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8 **UNITED STATES DISTRICT COURT**

9 **CENTRAL DISTRICT OF CALIFORNIA**

12	USB Technologies, LLC, a California)	Case No. 2:17-cv-05023
13	limited liability company,)	
14	Plaintiff,)	COMPLAINT FOR PATENT
15	v.)	INFRINGEMENT AND
16)	PERMANENT INJUNCTION
17	ADATA Technology (U.S.A.) Co., Ltd., a)	
18	California Corporation,)	
19	Defendant.)	DEMAND FOR JURY TRIAL
20)	

1 Plaintiff USB Technologies, LLC, ("USB Technologies"), by and through its
2 undersigned counsel, for its Complaint against Defendant ADATA Technology
3 (U.S.A.) Co., Ltd. ("ADATA" or "Defendant") makes the following allegations.

4 **NATURE OF THE ACTION**

5 1. This is an action to stop Defendant's infringement of United States Patent
6 Number 7,809,866 ("the '866 Patent"). A copy of the '866 Patent is attached to this
7 Complaint as **Exhibit A**.

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. Upon information and belief, ADATA Technology (U.S.A.) Co., Ltd., is
13 a corporation organized under the laws of the State of California having an office and
14 its principal place of business at 880 Columbia Street, Brea, California 92821.

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. §1400(b), because
27 ADATA maintains a registered principal place of business in the district.

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1 **FACTS**

2 8. USB Technologies is the owner, by assignment, of U.S. Patent No.
3 7,809,866 ("the '866 Patent"), entitled "Double Interface SD Flash Memory Card,"
4 which was duly and legally issued on October 5, 2010, by the United States Patent
5 and Trademark Office.

6 9. USB Technologies is the sole owner of all rights, titles, and interests in
7 and to the '866 Patent, including the right to assert all causes of action arising from
8 the infringement of the '866 Patent, and the right to all damages, past and present, for
9 any infringement of the '866 Patent.

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

11 **COUNT I**

12 **CLAIM FOR PATENT INFRINGEMENT**

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

14 **AGAINST DEFENDANT ADATA**

15 11. USB Technologies hereby incorporates by reference the allegations of
16 paragraphs 1 through 10 of this Complaint, as if fully set forth herein.

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

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

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

26 15. Furthermore, the double interface flash memory card has an interface
27 detection and switching circuit, electrically connecting with the first transmission
28 interface, the first bus interface circuit and the second bus interface circuit for

1 detecting if there is an initializing signal generated from the system interface circuit
2 and switching to the first bus interface circuit or the second bus interface circuit
3 according to the initializing signal being generated or not generated.

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

13 17. Upon information and belief, ADATA makes, made, sells, sold, offers
14 for sale, offered for sale, imports, and/or imported into the United States double
15 interface flash memory card, including without limitation the UE710 products
16 ("ACCUSED PRODUCTS"). Screenshots of the ADATA UE710 online product
17 description and specification are attached hereto as **Exhibit B**.

18 18. The ACCUSED PRODUCTS are available in 32GB, 64GB and 128GB
19 variants. A screenshot of an Amazon.com web storefront page managed by ADATA
20 is attached hereto as **Exhibit C**, showing the three available variants of the
21 ACCUSED PRODUCT.

22 19. The ACCUSED PRODUCTS feature a double interface flash memory as
23 described in Claim 1, namely a USB interface and lightning interface. The drives
24 also feature a first transmission interface and a circuit board with a microprocessor
25 and a plurality of flash memory thereon. A preliminary claim chart is attached hereto
26 as **Exhibit D**, generally showing the correlation between the ACCUSED
27 PRODUCTS and Claim 1 of the '866 Patent.

28 20. The ACCUSED PRODUCTS have a second bus interface circuit or the

1 USB interface which is different from the flash memory card which can perform
2 signal transmission. *See* Exh. D.

3 21. The ACCUSED PRODUCTS have a second bus interface circuit for the
4 other information apparatuses, which are different from the flash memory card, being
5 able to perform signal transmission, namely the lightning interface. *See* Exh. D.

6 22. The ACCUSED PRODUCTS also feature an interface detection and
7 switching circuit. The interface detection and switching circuit of the ACCUSED
8 PRODUCTS is electrically connected to the first transmission interface, the first bus
9 interface circuit and the second bus interface circuit. The interface detection and
10 switching circuit detects if there is an initializing signal from the system interface
11 circuit, in this case, either the USB interface or the lightning interface. The circuit is
12 then switched to the first bus interface or second bus interface circuit based on
13 whether the initializing signal is generated or not generated. *See* Exh. D.

14 23. The ACCUSED PRODUCTS' microprocessor switches the status based
15 on whether a USB interface is detected or a lightning interface is detected. This then
16 allows the microprocessor to detect, determine and support the correct connection
17 signal automatically, with the first transmission interface or the second transmission
18 interface, namely, the USB interface or the lightning interface. The microprocessor in
19 turn switches the circuit and the related electronic elements to support data
20 transmission action using either the first transmission interface or second
21 transmission interface to the flash memories, namely, either through the USB
22 interface or the lightning interface. *See* Exh. D.

23 24. Each one of the functionalities itemized in paragraphs 19-23 above is an
24 element in Claim 1 of the '866 Patent. *See* Exh. D.

25 25. Thus, the ACCUSED PRODUCT infringes at least Claim 1 of the '866
26 Patent.

27 26. Upon information and belief, ADATA sells the ACCUSED PRODUCTS
28 in the United States to customers having online storefronts, including without

1 limitation: www.amazon.com; www.newegg.com; www.frys.com;
2 www.walmart.com; www.microcenter.com; and www.rakuten.com. A screenshot of
3 ADATA's "Where To Buy" page for the ACCUSED PRODUCTS is attached hereto
4 as **Exhibit E**, highlighting ADATA's affiliation and/or partnership with various
5 online retail entities.

6 27. Upon information and belief, ADATA's online retailer customers sell the
7 ACCUSED PRODUCTS to their customers in the United States, including in this
8 district. *See* Exh. B.

9 28. Upon information and belief, ADATA has sold, offered to sell and
10 imported in the United States and in this district, products and services that infringe
11 on at least Claim 1 of the '866 Patent, namely the ACCUSED PRODUCTS.

12 29. Upon information and belief, ADATA's customers have sold and offered
13 for sale the ACCUSED PRODUCTS in the United States and in this district.

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

18 **PRAYER FOR RELIEF**

19 WHEREFORE, USB Technologies prays for relief against ADATA as follows:

20 **A.** In favor of Plaintiff that Defendant infringed one or more claims of the
21 '866 Patent, either literally or under the doctrine of equivalents;

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

26 **C.** For such other and further relief as may be just and equitable.

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2 **DEMAND FOR TRIAL BY JURY**

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

5 Respectfully submitted,

6
7 DATED: July 7, 2017

By: /s/Jayson S. Sohi

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