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12 **Counsel for Plaintiff**

13 UNITED STATES DISTRICT COURT
14 FOR THE NORTHERN DISTRICT OF CALIFORNIA

15 **ENCHANTED IP LLC,**

16 Plaintiff,

17 v.

18 **TENERGY CORPORATION,**

19 Defendant.

PATENT

Case No.

JURY TRIAL DEMANDED

20 **COMPLAINT FOR PATENT INFRINGEMENT**

21 Plaintiff, Enchanted IP LLC (“Enchanted” or “Plaintiff”), through its undersigned attorneys, sues
22 Defendant, Tenergy Corporation (“Tenergy” or “Defendant”), and alleges:

23 **NATURE OF THE ACTION**

24 1. This is an action for infringement of U.S. Patent No. 6,194,871, (“the ’871 patent”), arising
25 under the patent laws of the United States, Title 35, United States Code, 35 U.S.C. §§ 271 and
26 281. This action relates to the unauthorized making, using, offering for sale, selling, and/or
27 importing of unauthorized products that infringe the claims of the ’871 patent. As set forth herein,
28

1 Plaintiff brings this action to enjoin Defendant from infringing the '871 patent and to recover all
2 damages associated with the infringement of the '871 patent, including attorneys' fees and costs.

3 **PARTIES**

4 2. Enchanted is a corporation organized and existing under the laws of the State of Texas,
5 with its principal place of business at 6205 Coit Rd, Ste 300 - 1030, Plano, TX 75024-5474.

6 3. Upon information and belief, Tenergy is a corporation organized and existing under the
7 laws of the State of California, having a headquarters principal place of business at 436 Kato
8 Terrace, Fremont, CA 94539.
9

10 **JURISDICTION AND VENUE**

11 4. This action arises under the patent laws of the United States, 35 U.S.C. §§ 100, et seq, and
12 this Court has jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331 and
13 1338(a). Venue is proper in this Court under 28 U.S.C. §§ 1391, and 1400(b).

14 5. Upon information and belief, this Court has personal jurisdiction over Tenergy, because,
15 inter alia, Tenergy has a principal place of business in this district.

16 6. Upon information and belief, Tenergy regularly and continuously transacts business within
17 the State of California, including availing itself of the privilege of conducting business in the State
18 of California by developing, manufacturing, marketing, and/or selling its Tenergy products there
19 for use by California citizens. Upon information and belief, Tenergy derives substantial revenue
20 from its sales including residents in the State of California. For instance, Tenergy offers its
21 products for sale online to customers, including customers in California. See
22 <http://www.tenergy.com/01436>.
23

24 7. Upon information and belief, Tenergy will directly and/or through its employees or agents,
25 and/or its customers, uses products, as defined below, that contain each and every element of at
26 least one claim of the '871 patent with the knowledge and/or understanding that such products are
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1 used or will be used in this District. For example, Defendant offers the accused product to
2 customers in California through its website. See *id.* Upon information and belief, Defendant has
3 engaged in substantial and not isolated activity within the district. For these reasons, exercise of
4 jurisdiction over Defendant is proper and will not offend traditional notions of fair play and
5 substantial justice.

6 8. Regarding at least some of its activities, Defendant solicits business from and markets its
7 products to consumers within California by providing a product that verifies an assignment of a
8 user, as described in the '871 patent.

9 9. In addition to Defendant's continuously and systematically conducting business in
10 California, the causes of action against Defendant are connected (but not limited) to Defendant's
11 purposeful acts committed in the State of California including Defendant's use of a charge and
12 discharge control circuit for an external secondary battery, as described in the '871 patent.

13 10. Defendant is a company that has a regular and established presence in the district and
14 makes and uses a product that is a charge and discharge control circuit for an external secondary
15 battery that meets each and every claims of at least claim of the '871 patent.

16 11. For the reasons set forth above, venue is proper in this judicial district under both 28
17 U.S.C. § 1400(b) because Defendant has committed acts of infringement and has a regular and
18 established place of business in this district.

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21 **BACKGROUND**

22 12. On February 27, 2001, the United States Patent and Trademark Office ("USPTO") duly
23 and legally issued the '871 patent, entitled "Charge and discharge control circuit and apparatus for
24 secondary battery" after a full and fair examination. See Exhibit 1.

25 13. Enchanted is presently the owner of the patent, having received all right, title and interest
26 in and to the '871 patent from the previous assignee of record. Therefore, Enchanted, as the owner
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1 of the entire right, title and interest in the '871 patent, possesses the right to sue for infringement
2 of the '871 patent to recover past and present damages, as well as seek an injunction or reasonable
3 royalties against future infringement.

4 THE '871 patent

5 14. The '871 patent contains a total of eighteen (18) claims: two (2) independent claims and
6 sixteen (16) dependent claims.

7 15. The '871 patent claims a charge and discharge control circuit for an external secondary
8 battery.
9

10 16. Defendant commercializes, inter alia, charge and discharge control circuit for an external
11 secondary battery that include each and every element and/or performs each and every step of at
12 least one claim of the '871 patent

13 17. The '871 patent will expire no earlier than April 24, 2020.

14 18. The '871 patent discloses and claims, in part, an invention that “relates to a charge and
15 discharge control circuit and an apparatus for preventing overcharge and overdischarge in a
16 secondary battery pack such as a lithium-ion secondary battery used in various types of portable
17 equipment. The present invention particularly relates to a charge and discharge control circuit and
18 an apparatus which are optimum in view of battery life and ensuring the safety of a battery.” See
19 Exhibit 1 at Col. 1, lines 8-14.
20

21 19. The invention disclosed and claimed in the '871 patent solved at least one technical issue
22 associated with the art of battery life and battery safety. For example, the invention provides “a
23 charge and discharge control circuit an apparatus for a secondary battery capable of
24 simultaneously solving the two problems in conformity with each other, i.e., preventing a battery
25 from being erroneously charged by another battery pack even if a plurality of battery packs are
26 connected in parallel and, at the same time, recharging the battery even after battery voltage is
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1 completely discharged.” See *id.* at Col. 4, lines 39-46. As such, the invention disclosed and
2 claimed in the ’871 patent represents a technical solution to a problem charging and discharging of
3 battery technology.

4 **INFRINGEMENT BY TENERGY AND ITS CUSTOMERS**

5 20. The accused products include, but are not limited to, Tenergy’s TB6AC product (“the
6 Accused Products”). Tenergy makes, offers for sale, sells, and/or imports the Accused Product.
7 This constitutes direct infringement by Tenergy of the claims. See Exhibit 1.
8

9 21. The Accused Product has all of the elements recited in claim 1 of the ’871 patent.
10 <http://www.tenergy.com/01436>.

11 22. Specifically, the Accused Product, which can be connected to an external battery
12 power source such as a car battery, comprises a charge and discharge control circuit (e.g., circuit
13 for overcharge, short circuit and temperature protection) for an external secondary battery (e.g.,
14 Li-Po, Li-ion, Li-Fe, batteries with multiple cells to be charged), the charge and discharge control
15 circuit make an external charge control switch nonconductive (e.g., stop charging) based on an
16 overcharge state of the external secondary battery that is detected (e.g., max voltage or High
17 Voltage) and interrupts a charge operation of the external secondary battery.

18 <http://www.tenergy.com/01436>;
19 [https://system.na2.netsuite.com/core/media/media.nl?id=1210712&c=671216&h=33621516b0e98](https://system.na2.netsuite.com/core/media/media.nl?id=1210712&c=671216&h=33621516b0e98a86f29e&_xt=.pdf)
20 [a86f29e&_xt=.pdf](https://system.na2.netsuite.com/core/media/media.nl?id=1210712&c=671216&h=33621516b0e98a86f29e&_xt=.pdf);
21 [https://system.na2.netsuite.com/core/media/media.nl?id=1210712&c=671216&h=33621516b0e98](https://system.na2.netsuite.com/core/media/media.nl?id=1210712&c=671216&h=33621516b0e98a86f29e&_xt=.pdf)
22 [a86f29e&_xt=.pdf](https://system.na2.netsuite.com/core/media/media.nl?id=1210712&c=671216&h=33621516b0e98a86f29e&_xt=.pdf).
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Tenergy TB6AC+80W 8A Intelligent Digital Balance Charger for NiMH/NiCd/Li-PO/Li-Fe/SLA



Item #01436

Supports the following connector types:

- Tamiya
- Mini Tamiya
- JST
- Hitec
- EC3
- Deans

Specification

- Operating voltage: DC 11~18 volts
- Charge power: max. 80 Watts [DC input]/ 50 Watts [AC Input]
- Discharge power: max. 10 Watts
- NiCd/MH: 1~15 cells

TB6AC 80W

SPECIAL FEATURES

Optimized operating software

TB6AC features the so-called AUTO function that set the feeding current during the process of charging or discharging. Especially for Lithium batteries, it can prevent the overcharging which may lead to an explosion due to the user's fault. It can disconnect the circuit automatically and alarm once detecting any malfunction. All the programs of this product were controlled through two way linkage and communication, to achieve the maximum safety and minimized the trouble. All the settings can be configured by users!

Internal independent lithium battery balancer

TB6AC employs an individual-cell-voltage balancer. It isn't necessary to connect an external balancer for balance charging.

Balancing individual cells battery discharging

During the process of discharging, TB6AC can monitor and balance each cell of the battery individually. Error message will be indicated and the process will be ended automatically if the voltage of any single one cell is abnormal.

Adaptable to various type of lithium battery

TB6AC is adaptable to various types of Lithium batteries, such as Li-ion, LiPo and the new LiFe series of batteries.

Fast and storage mode of lithium battery

Purposes to charge Lithium battery varies, "fast" charge reduce the duration of charging, whereas "store" state can control the final voltage of your battery, so as to store for a long time and protect useful time of the battery.

1 NiCd/NiMH

Voltage level:1.2V/cell
Allowable fast charge current:1C-2C(depends on the performance of cell)
Discharge voltage cut off level:0.85V/cell(NiCd), 1.0V/cell(NiMH)

2
3 Li-ion Voltage level:3.6V/cell

Max.charge voltage:4.1V/cell
Allowable fast charge current:1C or less
Min.discharge voltage cut off level:2.5V/cell or higher

4
5 LiPo Voltage level:3.7V/cell

Max.charge voltage:4.2V/cell
Allowable fast charge current:1C or less
Discharge voltage cut off level:3.0V/cell or higher

6
7 LiFe Voltage level:3.3V/cell

Max.charge voltage:3.6V/cell
Allowable fast charge current:4C or less
Discharge voltage cut off level:2.0V/cell or higher

8
9 Pb Voltage level:2.0V/cell

(Lead-acid)Max.charge voltage:2.46V/cell
Allowable fast charge current:0.4C or less
Discharge voltage cut off level:1.75V/cell or higher

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11
12 23. 23. Upon information and belief, the Accused Product comprises a charge
13 control element (e.g., circuit for overcharge, short circuit and temperature protection) for making
14 the charge control switch conductive (e.g., allows to charge) when a first voltage not less than a
15 predetermined voltage (e.g., minimum voltage rated by the charger for each cell and battery) is
16 applied to a detection terminal for detecting whether a charger is connected thereto or not, thereby
17 making the charge operation of the secondary battery possible. As shown below, the accused
18 product is a portable charger. The accused product only charges battery when the battery with
19 more than the rated voltage is connected for the charging. Otherwise it sends various errors like
20 connection break, Input Vol Error, Battery Check Low Voltage, Battery Voltage Cell Low Vol,
21 Battery Voltage Cell high Vol.

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24 [https://system.na2.netsuite.com/core/media/media.nl?id=1210712&c=671216&h=33621516b0e98](https://system.na2.netsuite.com/core/media/media.nl?id=1210712&c=671216&h=33621516b0e98a86f29e&_xt=.pdf)
25 [a86f29e&_xt=.pdf; https://www.Tenergy.com/p/Tenergy-slim-10000mah-portable-charger-with-](https://www.Tenergy.com/p/Tenergy-slim-10000mah-portable-charger-with-qc-3.0.html)
26 [qc-3.0.html.](https://www.Tenergy.com/p/Tenergy-slim-10000mah-portable-charger-with-qc-3.0.html)

Warning and error information

TB6AC 80W incorporates a variety of functions for the systems to verify processes and the state of the electronics. In case of an error the screen will display the cause of error and emit an audible sound.

REVERSE POLARITY	Incorrect polarity connected.
CONNECTION BREAK	<u>Battery connection is interrupted.</u>
SHORT ERR	Short-circuit of the output termination.
INPUT VOL ERR	<u>Erroneous selection of voltage of Lithium pack, please check the voltage of the battery pack.</u>
VOL SELECT ERR	The voltage of the battery pack has been selected incorrectly!
BREAK DOWN	The charger has malfunctioned for some reason. Seek professional advice.
BATTERY CHECK LOW VOLTAGE	<u>The voltage is lower than which is set. Please check the number of cells in the battery pack.</u>
BATTERY VOLTAGE CELL LOW VOL	<u>Voltage of one cell in the battery pack is too low, please check the voltage of each cell.</u>
BATTERY VOLTAGE CELL HIGH VOL	Voltage of one cell in the battery pack is too high, please check the voltage of each cell.
BATTERY VOLTAGE CELL CONNECT	Wrong connection of the connector detected, please check the connector and cable.
TEMP OVER ERR	The internal temperature is too high, please cool down.
CONTROL FAILURE	The processor cannot control the feeding current, please repair it.

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- Operating voltage: DC 11~18 volts
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1 24. 24. The Accused Product comprises a charge control element (e.g., circuit for
2 overcharge, short circuit and temperature protection) for making the charge control switch
3 nonconductive (e.g., stopping the power bank from charging the device) when a second voltage
4 not more than the predetermined voltage (e.g., voltage must be less than the overcharge detection
5 threshold voltage) is applied to the detection terminal, thereby making the charge operation of the
6 secondary battery (e.g., a battery pack of the device) impossible. Upon information and belief, in
7 order to prevent a connected external device from overcharging, the accused product disconnects
8 the charge control switch when the predetermined threshold voltage, or a voltage slight less than
9 the said threshold is detected.

11 [https://system.na2.netsuite.com/core/media/media.nl?id=1210712&c=671216&h=33621516b0e98](https://system.na2.netsuite.com/core/media/media.nl?id=1210712&c=671216&h=33621516b0e98a86f29e&_xt=.pdf)
12 [a86f29e&_xt=.pdf](https://system.na2.netsuite.com/core/media/media.nl?id=1210712&c=671216&h=33621516b0e98a86f29e&_xt=.pdf);

13 [https://system.na2.netsuite.com/core/media/media.nl?id=1210712&c=671216&h=33621516b0e98](https://system.na2.netsuite.com/core/media/media.nl?id=1210712&c=671216&h=33621516b0e98a86f29e&_xt=.pdf)
14 [a86f29e&_xt=.pdf](https://system.na2.netsuite.com/core/media/media.nl?id=1210712&c=671216&h=33621516b0e98a86f29e&_xt=.pdf).

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TB6AC 80W**SPECIAL FEATURES****Optimized operating software**

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TB6AC is adaptable to various types of Lithium batteries, such as Li-ion, LiPo and the new LiFe series of batteries.

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Li-ion Voltage level: 3.6V/cell

Max. charge voltage: 4.1V/cell
 Allowable fast charge current: 1C or less
 Min. discharge voltage cut off level: 2.5V/cell or higher

LiPo Voltage level: 3.7V/cell

Max. charge voltage: 4.2V/cell
 Allowable fast charge current: 1C or less
 Discharge voltage cut off level: 3.0V/cell or higher

LiFe Voltage level: 3.3V/cell

Max. charge voltage: 3.6V/cell
 Allowable fast charge current: 4C or less
 Discharge voltage cut off level: 2.0V/cell or higher

Pb Voltage level: 2.0V/cell

(Lead-acid) Max. charge voltage: 2.46V/cell
 Allowable fast charge current: 0.4C or less
 Discharge voltage cut off level: 1.75V/cell or higher

Overcharge Protection

That idea of a battery significantly degrading due to overcharging **was viable years back**. This however **doesn't apply to the modern devices and power banks**, at least if you use the right one.

Quality power banks feature **overcharge protection**. This is a form of technology that protects your phone battery from overcharging when connected to a power bank. It involves putting in place a power circuit that detects the upper limit of the terminal voltage. When the circuit realizes that your battery has reached its limit, **voltage is cut off**. This means that your power bank will not continue charging a full battery, averting the concern whether your phone is safe when connected to a power bank.

25. As shown in paragraphs 1 through 24 above, the Accused Product as installed on a mobile device contains all of the elements of at least claim 1 of the '871 patent. Defendant's Accused Product is enabled by invention described and claimed in the '871 patent.

COUNT I

(DIRECT INFRINGEMENT OF THE '871 PATENT BY TENERGY)

26. Each of the preceding paragraphs 1 through 25 are realleged and incorporated as if fully set forth.

27. In violation of 35 U.S.C. § 271, Defendant is now, and has been directly infringing the '871 patent.

28. Defendant has had knowledge of infringement of the '871 patent, or will have knowledge of infringement of the '871 patent upon the service of this Complaint. Defendant's infringement of the '871 patent will thus be knowing and intentional at least upon the service of this Complaint.

29. Defendant has directly infringed and continues to directly infringe at least claim 1 of the '871 patent by making, using, offering to sell, selling, and/or importing the Accused Product with a mobile device without authority in the United States. Defendant does not have a license or authorization to use any product covered by the claims of the '871 patent.

30. As a direct and proximate result of Defendant's direct infringement of the '871

1 patent, Plaintiff has been and continues to be damaged.

2 31. By engaging in the conduct described herein, Defendant has injured Enchanted and
3 is thus liable for direct infringement of the '871 patent, pursuant to 35 U.S.C. § 271(a).

4 32. As a result of Defendant's infringement of the '871 patent, Enchanted has suffered
5 monetary damages and is entitled to a monetary judgment in an amount adequate to compensate
6 for Defendant's past infringement, together with interests and costs.

7 33. If infringement of the '871 patent by Tenergy is not enjoined, Enchanted will suffer
8 substantial and irreparable harm now and in the future for which there is no adequate remedy at
9 law.

10
11 **DEMAND FOR JURY TRIAL**

12 34. Enchanted demands a trial by jury of all causes of action that are so triable.

13 **REQUEST FOR RELIEF**

14 WHEREFORE, Enchanted respectfully requests that this Court grant the following relief:

15 1. That Defendant be adjudged to have infringed the '871 patent directly, literally
16 and/or under the doctrine of equivalents;

17 2. An order permanently enjoining Tenergy, its affiliates, subsidiaries, and each of its
18 officers, agents, servants and employees, and those acting in privity or concert with it, from
19 making, using, offering to sell, or selling in the United States, or importing into the United States,
20 the Accused Product, any component of the Accused Product that constitutes a material part of the
21 claimed invention, or any product that infringes the '871 patent until after the expiration date of
22 the '871 patent, including any extensions and/or additional periods of exclusivity to which
23 Enchanted is, or becomes, entitled;

24 3. An award of damages pursuant to 35 U.S.C. §284 sufficient to compensate
25 Enchanted for the Defendant's past infringement and any continuing or future infringement up
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1 until the date that Defendant is finally and permanently enjoined from further infringement,
2 including compensatory damages;

3 4. An assessment of pre-judgment and post-judgment interest and costs against
4 Defendant, together with an award of such interest, expert fees, and costs incurred during this
5 litigation, in accordance with 35 U.S.C. §284;

6 5. That Defendant's infringement after service of this Complaint is intentional and
7 knowing infringement and the assessment of three times the damages found for infringement after
8 service of this Complaint, in accordance with 35 U.S.C. §284;

9 6. That Defendant be directed to pay enhanced damages, including Enchanted's
10 attorneys' fees incurred during this litigation pursuant to 35 U.S.C. §285; and

11 7. Such further relief as this Court deems proper and just, including but not limited to
12 any appropriate relief under Title 35.
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14
15 Dated: August 31, 2019

Respectfully submitted,

16
17 /s/ David A Chavous

/s/ Steven A. Nielsen

18 David A. Chavous (*Pro Hac Vice forthcoming*)

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