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Attorneys for Plaintiff

BATTERY CONSERVATAION INNOVATIONS, LLC, a Texas limited liability corporation

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

**BATTERY CONSERVATION
INNOVATIONS, LLC,**

Plaintiff,

v.

INMOTION TECHNOLOGY LLC,

Defendant.

PATENT

Case No. '19CV0794 AJB BGS

**ORIGINAL COMPLAINT FOR
PATENT INFRINGEMENT
AGAINST INMOTION
TECHNOLOGY LLC**

DEMAND FOR JURY TRIAL

Plaintiff Battery Conservation Innovations, Inc. ("Plaintiff" or "BCI") files this complaint against Defendant InMotion Technology LLC ("Defendant" or "InMotion") for infringement of U.S. Patent No. 9,239,158 (hereinafter the "158 Patent") and alleges as follows:

PARTIES

1. Plaintiff is a Texas limited liability company with an office address of 1801 NE 123rd Street, Suite 314, North Miami, Florida 33181.

2. Defendant is a Washington limited liability company with its principal office at 7220 Trade St., Suite 103, San Diego, CA 92112. On information and belief, Defendant may be served through its agent, Unisearch Inc., at 1780 Barnes Blvd. SW, Tumwater, WA 98512-0410.

JURISDICTION AND VENUE

3. This action arises under the patent laws of the United States, 35 U.S.C. § 271 et seq. Plaintiff is seeking damages, as well as attorney fees and costs.

4. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 (Federal Question) and 1338(a) (Patents).

5. On information and belief, this Court has personal jurisdiction over Defendant because Defendant has committed, and continues to commit, acts of infringement in this District, has conducted business in this District, and/or has engaged in continuous and systematic activities in this District.

6. Upon information and belief, Defendant's instrumentalities that are alleged herein to infringe were and continue to be used, imported, offered for sale, and/or sold in the District.

7. Venue is proper in this District under 28 U.S.C. §1400(b) because Defendant is deemed to be a resident in this District. Alternatively, acts of infringement are occurring in this District and Defendant has a regular and established place of business in this District.

BACKGROUND

8. On January 19, 2016, the United States Patent and Trademark Office ("USPTO") duly and legally issued the '158 Patent, entitled "Battery-Conserving Flashlight And Method Thereof." The '158 Patent is attached as Exhibit A.

9. Plaintiff is currently the owner of the '158 Patent.

10. Plaintiff possesses all rights of recovery under the '158 Patent, including the exclusive right to recover for past, present and future infringement.

COUNT ONE

(Infringement of United States Patent No. 9,239,158)

11. Plaintiff refers to and incorporates the allegations in Paragraphs 1 - 10, the same as if set forth herein.

12. This cause of action arises under the patent laws of the United States and, in particular under 35 U.S.C. §§ 271, *et seq.*

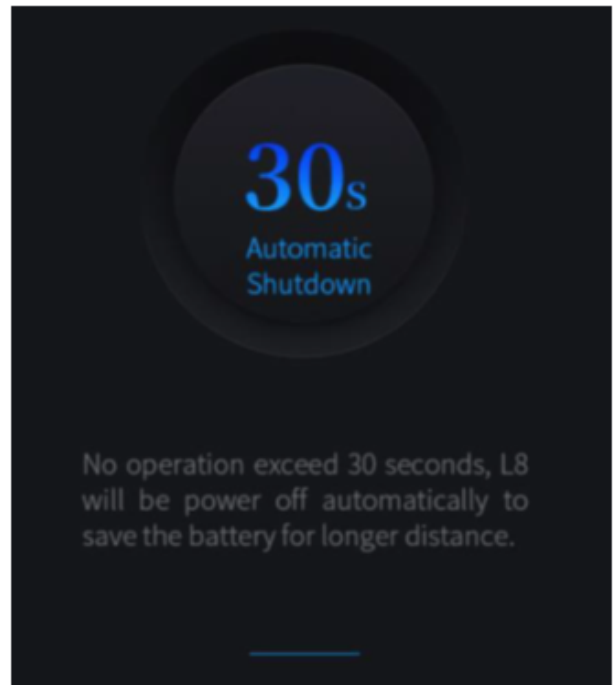
13. Defendant has knowledge of its infringement of the '158 Patent, at least as of the service of the present complaint.

14. Upon information and belief, Defendant has infringed and continues to infringe one or more claims, including at least Claim 15, of the '158 Patent by making, using, importing, selling, and/or offering for sale battery conserving electronic devices covered by one or more claims of the '158 Patent.

15. Accordingly, Defendant has infringed, and continues to infringe, the '158 Patent in violation of 35 U.S.C. § 271.

16. Defendant sells, offers to sell, and/or uses battery conserving electronic devices, including, without limitation, the L8F personal mobility device, and any similar products ("Product"), which infringe at least Claim 15 of the '158 Patent.

17. The Product is a battery-conserving electronic device (e.g., a flashlight or small battery-operated portable electric light). Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.



<https://www.inmotionworld.com/product/electric-kick-scooter-inmotion-18-or-18f>

18. The Product includes a body with an opening for accessing an interior of the body. Certain aspects of these elements are illustrated in the screenshots below and/or in screenshots provided in connection with other allegations herein.



https://www.youtube.com/watch?v=rEW_5rjtL4

19. The Product has at least one battery disposed in the body and configured for powering the device. Certain aspects of these elements are illustrated in the screenshots below and/or in screenshots provided in connection with other allegations herein.

LG dynamic batteries allow you to go courageously

The LG high-power, high-safety 18650-sized lithium battery supplies continuous and high power with large magnification. With ultra-high performance and excellent design performance, the battery is safe and durable. There are 15km and 35km mileage versions of battery life available.

Model	L8	L8F
Net Weight	11.5kg (25.35lbs)	12.0kg (26.46lbs)
Max Speed ①	30km/h (18.8mph)	30km/h (18.8mph)
Payload	100kg (220lbs)	100kg (220lbs)
Battery	36 V 4.4 Ah	36V 8.7Ah
Range ②	~15km (~9.32mph)	~35km (~21.75mph)
Max Slope	15°	15°
Dimension (Expanded)	1056*430*1100 mm	1056*430*1100 mm
Charging Time ③	~2.5 hours	~5 hours
Tire Dimension	8 inches	8 inches
Input (Charger)	AC 100~240 V 50/60Hz	AC 100~240 V 50/60 Hz
Power Ratings	250 W	250 W
IP Ratings	IP 54	IP 54

<https://www.inmotionworld.com/product/electric-kick-scooter-inmotion-18-or-18f>

20. The Product includes a controller disposed in the body configured to determine if the body is in motion (i.e. motion sensing device coupled to the controller). Certain aspects of these elements are illustrated in the screenshots below and/or in screenshots provided in connection with other allegations herein.



https://www.youtube.com/watch?v=rrEW_5rjtL4

Optional Add on Seat	-	
Light	yes, front and rear	
Special feature	motion sensor on switch	motion sensor on switch, front mobility wheel
Safety Standard	LTA Standard, Spring Singapore (Safety Mark)	

<https://www.passiongadgets.com/inmotion-l8-l8f-electric-scooter/>

21. The Product has a controller disposed in the body configured to determine if the body is in motion (i.e. motion sensing device coupled to the controller), wherein if the body is not in motion for a first predetermined period of time (i.e. 30 seconds), the controller decouples at least one battery from the electronic device to conserve energy. Certain aspects of these elements are illustrated in the screenshots below and/or in screenshots provided in connection with other allegations herein.



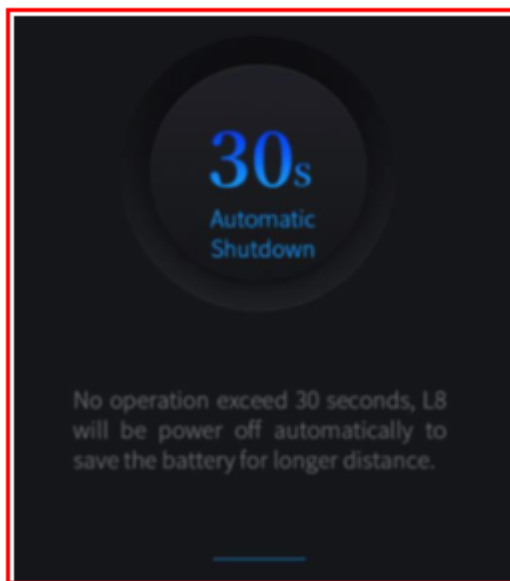
https://www.youtube.com/watch?v=rrEW_5rjtL4

Optional Add on Seat	-	
Light	yes, front and rear	
Special feature	motion sensor on switch	motion sensor on switch, front mobility wheel
Safety Standard	LTA Standard, Spring Singapore (Safety Mark)	

<https://www.passiongadgets.com/inmotion-18-18f-electric-scooter/>



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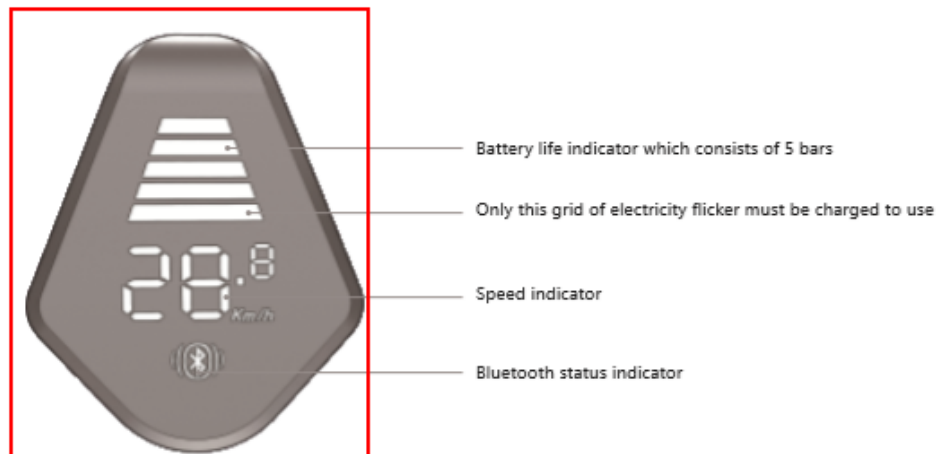
22. The Product has a visual indicator (i.e. Display Screen and LED Indicators) disposed on an exterior surface of the body, wherein the controller activates the visual indicator. Certain aspects of these elements are illustrated in the screenshots below and/or in screenshots provided in connection with other allegations herein.



<https://www.inmotionworld.com/product/electric-kick-scooter-inmotion-18-or-18f>

2.7. Display Screen

The LED display screen is an interface that shows the operation status of the scooter :



<https://gyronews.com/docs/Manuel-L8-L8F-inmotion.pdf>

23. Defendant's actions complained of herein will continue unless Defendant is enjoined by this Court.

24. Defendant's actions complained of herein is causing irreparable harm and monetary damage to Plaintiff and will continue to do so unless and until Defendant is enjoined and restrained by this Court.

25. Upon information and belief, Defendant has induced, and continues to induce infringement of the '158 Patent through its customers' actions, at least as of the

1 service of the present complaint.

2 26. The '158 Patent is valid, enforceable, and was duly issued in full compliance
3 with Title 35 of the United States Code.

4 27. By engaging in the conduct described herein, Defendant has injured Plaintiff
5 and is thus liable for infringement of the '158 Patent, pursuant to 35 U.S.C. § 271.

6 28. Defendant has committed these acts of literal infringement, or infringement
7 under the doctrine of equivalents of the '158 Patent, without license or authorization.

8 29. As a result of Defendant's infringement of the '158 Patent, Plaintiff has
9 suffered monetary damages and is entitled to a monetary judgment in an amount
10 adequate to compensate for Defendant's past infringement, together with interests
11 and costs.

12 30. Plaintiff is in compliance with 35 U.S.C. § 287.

13 31. As such, Plaintiff is entitled to compensation for any continuing and/or future
14 infringement of the '158 Patent up until the date that Defendant ceases its infringing
15 activities.

16 **JURY DEMAND**

17 32. Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a
18 trial by jury of any issues so triable by right.

19 **PRAYER FOR RELIEF**

20 WHEREFORE, Plaintiff asks the Court to:

21 (a) Enter judgment for Plaintiff on this Complaint on all causes of action
22 asserted herein;

23 (b) Enter an Order enjoining Defendant, its agents, officers, servants,
24 employees, attorneys, and all persons in active concert or participation with
25 Defendant who receive notice of the order from further infringement of United States
26 Patent No. 6,952,413 (or, in the alternative, awarding Plaintiff a running royalty
27 from the time of judgment going forward);

28 (c) Award Plaintiff damages resulting from Defendant's infringement in

1 accordance with 35 U.S.C. § 284;

2 (d) Award Plaintiff pre-judgment and post-judgment interest and costs; and

3 (e) Award Plaintiff such further relief to which the Court finds Plaintiff
4 entitled under law or equity.

5
6 April 30, 2019

7
8 OF COUNSEL:

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11 *Vice* to be filed)
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Respectfully Submitted

/s/ Kirk Anderson

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