by users in the United States has and will constitute direct infringement of the '390 Patent.

17. Upon information and belief, Quail's importation, offer for sale and/or sale of Quail Adapters, with instructions to use the claimed adaptor in claim 1 of the '390 Patent, are acts of contributory infringement of the '390 Patent under 35 U.S.C. §271(c).

18. Defendant Quail has imported, provided and sold the Quail Adapters and/or offered them for sale to users in the United States intending that the Quail Adapters would be used in the United States. Defendant Quail also has known that that use of the Quail Adapters by users in the United States has and will constitute direct infringement of the '390 Patent.

19. By reason of the foregoing, Mr. Casari has been damaged and will continue to be damaged in an amount yet to be determined, and has suffered and will continue to suffer irreparable loss and harm.

20. The activities of Defendant Quail complained of herein constitute willful and intentional infringement of the '390 Patent, are in total disregard of the rights of Mr. Casari, and were commenced and have continued in spite of Quail's knowledge that the manufacture, use, sale, and offer for sale of the Quail Adapters were and are in the direct contravention of the rights of Mr. Casari.

21. This action, therefore is "exceptional" within the meaning of 35 U.S.C. § 285.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests that this court grant it equitable and other relief, and enter judgment that:

- a. Quail is preliminarily and permanently enjoined from directly infringing the '390 Patent pursuant to 35 U.S.C. § 283, by sale and use of the Quail Adapters or any similar device;
- b. Quail is liable to Plaintiff for its direct, induced and contributory infringement and ordered to pay damages pursuant to 35 U.S.C. § 284 as a result of infringement of Plaintiff's '390 Patent, and all damages suffered by Plaintiff as a result of the infringement;

- c. This case is exceptional under 35 U.S.C. § 285;
- d. Plaintiff is entitled to a full accounting for and an award of damages for Quail's infringement of the '390 Patent, including pre- and post-judgment interest;
- e. Plaintiff is awarded its attorneys' fees, expenses and costs pursuant to 35 U.S.C. § 284; and
- f. Plaintiff is awarded such further relief as the court may deem appropriate.

A JURY TRIAL IS DEMANDED

Date: March 3, 2017

Respectfully submitted,

MEYER, UNKOVIC & SCOTT LLP

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