

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNIVERSAL TRANSDATA, LLC,

Plaintiff,

v.

ANKER INNOVATIONS LIMITED and
ANKER INNOVATIONS TECHNOLOGY
CO., LIMITED,

Defendants.

CIVIL ACTION FILE

NO. _____

Jury Trial Demanded

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff UNIVERSAL TRANSDATA, LLC. (“Universal” or “Plaintiff”) files this Complaint for Patent Infringement against Defendants ANKER INNOVATIONS LIMITED and ANKER INNOVATIONS TECHNOLOGY CO. LTD. and (collectively, “Anker” or “Defendants”), and states as follows:

THE PARTIES

1. Plaintiff is a limited liability company organized and existing under the laws of the State of Georgia, having its principal office at 3930 E. Jones Bridge Road, Suite 140, Peachtree Corners, GA 30092.

2. Upon information and belief, Defendant ANKER INNOVATIONS LIMITED is a company organized under the laws of Hong Kong having a principal place of business at Rm 1318-19, Hollywood Commercial Center, 610 Nathan Road, Mongkok Kowloon, Hong Kong SAR, People's Republic of China.

3. Upon information and belief, Defendant ANKER INNOVATIONS TECHNOLOGY CO. LTD. is a company organized under the laws of Hong Kong having a principal place of business at Rm 1318-19, Hollywood Commercial Center, 610 Nathan Road, Mongkok Kowloon, Hong Kong SAR, People's Republic of China.

4. Upon information and belief, Defendant Anker Innovations Technology Co. Ltd. is the corporate parent of Defendant Anker Innovations Limited.

JURISDICTION AND VENUE

5. This action arises under the Patent Laws of the United States, 35 U.S.C. § 1 et seq., including, without limitation, 35 U.S.C. §§ 271, 281, 284, and 285. As a result, this Court has subject matter jurisdiction over this case pursuant to 28 U.S.C. §§ 1331 and 1338(a).

6. This Court has personal jurisdiction over Defendants on the grounds that Defendants have minimum contacts with the State of Georgia, and Defendants

have purposefully availed themselves of the privileges of conducting business in the State of Georgia, including through the sale and offer for sale of the Accused Products throughout the State of Georgia and this judicial district at least through the national website www.amazon.com. On information and belief, the Accused Products have been sold in the State of Georgia and in this judicial district.

7. Further, this Court has personal jurisdiction because Defendants have placed Accused Products into the stream of commerce; knew or should have known that Accused Products would have ended up in and been sold in Georgia; and Defendants' conduct and connections with the State of Georgia, including through the sale and offer for sale of the Accused Products, are such that it could reasonably foresee being haled into court within the State of Georgia and this judicial district.

8. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b) and (c) on the grounds that Defendants reside in this judicial district for purposes of § 1391 because they are subject to this Court's personal jurisdiction with respect to this action. Venue is also proper in this judicial district on the grounds that a substantial part of the events giving rise to the claim presented in this action

occurred in the State of Georgia, including specifically within this judicial district.

9. Upon information and belief, Defendants, individually and/or collectively, maintain a toll free U.S. telephone number.

10. Upon information and belief, Defendants, individually and/or collectively, maintain an office in the United States.

11. Upon information and belief, Defendants, individually and/or collectively, maintain a storefront on the national website www.amazon.com, accessible throughout the United States and within this judicial district. Upon information and belief, Defendants, individually and/or collectively, are the sole authorized sellers of authentic Anker products (other than Amazon) on the Amazon platform.

FACTUAL BACKGROUND

12. Plaintiff is the owner by assignment of all right, title and interest in and to United States Patent Number 7,028,114, entitled Universal Serial Bus Hub with Wireless Communication to Remote Peripheral Device (“the ’114 Patent”), including the right to sue for all past, present, and future infringement, which assignment was duly recorded in the United States Patent and Trademark Office (“USPTO”).

13. A true and correct copy of the '114 Patent is attached hereto as Exhibit A.

14. The application that became the '114 Patent was filed on August 4, 2000, and assigned U.S. patent application number 09/632,466 (“the '466 Application”).

15. The '114 Patent issued on April 11, 2006, after full and fair examination by the United States Patent Office.

16. The '114 Patent is valid and enforceable.

17. The term of the '114 Patent extends through May 24, 2021.

18. The '114 Patent is directed to “a USB hub with capability to communicate with a plurality of remote wireless peripheral devices without the need to physically connect the peripheral devices to the hub via a cable connection.”

19. The invention of the '114 Patent provides the further advantage of a simple hardware design due to the capability of communicating with multiple remote peripheral devices through a single radio-frequency receiver located on the USB hub.

20. Claim 1 of the '114 Patent claims:

1. A wireless system for operating a computer having a USB port comprising:

a remote wireless peripheral device having a circuit for generating device information causing associated operations to be performed by the computer and an RF transmitter connected to said circuit for transmitting a wireless signal including said device information, said circuit and said RF transmitter being integral to said peripheral device, said RF transmitter being the sole means for communicating said device information from said peripheral device, wherein said associated operations are not triggered by wireless telephony and said peripheral device not having any USB communication capability, said peripheral device being one of a keyboard, a mouse and a joystick; and

a Universal Serial Bus (USB) hub including an upstream USB port adapted to be connected to the computer, and a hub controller connected between said data reception circuit and said upstream USB port whereby when said upstream USB port is connected to the USB port of the computer and said peripheral device generates said wireless signal to said data reception circuit, said hub controller converts said wireless signal to a USB data signal and passes said USB data signal to said upstream port for causing the associated operations to be performed by the computer.

21. Claim 2 of the '114 Patent claims:

2. The wireless system according to claim 1 wherein said peripheral device is a keyboard and including a mouse having a circuit for generating device information causing associated operations to be performed by the computer and an RF transmitter connected to said circuit for transmitting a wireless signal including said device information, said circuit and said RF transmitter being integral to said mouse, said RF transmitter being the sole means for communicating said device information from said mouse and said mouse not having any USB

communication capability, wherein said associated operations are not triggered by wireless telephony and said hub having means to distinguish between said keyboard wireless signal and said mouse wireless signal.

22. Claim 3 of the '114 Patent claims:

3. A wireless system for operating a computer having a USB port comprising:

a remote wireless peripheral device having a circuit for generating device information causing associated operations to be performed by the computer and an RF transmitter connected to said circuit for transmitting a wireless signal including said device information, said circuit and said RF transmitter being integral to said peripheral device, said RF transmitter being the sole means for communicating said device information from said peripheral device, wherein said associated operations are not triggered by wireless telephony and said peripheral device not having any USB communication capability; and

a Universal Serial Bus (USB) hub including an upstream USB port adapted to be connected to the computer, and a hub controller connected between said data reception circuit and said upstream USB port whereby when said upstream USB port is connected to the USB port of the computer and said peripheral device generates said wireless signal to said data reception circuit, said hub controller converts said wireless signal to a USB data signal and passes said USB data signal to said upstream port for causing the associated operations to be performed by the computer.

23. Claim 4 of the '114 Patent claims:

4. The wireless system according to claim 3 wherein said data reception circuit further includes an RF receiver for receiving said wireless signal from said peripheral device.

24. Claim 5 of the '114 Patent claims:

5. The wireless system according to claim 4 wherein said data reception circuit further includes a signal discriminator connected between said RF receiver and said hub controller for receiving said wireless signal from said RF receiver and presenting said device information in said wireless signal to said hub controller.

25. Claim 6 of the '114 Patent claims:

6. The wireless system according to claim 5 wherein said hub controller further includes a serial interface engine connected to said signal discriminator for converting said device information into USB format to form said USB data signal.

26. Claim 9 of the '114 Patent claims:

9. A wireless Universal Serial Bus (USB) hub and remote wireless peripheral devices for communication with a computer having a USB port comprising: at least two remote wireless peripheral devices each having a circuit for generating device information related to operations performed by said peripheral device and an RF transmitter connected to said circuit for transmitting a wireless signal including said device information, said circuits and said RF transmitters being integral to said peripheral devices, said RF transmitters being the sole means for communicating said device information from said peripheral devices, wherein said associated operations are not triggered by wireless telephony and said peripheral devices not having any USB

communication capability, said at least two remote peripheral devices including a keyboard and a mouse;

a data reception circuit for receiving said wireless signals from said RF transmitters; an upstream USB port adapted to be connected to the computer;

and a hub controller connected between said data reception circuit and said upstream USB port whereby when said upstream USB port is connected to the USB port of the computer and said peripheral devices generate said wireless signals to said data reception circuit, said hub controller converts each of said wireless signals to a USB data signal and passes said USB data signal to said upstream port for communication of said device information to the computer for controlling operations of the computer.

27. Plaintiff notified Defendant of the '114 Patent and Defendants' infringement of the '114 Patent prior to filing this action, but Defendants have not yet responded.

COUNT I – DIRECT PATENT INFRINGEMENT

28. Plaintiff realleges and incorporates by reference the allegations set forth above, as if set forth verbatim herein.

29. Defendants have directly infringed at least claims 1, 2, 3, 4, 5, 6, and 9 of the '114 patent in violation of 35 U.S.C. § 271(a) by making, importing, using, selling, or offering for sale in the United States products that embody the patented invention, and Defendants will continue to do so unless enjoined by this court.

30. Defendants' infringing products include, without limitation, their Anker 2.4GHz Wireless Keyboard and Mouse Combo product, and other as-yet-unknown products that similarly satisfy each element of each asserted claim (collectively, "Accused Products").

31. The Accused Products satisfy each and every element of each asserted claim of the '114 Patent, as detailed in the preliminary claim chart attached hereto as Exhibit B, and incorporated herein by reference, either literally or under the doctrine of equivalents.

32. Defendants' infringing activities are and have been without authority or license under the '114 Patent.

33. Defendants have had actual knowledge of the '114 Patent and Plaintiff's claims of infringement prior to the filing of this action, at least since receiving pre-suit notice of the '114 Patent from Plaintiff.

34. Defendants' infringement of the '114 Patent has been, and continues to be, willful and deliberate.

35. Plaintiff is entitled to recover from Defendants the damages sustained by Plaintiff as a result of Defendants' infringing acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court, pursuant to 35 U.S.C. § 284.

36. Defendants' past and continuing infringement of the '114 Patent has irreparably harmed, and continues irreparably to harm, Plaintiff.

37. Defendants' infringing activities will continue unless enjoined by this Court pursuant to 35 U.S.C. § 283.

COUNT II – INDUCED PATENT INFRINGEMENT

38. Plaintiff realleges and incorporates by reference the allegations set forth above, as if set forth verbatim herein.

39. Defendants have actively and intentionally, with prior knowledge of the '114 Patent and Plaintiff's claims of infringement, induced the direct infringement by others of at least claims 1, 3, 4, 5, 6, and 7 of the '114 Patent in violation of 35 U.S.C. § 271(b), in making, importing, using, selling, or offering for sale in the United States Accused Products that embody the patented invention as described in Count I, above.

JURY DEMAND

40. Plaintiff hereby demands a trial by jury of all issues so triable pursuant to Fed. R. Civ. P. 38.

PRAYER FOR RELIEF

Plaintiff respectfully requests that the Court find in its favor and against Defendants, and that the Court grant Plaintiff the following relief:

- A. An adjudication that one or more claims of the '114 Patent have been infringed, either literally and/or under the doctrine of equivalents, by Defendants;
- B. A permanent injunction pursuant to 35 U.S.C. § 283, enjoining Defendants from further acts of infringement with respect to the claims of the '114 Patent;
- C. An accounting and an award to Plaintiff of damages adequate to compensate Plaintiff for the Defendants' acts of infringement, together with pre-judgment and post-judgment interest and costs pursuant to 35 U.S.C. § 284;
- D. That Defendants' infringement be found to be willful, and that the Court award enhanced damages pursuant to 35 U.S.C. § 284;
- E. That this Court declare this to be an exceptional case and award Plaintiff its reasonable attorneys' fees and expenses in accordance with 35 U.S.C. § 285; and
- F. Any further relief that this Court deems just and proper.

This 17th day of May, 2018.

KENT & RISLEY LLC

/s/Daniel A. Kent

Daniel A. Kent

dankent@kentrisley.com

Tel: (404) 585-4214

Fax: (404) 829-2412

Stephen R. Risley

steverisley@kentrisley.com

Tel: (404) 585-2101

Fax: (404) 389-9402

KENT & RISLEY LLC

5755 N Point Pkwy Ste 57

Alpharetta, GA 30022

Attorneys for Plaintiff