

1 Obi Iloputaife (SBN 192271)
2 obi@cotmanip.com
3 Jayson Sohi (SBN 293176)
4 jayson@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 USB Technologies, LLC*

10
11 **UNITED STATES DISTRICT COURT**
12
13 **NORTHERN DISTRICT OF CALIFORNIA**
14

15 USB Technologies, LLC, a California)
16 limited liability company,)
17)
18 Plaintiff,)
19)
20 v.)
21)
22)
23 SunvalleyTek International, Inc., a)
24 California Corporation, and Hootoo.com,)
25 Inc., a California Corporation,)
26)
27 Defendants.)
28)

Case No. 3:17-cv-03869
**COMPLAINT FOR PATENT
INFRINGEMENT AND
PERMANENT INJUNCTION**
DEMAND FOR JURY TRIAL

1 Plaintiff USB Technologies, LLC, ("USB Technologies"), by and through its
2 undersigned counsel, for its Complaint against Defendants SunvalleyTek
3 International, Inc. ("SunvalleyTek") and Hootoo.com, Inc. ("Hootoo") (jointly
4 "Defendants"), makes the following allegations.

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"). A copy of the '866 Patent is attached to this
8 Complaint as **Exhibit A**.

9 **THE PARTIES**

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

13 3. Upon information and belief, SunvalleyTek International, Inc., is a
14 corporation organized under the laws of the State of California having an office and its
15 registered principal place of business at 46724 Lakeview Blvd., Fremont, California,
16 94538.

17 4. Upon information and belief, Hootoo.com, Inc. is a corporation
18 organized under the laws of the State of California having an office and its registered
19 principal place of business at 2880 Zanker Road, Suite 203, San Jose, California
20 95134.

21 5. Upon information and belief, SunvalleyTek oversees the design,
22 manufacture, importation, offers for sale, and sale in the United States for all products
23 associated with the "HooToo" and "RAVPower" brands. A screenshot of
24 SunvalleyTek's webpage for the "HooToo" brand is attached hereto as **Exhibit B**, and
25 a screenshot of SunvalleyTek's webpage for the "RAVPower" brand is attached hereto
26 as **Exhibit C**.

27 6. A screenshot of a LinkedIn webpage created and managed by
28 SunvalleyTek is attached hereto as **Exhibit D**. SunvalleyTek states that "millions of

1 global customers enjoy products from SunvalleyTek's consumer facing brands
2 including: RAVPower, TaoTronics, HooToo, USpicy." (emphasis added).

3 7. A screenshot of an Amazon.com storefront webpage managed by
4 SunvalleyTek is attached hereto as **Exhibit E**, listing "RAVPower" and "HooToo" as
5 "Our Brands."

6 8. Upon information and belief, Hootoo owns the rights to the following
7 registered marks related to the "RAVPower" and "HooToo" brands: Reg. No.
8 4,234,806 to "RAVPOWER" wordmark; Reg. No. 4,242,892 to "HOOTOO" design;
9 Reg. No. 4,699,878 to "HOTOO" design; Reg. No. 4,699,879 to "HOOTOO" design;
10 and Reg. No. 4,776,650 to "RAVPOWER" design.

11 9. Upon information and belief, Hootoo is a subsidiary of SunvalleyTek.

12 JURISDICTION AND VENUE

13 10. This patent infringement action arises under the patent laws of the United
14 States including 35 U.S.C. §§ 271, et seq.

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

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

23 13. Venue is proper in this district pursuant to 28 U.S.C. §1400(b), because
24 Defendants each maintain a registered principal place of business in the district.

25 FACTS

26 14. USB Technologies is the owner, by assignment, of U.S. Patent No.
27 7,809,866 ("the '866 Patent"), entitled "Double interface SD flash memory card,"
28 which was duly and legally issued on October 5, 2010, by the United States Patent

1 and Trademark Office.

2 15. USB Technologies is the sole owner of all rights, titles, and interests in
3 and to the '866 Patent, including the right to assert all causes of action arising from
4 the infringement of the '866 Patent, and the right to all damages, past and present, for
5 any infringement of the '866 Patent.

6 16. The claims of the '866 Patent are valid and enforceable.

7 **COUNT I**

8 **CLAIM FOR PATENT INFRINGEMENT**

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

10 **AGAINST DEFENDANT SUNVALLEYTEK**

11 17. USB Technologies hereby incorporates by reference the allegations of
12 paragraphs 1 through 16 of this Complaint, as if fully set forth herein.

13 18. Claim 1 of the '866 Patent discloses a double interface flash memory
14 card, which has a first transmission interface and a circuit board with a
15 microprocessor and a plurality of flash memory thereon.

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

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

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

28 22. Finally, the microprocessor switches the status thereof to a working

1 mode and a suitable system interface circuit mode is started according to what type of
2 the system interface circuit being detected by the interface detection and switching
3 circuit so that the microprocessor can detect, determine and support a connection
4 action signal automatically; when either the first transmission interface or the second
5 transmission interface offers the action signal at the transmission end thereof and, in
6 the meantime, the microprocessor switches the circuit and the related electronic
7 elements on the circuit board to support data transmission action of the first
8 transmission interface or the second transmission interface in the flash memories.

9 23. Upon information and belief, SunvalleyTek and Hootoo make, made,
10 sell, sold, offer for sale, offered for sale, import, and/or imported into the United
11 States double interface flash memory card products, including without limitation the
12 HT-IM001, HT-IM003, RP-IM004, RP-IM005, and RP-IM007 products
13 (collectively, the "ACCUSED PRODUCTS"). Screenshots of the online product
14 descriptions for each of the ACCUSED PRODUCTS listed above are attached hereto
15 as **Exhibits F-J**.

16 24. Each of the ACCUSED PRODUCTS feature a double interface flash
17 memory as described in Claim 1, namely a USB interface and lightning interface.
18 The ACCUSED PRODUCTS each also feature a first transmission interface and a
19 circuit board with a microprocessor and a plurality of flash memory thereon.
20 Preliminary claim charts are attached hereto as **Exhibits K-O**, generally showing the
21 correlation between each of the ACCUSED PRODUCTS and Claim 1 of the '866
22 Patent.

23 25. Each of the ACCUSED PRODUCTS has a second bus interface circuit or
24 the USB interface which is different from the flash memory card which can perform
25 signal transmission. *See* Exhs. K-O.

26 26. Each of the ACCUSED PRODUCTS has a second bus interface circuit
27 for the other information apparatuses, which are different from the flash memory
28 card, being able to perform signal transmission, namely the lightning interface. *See*

1 Exhs. K-O.

2 27. Each of the ACCUSED PRODUCTS also features an interface detection
3 and switching circuit. The interface detection and switching circuit of each
4 ACCUSED PRODUCT, are electrically connected to the first transmission interface,
5 the first bus interface circuit and the second bus interface circuit. The interface
6 detection and switching circuit detects if there is an initializing signal from the
7 system interface circuit, in this case, either the USB interface or the lightning
8 interface. The circuit is then switched to the first bus interface or second bus interface
9 circuit based on whether the initializing signal is generated or not generated. *See*
10 Exhs. K-O.

11 28. Upon information and belief, each of the ACCUSED PRODUCT'S'
12 microprocessor switches the status based on whether a USB interface is detected or a
13 lightning interface is detected. This then allows the microprocessor to detect,
14 determine and support the correct connection signal automatically, with the first
15 transmission interface or the second transmission interface, namely, the USB
16 interface or the lightning interface. The microprocessor in turn switches the circuit
17 and the related electronic elements to support data transmission action using either
18 the first transmission interface or second transmission interface to the flash
19 memories, namely, either through the USB interface or the lighting interface. *See*
20 Exhs K-O.

21 29. Each one of the functionalities itemized in paragraphs 24-28 above is an
22 element in Claim 1 of the '866 Patent. *See* Exhs. K-O.

23 30. Thus, each of the ACCUSED PRODUCTS infringes at least Claim 1 of
24 the '866 Patent.

25 31. Upon information and belief, SunvalleyTek imports, sells, and offers to
26 sell the ACCUSED PRODUCTS in the United States to at least one online retailer:
27 Amazon.com. The product descriptions for each ACCUSED PRODUCT (Exhs. F-J)
28 each exhibit a link to purchase each ACCUSED PRODUCT from an Amazon.com

1 webpage, each of which is accessible through SunvalleyTek's Amazon.com storefront
2 (Exh. E).

3 32. Upon information and belief, SunvalleyTek imported and offered to sell
4 the ACCUSED PRODUCTS in this district.

5 33. As a direct and proximate result of SunvalleyTek's infringement of the
6 '866 Patent, USB Technologies has been and will continue to be damaged in an
7 amount yet to be determined, including but not limited to USB Technologies' lost
8 profits and/or reasonable royalties.

9 **COUNT II**

10 **CLAIM FOR PATENT INFRINGEMENT**

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

12 **AGAINST DEFENDANT HOOTOO**

13 34. USB Technologies hereby incorporates by reference the allegations of
14 paragraphs 1 through 33 of this Complaint, as if fully set forth herein.

15 35. Claim 1 of the '866 Patent discloses a double interface flash memory
16 card, which has a first transmission interface and a circuit board with a microprocessor
17 and a plurality of flash memory thereon.

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

21 37. In addition, the double interface flash memory has a second bus interface
22 circuit for the other information apparatuses, which are different from the flash
23 memory card, being able to perform signal transmission.

24 38. Furthermore, the double interface flash memory card has an interface
25 detection and switching circuit, electrically connecting with the first transmission
26 interface, the first bus interface circuit and the second bus interface circuit for
27 detecting if there is an initializing signal generated from the system interface circuit
28 and switching to the first bus interface circuit or the second bus interface circuit

1 according to the initializing signal being generated or not generated.

2 39. Finally, the microprocessor switches the status thereof to a working
3 mode and a suitable system interface circuit mode is started according to what type of
4 the system interface circuit being detected by the interface detection and switching
5 circuit so that the microprocessor can detect, determine and support a connection
6 action signal automatically; when either the first transmission interface or the second
7 transmission interface offers the action signal at the transmission end thereof and, in
8 the meantime, the microprocessor switches the circuit and the related electronic
9 elements on the circuit board to support data transmission action of the first
10 transmission interface or the second transmission interface in the flash memories.

11 40. Upon information and belief, Hootoo offers for sale and/or offered for
12 sale in the United States double interface flash memory card products, including
13 without limitation the HT-IM001 and HT-IM003 products (collectively, the
14 "HOOTOO ACCUSED PRODUCTS"). Screenshots of the online product
15 descriptions for each of the ACCUSED PRODUCTS listed above are attached hereto
16 as **Exhibits F-G**.

17 41. Each of the HOOTOO ACCUSED PRODUCTS feature a double
18 interface flash memory as described in Claim 1, namely a USB interface and lightning
19 interface. The HOOTOO ACCUSED PRODUCTS each also feature a first
20 transmission interface and a circuit board with a microprocessor and a plurality of
21 flash memory thereon. Preliminary claim charts are attached hereto as **Exhibits K-L**,
22 generally showing the correlation between each of the HOOTOO ACCUSED
23 PRODUCTS and Claim 1 of the '866 Patent.

24 42. Each of the HOOTOO ACCUSED PRODUCTS has a second bus
25 interface circuit or the USB interface which is different from the flash memory card
26 which can perform signal transmission. *See* Exhs. K-L.

27 43. Each of the HOOTOO ACCUSED PRODUCTS has a second bus
28 interface circuit for the other information apparatuses, which are different from the

1 flash memory card, being able to perform signal transmission, namely the lightning
2 interface. *See* Exhs. K-L.

3 44. Each of the HOOTOO ACCUSED PRODUCTS also features an
4 interface detection and switching circuit. The interface detection and switching circuit
5 of each HOOTOO ACCUSED PRODUCT, are electrically connected to the first
6 transmission interface, the first bus interface circuit and the second bus interface
7 circuit. The interface detection and switching circuit detects if there is an initializing
8 signal from the system interface circuit, in this case, either the USB interface or the
9 lightning interface. The circuit is then switched to the first bus interface or second bus
10 interface circuit based on whether the initializing signal is generated or not generated.
11 *See* Exhs. K-L.

12 45. Each of the HOOTOO ACCUSED PRODUCT'S' microprocessor
13 switches the status based on whether a USB interface is detected or a lightning
14 interface is detected. This then allows the microprocessor to detect, determine and
15 support the correct connection signal automatically, with the first transmission
16 interface or the second transmission interface, namely, the USB interface or the
17 lightning interface. The microprocessor in turn switches the circuit and the related
18 electronic elements to support data transmission action using either the first
19 transmission interface or second transmission interface to the flash memories, namely,
20 either through the USB interface or the lighting interface. *See* Exhs. K-L.

21 46. Each one of the functionalities itemized in paragraphs 42-46 above is an
22 element in Claim 1 of the '866 Patent. *See* Exhs. K-L.

23 47. Thus, each of the HOOTOO ACCUSED PRODUCTS infringes at least
24 Claim 1 of the '866 Patent.

25 48. Upon information and belief, Hootoo offers to sell the HOOTOO
26 ACCUSED PRODUCTS in the United States to at least one online retailer:
27 Amazon.com. The product descriptions for each "HooToo" branded HOOTOO
28 ACCUSED PRODUCT (Exhs. F-G) each exhibit a link to purchase each HOOTOO

1 ACCUSED PRODUCT through Hootoo's Amazon.com storefront, a screenshot of
2 which is attached hereto as **Exhibit P**.

3 49. Upon information and belief, Hootoo imported and offered to sell the
4 HOOTOO ACCUSED PRODUCTS in this district.

5 50. As a direct and proximate result of Hootoo's infringement of the '866
6 Patent, USB Technologies has been and will continue to be damaged in an amount yet
7 to be determined, including but not limited to USB Technologies' lost profits and/or
8 reasonable royalties.

9
10 **PRAYER FOR RELIEF**

11 WHEREFORE, Plaintiff USB Technologies prays for relief against Defendants
12 SunvalleyTek and Hootoo as follows:

13 **A.** In favor of USB Technologies that SunvalleyTek infringed at least Claim
14 1 of the '866 Patent, either literally or under the doctrine of equivalents;

15 **B.** Requiring SunvalleyTek to pay USB Technologies its damages, costs,
16 expenses, and pre-judgment and post-judgment interest for its infringement of the
17 '866 Patent as provided under 35 U.S.C § 284; but not less than a reasonable
18 royalty;

19 **C.** In favor of USB Technologies that Hootoo infringed at least Claim 1 of
20 the '866 Patent, either literally or under the doctrine of equivalents;

21 **D.** Requiring Hootoo to pay USB Technologies its damages, costs,
22 expenses, and pre-judgment and post-judgment interest for its infringement of the
23 '866 Patent as provided under 35 U.S.C § 284; but not less than a reasonable
24 royalty; and

25 **E.** For such other and further relief as may be just and equitable.

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28 ///

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 7, 2017

By: /s/Jayson S. Sohi

Jayson S. Sohi
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

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