

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

<b>Boracho IP Holdings LLC,</b>  Plaintiff,  v.  <b>Solax Power LLC,</b>  Defendant.	Case No. _____  Patent Case  Jury Trial Demanded
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**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Boracho IP Holdings LLC ("Boracho"), through its attorneys, complains of Solax Power LLC ("Solar Power"), and alleges the following:

**PARTIES**

1. Plaintiff Boracho IP Holdings LLC is a corporation organized and existing under the laws of Texas that maintains its principal place of business at 6205 Coit Rd, Ste 300-1013, Plano, TX 75024.

2. Defendant Solax Power LLC is a corporation organized and existing under the laws of Texas that maintains its principal place of business at 5100 Westheimer, Suite 200, Houston, Texas, 77056.

**JURISDICTION**

3. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.

4. This Court has exclusive subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over Defendant because it has engaged in systematic and continuous business activities in this District. As described below, Defendant has committed acts of patent infringement giving rise to this action within this District.

#### VENUE

6. Venue is proper in this District under 28 U.S.C. § 1400(b) because Defendant has committed acts of patent infringement in this District, and has an established place of business in this District. In addition, Boracho has suffered harm in this district.

#### PATENT-IN-SUIT

7. Boracho is the assignee of all right, title and interest in United States Patent No. 6,580,251 (the "'251 Patent"); (the "Patent-in-Suit"); including all rights to enforce and prosecute actions for infringement and to collect damages for all relevant times against infringers of the Patent-in-Suit. Accordingly, Boracho possesses the exclusive right and standing to prosecute the present action for infringement of the Patent-in-Suit by Defendant.

#### The '251 Patent

8. The '251 Patent is entitled "Power charging device using multiple energy sources," and issued 6/17/2003. The application leading to the '251 Patent was filed on 4/19/2002. A true and correct copy of the '251 Patent is attached hereto as Exhibit 1 and incorporated herein by reference.

9. The '251 Patent is valid and enforceable.

#### COUNT 1: INFRINGEMENT OF THE '251 PATENT

10. Boracho incorporates the above paragraphs herein by reference.

11. **Direct Infringement.** Defendant has been and continues to directly infringe one or more claims of the '251 Patent in at least this District by making, using, offering to sell, selling

and/or importing, without limitation, at least Solar Power's X3-Hybrid Series Inverter (among the "Exemplary Solar Power Products") that infringe at least exemplary claims 1 of the '251 Patent (the "Exemplary '251 Patent Claims") literally or by the doctrine of equivalence. On information and belief, numerous other devices that infringe the claims of the '251 Patent have been made, used, sold, imported, and offered for sale by Defendant and/or its customers.

12. Defendant also has and continues to directly infringe, literally or under the doctrine of equivalents, the Exemplary '251 Patent Claims, by having its employees internally test and use these Exemplary Products.

13. The service of this Complaint upon Defendant constitutes actual knowledge of infringement as alleged here.

14. Despite such actual knowledge, Defendant continues to make, use, test, sell, offer for sale, market, and/or import into the United States, products that infringe the '251 Patent. On information and belief, Defendant has also continued to sell the Exemplary Solar Power Products and distribute product literature and website materials inducing end users and others to use its products in the customary and intended manner that infringes the '251 Patent. Thus, on information and belief, Defendant is contributing to and/or inducing the infringement of the '251 Patent.

15. **Induced Infringement.** Defendant actively, knowingly, and intentionally has been and continues to induce infringement of the '251 Patent, literally or by the doctrine of equivalence, by selling Exemplary Solar Power Products to their customers for use in end-user products in a manner that infringes one or more claims of the '251 Patent.

16. **Contributory Infringement.** Defendant actively, knowingly, and intentionally has been and continues materially contribute to their own customers' infringement of the '251

Patent, literally or by the doctrine of equivalence, by selling Exemplary Solar Power Products to their customers for use in end-user products in a manner that infringes one or more claims of the '251 Patent.

17. Exhibit 2 includes charts comparing the Exemplary '251 Patent Claims to the Exemplary Solar Power Products. As set forth in these charts, the Exemplary Solar Power Products practice the technology claimed by the '251 Patent. Accordingly, the Exemplary Solar Power Products incorporated in these charts satisfy all elements of the Exemplary '251 Patent Claims.

18. Boracho therefore incorporates by reference in its allegations herein the claim charts of Exhibit 2.

19. Boracho is entitled to recover damages adequate to compensate for Defendant's infringement.

#### **JURY DEMAND**

20. Under Rule 38(b) of the Federal Rules of Civil Procedure, Boracho respectfully requests a trial by jury on all issues so triable.

#### **PRAYER FOR RELIEF**

WHEREFORE, Boracho respectfully requests the following relief:

- A. A judgment that the '251 Patent is valid and enforceable;
- B. A judgment that Defendant has infringed, contributorily infringed, and/or induced infringement of one or more claims of the '251 Patent;
- C. An accounting of all damages not presented at trial;
- D. A judgment that awards Boracho all appropriate damages under 35 U.S.C. § 284 for Defendant's past infringement, and any continuing or future infringement of the

Patent-in-Suit, up until the date such judgment is entered, including pre- or post-judgment interest, costs, and disbursements as justified under 35 U.S.C. § 284 and, if necessary, to adequately compensate Boracho for Defendant's infringement, an accounting:

- i. that this case be declared exceptional within the meaning of 35 U.S.C. § 285 and that Boracho be awarded its reasonable attorneys' fees against Defendant that it incurs in prosecuting this action;
- ii. that Boracho be awarded costs, and expenses that it incurs in prosecuting this action; and
- iii. that Boracho be awarded such further relief at law or in equity as the Court deems just and proper.

Dated: September 30, 2019

Respectfully submitted,  
Brown Patent Law PLLC

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**Counsel for Plaintiff Boracho IP Holdings LLC**

**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the foregoing document was served on all parties who have appeared in this case on September 30, 2019, via the Court's CM/ECF system.

/s/ Isaac Rabicoff  
Isaac Rabicoff