

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

FUNDAMENTAL INNOVATION
SYSTEMS INTERNATIONAL LLC,

Plaintiff,

vs.

BELKIN, INC., and BELKIN
INTERNATIONAL, INC.,

Defendants.

Civil Action No. _____

JURY TRIAL DEMANDED

**COMPLAINT FOR PATENT INFRINGEMENT
AND JURY DEMAND**

Plaintiff Fundamental Innovation Systems International LLC (“Plaintiff” or “Fundamental”), by and through its undersigned counsel, brings this action against Defendants Belkin Inc. and Belkin International, Inc. (“Defendants” or “Belkin”) to prevent Defendants’ continued infringement of Plaintiff’s patents without authorization and to recover damages resulting from such infringement.

PARTIES

1. Plaintiff is a Delaware limited liability company with a place of business located at 2990 Long Prairie Road, Suite B, Flower Mound, Texas 75022.

2. Plaintiff is the owner by assignment of all right, title, and interest in U.S. Patent Nos. 7,239,111 (the “111 Patent”), 8,624,550 (the “550 Patent”), 7,453,233 (the “233 Patent”), 6,936,936 (the “936 Patent”), and 8,330,422 (the “422 Patent”) (collectively, the “Patents-in-Suit”).

3. On information and belief, Belkin International, Inc. is a Delaware corporation with a place of business at 12045 E. Waterfront Drive, Playa Vista, CA 90094. Belkin International, Inc. may be served through its registered agent The Corporation Trust Company,

Corporation Trust Center, 1209 Orange Street, Wilmington, DE 19801.

4. On information and belief, Belkin, Inc. is a Delaware corporation with a place of business at 12045 E. Waterfront Drive, Playa Vista, CA 90094. Belkin, Inc. may be served through its registered agent National Registered Agents, Inc., 1209 Orange Street, Wilmington, DE 19801.

5. On information and belief, Belkin directly and/or indirectly imports, develops, designs, manufactures, uses, distributes, markets, offers to sell and/or sells products and services in the United States, including in this district, and otherwise purposefully direct activities to the same.

JURISDICTION AND VENUE

6. This is an action for patent infringement arising under the patent laws of the United States of America, 35 U.S.C. § 1, *et seq.*, including 35 U.S.C. § 271. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

7. This Court has personal jurisdiction over Belkin International, Inc. and Belkin, Inc. based at least on their incorporation in the State of Delaware.

8. Venue is proper in this judicial district under 28 U.S.C. § 1400(b) with respect to Belkin International, Inc. and Belkin, Inc. because they are incorporated in, and therefore reside in, the State of Delaware.

FACTUAL ALLEGATIONS

The Patents-in-Suit

9. The Patents-in-Suit relate to, among other things, novel techniques for using Universal Serial Bus (“USB”) in connection with mobile devices to both facilitate data communication and allow for the charging of certain classes of devices. This technology represented a fundamental break from previous techniques for mobile device charging and has provided for faster charging times, longer battery life, improved user experiences and a dramatic increase in performance and features.

10. The Patents-in-Suit resulted from a large scale research and development program

at Research In Motion Limited (“RIM”), later reorganized as BlackBerry Limited (“BlackBerry”). At the time of the inventions, RIM was a global leader and pioneer in the field of wireless mobile communications. The company was founded in 1984 and revolutionized the mobile industry when it launched the BlackBerry® 850 in 1999. Fundamental is responsible for protecting and licensing seminal BlackBerry innovations in the field of USB charging.

11. The value of the inventions claimed by the Patents-in-Suit has been widely recognized. Over thirty companies have taken licenses to the Patents-in-Suit, including many of Belkin’s competitors.

Belkin’s Accused Products and Infringement

12. On information and belief, Belkin makes, uses, sells, offers for sale and/or imports infringing charging adapters (“Accused Products”) in the United States, including but not limited to: **Wall Charging Adapters** (e.g., BOOST↑CHARGE™ 18W USB-C™ Home Charger, BOOST↑CHARGE™ 27W USB-C™ + 12W USB-A Home Charger, BOOST↑CHARGE™ 2-Port Home Charger, BOOST↑CHARGE™ USB-C™ Home Charger, BOOST↑UP™ Home Charger (12 Watt/2.4 Amp), BOOST↑UP™ Quick Charge™ 3.0 Home Charger, Charger Kit (10 Watt/2.1), Family RockStar™ 4-Port USB Charger, Home Charger (10 Watt/2.1 Amp), MIXIT↑™ Metallic Home Charger, RockStar™ 10-Port USB Charging Station, SurgePlus USB Swivel Charger (10 Watts Combined), Swivel Charger (10 Watt/2.1 Amp), Universal Home Charger (12 Watt/2.4 Amp), Universal Home Charger (10 Watt/ 2.1 Amp), USB Wall Mount Surge Protector with Cradle, USB-C™ + USB-A Home Charger, USB-C™ 45W Home Charger, USB-C™ Charger Kit), **Car Charging Adapters** (e.g., the BOOST↑CHARGE USB-C Car Charger 18W, BOOST↑CHARGE™ USB-C + USB-A Car Charger 30W, BOOST↑UP™ 2-Port Car Charger, BOOST↑UP™ Car Charger, BOOST↑UP™ Quick Charge™ 3.0 Car Charger, MIXIT↑™ Metallic Car Charger, Road Rockstar: 4-Port Passenger Car Charger, Universal Car Charger, Universal Car Charger (12 Watt/ 2.4 Amp), Universal Car Charger (USB Type-C™), USB-C™ Car Charger, USB-C™ Car Charger with Hardwired USB-C Cable and USB-A Port), **Power Banks** (e.g., Pocket Power 15K Power Bank, Pocket Power 10K Power Bank, Pocket Power 5K

Power Bank, BOOST↑CHARGE™ Power Bank 10K with Lightning Connector, BOOST↑CHARGE™ Power Bank 5K With Lightning Connector), and other models that include similar functionality.

13. The Accused Products are USB charging adapters that are designed to provide power to a mobile device. The charging adapters include a Vbus line and a USB communication path. The charging adapters are configured to generate an identification signal, such as a voltage on a D+ line and on a D- line, that indicates to the mobile device that it is receiving power from a source that is not a USB host or hub. The charging adapters are able to supply current to a mobile device without regard to at least one associated condition specified in a USB specification. Certain of the Accused Products also receive power from a power socket and include a power converter that regulates the received power to generate a DC power output.

Belkin's Knowledge of the Patents-in-Suit and Infringement

14. No later than December 2016, Fundamental communicated to Belkin notice of infringement of a number of patents available for license. Fundamental also provided Belkin with exemplary claim charts demonstrating infringement of the Patents-in-Suit at least as early as May 13, 2017. Belkin has not provided Fundamental with any basis for believing that it did not infringe the Patents-in-Suit nor has it stopped infringing. Fundamental's provision of actual notice of infringement entitles Fundamental to past damages pursuant to 35 U.S.C. §287, at least as of the date that notice was provided.

15. After having received notice of the Patents-in-Suit, Belkin has continued to make, use, sell, offer for sale, and import into the United States the Accused Products. Belkin's making, using, selling, offering to sell and importing of the Accused Products into the United States constitute direct infringement under 35 U.S.C. § 271(a). On information and belief, Belkin also directly infringes one or more method claims in the Patents-in-Suit by testing, repairing, and using the Accused Products in the United States.

16. After having received notice of the Patents-in-Suit, Belkin has continued to make, use, sell, offer for sale, and import into the United States the Accused Products with knowledge

that these Accused Products are a material part of inventions claimed by the Patents-in-Suit and are especially made or adapted for use in an infringement of the Patents-in-Suit. On information and belief, Belkin knows that the Accused Products are not a staple article or commodity of commerce suitable for substantial non-infringing use. Belkin's actions contribute to the direct infringement of the Patents-in-Suit by others, including customers of the Accused Products, in violation of 35 U.S.C. § 271(c). For example, the Accused Products include battery charging adapters, which are a component of a patented machine, manufacture, or combination, or an apparatus for use in practicing a patented process. Furthermore, such components are a material part of the invention and are not a staple article or commodity of commerce suitable for substantial non-infringing use.

17. After having received notice of the Patents-in-Suit, Belkin has continued to advertise and distribute the Accused Products, offer technical assistance, and publish user manuals, specifications, promotional literature or instructions to customers, partners, and/or end users, advising them to use the Accused Products in a manner that directly infringes the Patents-in-Suit. On information and belief, by such acts, Belkin actively induced, and continues to actively induce, direct infringement of the Patents-in-Suit, in violation of 35 U.S.C. § 271(b). For example, Belkin's customers who purchase the Accused Products and operate the Accused Products in accordance with instructions provided by Belkin, directly infringe one or more claims of the Patents-in-Suit. Belkin provides such instructions through, for example, user guides, including user guides located at <https://www.belkin.com/us/Resource-Center/portable-charging/>.

18. On information and belief, Belkin has further actively induced infringement by remaining willfully blind to its customers' infringement despite believing there to be a high probability its customers, among others, infringe the Patents-in-Suit.

FIRST CLAIM FOR RELIEF

(Infringement of U.S. Patent No. 7,239,111)

19. Fundamental re-alleges and incorporates by reference the allegations of the preceding paragraphs of this Complaint as if fully set forth herein.

20. The '111 Patent, titled "Universal Serial Bus Adapter for a Mobile Device," was duly and legally issued on July 3, 2007. A true and correct copy of the '111 Patent is attached as Exhibit A.

21. The '111 Patent names Daniel M. Fischer, Dan G. Radut, Michael F. Habicher, Quang A. Luong, and Jonathan T. Malton as co-inventors.

22. The '111 Patent has been in full force and effect since its issuance. Fundamental owns by assignment the entire right, title, and interest in and to the '111 Patent, including the exclusive right to seek damages for past, current and future infringement thereof.

23. On information and belief, Belkin has been, and currently is, directly infringing the '111 Patent by making, using, selling, offering to sell, and/or importing into the United States the Accused Products. On information and belief, Belkin's products infringe at least claim 1 of the '111 Patent.

24. The Accused Products are charging adapters that are able to provide power to a mobile device. The products include a plug unit that can be plugged into an electrical socket to receive energy from the socket.



25. The products also include a power converter that converts the voltage from the electrical outlet to a voltage that can be output from the charging adapter. For example, some of the Accused Products can be connected to an AC electrical outlet and convert the AC voltage to a DC voltage. Other Accused Products can be connected to an electrical outlet in a vehicle and convert power from 12v to 5v for output from the charging adapter.

26. The Accused Products include an identification subsystem that is configured to generate an identification signal that consists of voltages on the D+ and D- lines. These voltages indicate to a mobile device that the power socket is not a USB host or hub.

27. The Accused Products also include a USB connector, e.g., a USB type A connector, that is coupled to the power converter through a Vbus line and to the identification subsystem. The USB connector is configured to couple the power output and identification signal to a mobile device, through a USB cable.



28. On information and belief, Belkin has been, and currently is, inducing infringement of the '111 Patent, in violation of 35 U.S.C. § 271(b), by knowingly encouraging or aiding others to make, use, sell, or offer to sell the Accused Products in the United States, or to import the Accused Products into the United States, without license or authority from Fundamental, with knowledge of or willful blindness to the fact that Belkin's actions will induce others, including but not limited to its customers, partners, and/or end users, to directly infringe the '111 patent. Belkin induces others to infringe the '111 Patent by encouraging and facilitating others to perform actions that Belkin knows to be acts of infringement of the '111 Patent with specific intent that those performing the acts infringe the '111 Patent.

29. On information and belief, Belkin has been, and currently is, contributorily infringing the '111 Patent, in violation of 35 U.S.C. § 271(c), by selling or offering for sale, in this judicial district and throughout the United States, components that embody a material part of the

inventions described in the '111 Patent, are known by Belkin to be especially made or especially adapted for use in infringement of the '111 Patent, and are not staple articles of commerce or commodities suitable for substantial, non-infringing use, including at least the Accused Products. Belkin's actions contribute to the direct infringement of the Patents-in-Suit by others, including customers of the Accused Products, in violation of 35 U.S.C. § 271(c).

30. As a result of Belkin's infringement of the '111 Patent, Fundamental has been damaged. Fundamental is entitled to recover for damages sustained as a result of Belkin's wrongful acts in an amount to be determined. Fundamental has complied with the requirements of 35 U.S.C. § 287(a) at least because Fundamental provided Belkin with written notice of the infringement as discussed above.

31. In addition, Belkin's infringing acts have caused and are causing immediate and irreparable harm to Fundamental.

32. On information and belief, Belkin has had actual knowledge of its infringement of the '111 Patent since no later than December 2016. On information and belief, Belkin's infringement of the '111 Patent has been and continues to be deliberate and willful, and, therefore, this is an exceptional case warranting an award of treble damages and attorney's fees to Fundamental pursuant to 35 U.S.C. §§ 284-285.

SECOND CLAIM FOR RELIEF

(Infringement of U.S. Patent No. 8,624,550)

33. Fundamental re-alleges and incorporates by reference the allegations of the preceding paragraphs of this Complaint as if fully set forth herein.

34. The '550 Patent, titled "Multifunctional Charger System and Method," was duly and legally issued on January 7, 2014. A true and correct copy of the '550 Patent is attached as Exhibit B.

35. The '550 Patent names Daniel M. Fischer, Dan G. Radut, Michael F. Habicher, Quang A. Luong, and Jonathan T. Malton as co-inventors.

36. The '550 Patent has been in full force and effect since its issuance. Fundamental

owns by assignment the entire right, title, and interest in and to the '550 Patent, including the exclusive right to seek damages for past, current and future infringement thereof.

37. Belkin has been, and currently is, directly infringing the '550 Patent by making, using, selling, offering to sell, and/or importing into the United States the Accused Products. On information and belief, Belkin's products infringe at least claim 1 of the '550 Patent.

38. The Accused Products are charging adapters that include a USB VBUS line and D+/D- lines that are a USB communication path.



39. When connected to a mobile device, the Accused Products generate voltages on the D+ and D- lines.

40. The Accused Products are configured to supply current on the VBUS line of greater than 500 mA, which is without regard to the current limits in the USB specification.

41. On information and belief, Belkin has been, and currently is, inducing infringement of the '550 Patent, in violation of 35 U.S.C. § 271(b), by knowingly encouraging or aiding others to make, use, sell, or offer to sell the Accused Products in the United States, or to import the Accused Products into the United States, without license or authority from Fundamental, with knowledge of or willful blindness to the fact that Belkin's actions will induce others, including but not limited to its customers, partners, and/or end users, to directly infringe the '550 patent. Belkin induces others to infringe the '550 Patent by encouraging and facilitating others to perform actions that Belkin knows to be acts of infringement of the '550 Patent with specific intent that those performing the acts infringe the '550 Patent.

42. On information and belief, Belkin has been, and currently is, contributorily infringing the '550 Patent, in violation of 35 U.S.C. § 271(c), by selling or offering for sale, in this judicial district and throughout the United States, components that embody a material part of the inventions described in the '550 Patent, are known by Belkin to be especially made or especially adapted for use in infringement of the '550 Patent, and are not staple articles of commerce or commodities suitable for substantial, non-infringing use, including at least the Accused Products. Belkin's actions contribute to the direct infringement of the Patents-in-Suit by others, including customers of the Accused Products, in violation of 35 U.S.C. § 271(c).

43. As a result of Belkin's infringement of the '550 Patent, Fundamental has been damaged. Fundamental is entitled to recover for damages sustained as a result of Belkin's wrongful acts in an amount to be determined. Fundamental has complied with the requirements of 35 U.S.C. § 287(a) at least because Fundamental provided Belkin with written notice of the infringement as discussed above.

44. In addition, Belkin's infringing acts have caused and are causing immediate and irreparable harm to Fundamental.

45. On information and belief, Belkin has had actual knowledge of its infringement of the '550 Patent since no later than December 2016. On information and belief, Belkin's infringement of the '550 Patent has been and continues to be deliberate and willful, and, therefore, this is an exceptional case warranting an award of treble damages and attorney's fees to Fundamental pursuant to 35 U.S.C. §§ 284-285.

THIRD CLAIM FOR RELIEF

(Infringement of U.S. Patent No. 7,453,233)

46. Fundamental re-alleges and incorporates by reference the allegations of the preceding paragraphs of this Complaint as if fully set forth herein.

47. The '233 Patent, titled "Adapter System and Method for Powering a Device," was duly and legally issued on November 18, 2008. A true and correct copy of the '233 Patent is attached as Exhibit C.

48. The '233 Patent names Daniel M. Fischer, Dan G. Radut, Michael F. Habicher, Quang A. Luong, and Jonathan T. Malton as co-inventors.

49. The '233 Patent has been in full force and effect since its issuance. Fundamental owns by assignment the entire right, title, and interest in and to the '233 Patent, including the exclusive right to seek damages for past, current and future infringement thereof.

50. Belkin has been, and currently is, directly infringing the '233 Patent by making, using, selling, offering to sell, and/or importing into the United States the Accused Products. On information and belief, Belkin's products infringe at least claim 1 of the '233 Patent.

51. The Accused Products are charging adapters that are able to provide power to a mobile device. The products include a plug unit that can be plugged into an electrical socket to receive energy from the socket.



52. The Accused Products also include a power converter that converts voltage from an electrical outlet to a voltage that can be output from the charging adapter. For example, some of the Accused Products can be connected to an AC electrical outlet and convert the AC voltage to a DC voltage. Other Accused Products can be connected to an electrical outlet in a vehicle and convert power from 12v to 5v for output from the charging adapter.

53. The Accused Products include an identification subsystem that is configured to generate an identification signal that consists of voltages on D+ and D- lines. For example, at least some of the Accused Products generate approximately 2.7v on the D- line and 2.7v on the D+ line. These voltages indicate to the mobile device that the adapter is configured to send substantial

energy, for example, more than 500 mA, through the USB connector before completing device enumeration.

54. The Accused Products also include a USB connector, e.g., a USB type A connector, that is coupled to the power converter through a Vbus line and to the identification subsystem. The USB connector is configured to couple the power output and identification signal to a mobile device, through a USB cable.

55. On information and belief, Belkin has been, and currently is, inducing infringement of the '233 Patent, in violation of 35 U.S.C. § 271(b), by knowingly encouraging or aiding others to make, use, sell, or offer to sell the Accused Products in the United States, or to import the Accused Products into the United States, without license or authority from Fundamental, with knowledge of or willful blindness to the fact that Belkin's actions will induce others, including but not limited to its customers, partners, and/or end users, to directly infringe the '233 patent. Belkin induces others to infringe the '233 Patent by encouraging and facilitating others to perform actions that Belkin knows to be acts of infringement of the '233 Patent with specific intent that those performing the acts infringe the '233 Patent.

56. On information and belief, Belkin has been, and currently is, contributorily infringing the '233 Patent, in violation of 35 U.S.C. § 271(c), by selling or offering for sale, in this judicial district and throughout the United States, components that embody a material part of the inventions described in the '233 Patent, are known by Belkin to be especially made or especially adapted for use in infringement of the '233 Patent, and are not staple articles of commerce or commodities suitable for substantial, non-infringing use, including at least the Accused Products. Belkin's actions contribute to the direct infringement of the Patents-in-Suit by others, including customers of the Accused Products, in violation of 35 U.S.C. § 271(c).

57. As a result of Belkin's infringement of the '233 Patent, Fundamental has been damaged. Fundamental is entitled to recover for damages sustained as a result of Belkin's wrongful acts in an amount to be determined. Fundamental has complied with the requirements of 35 U.S.C. § 287(a) at least because Fundamental provided Belkin with written notice of the

infringement as discussed above.

58. In addition, Belkin's infringing acts have caused and are causing immediate and irreparable harm to Fundamental.

59. On information and belief, Belkin has had actual knowledge of its infringement of the '233 Patent since no later than October 2016. On information and belief, Belkin's infringement of the '233 Patent has been and continues to be deliberate and willful, and, therefore, this is an exceptional case warranting an award of treble damages and attorney's fees to Fundamental pursuant to 35 U.S.C. §§ 284-285.

FOURTH CLAIM FOR RELIEF

(Infringement of U.S. Patent No. 6,936,936)

60. Fundamental re-alleges and incorporates by reference the allegations of the preceding paragraphs of this Complaint as if fully set forth herein.

61. The '936 Patent, titled "Multifunctional charger system and method," was duly and legally issued on August 30, 2005. A true and correct copy of the '936 Patent is attached as Exhibit D.

62. The '936 Patent names Daniel M. Fischer, Dan G. Radut, Michael F. Habicher, Quang A. Luong, and Jonathan T. Malton as co-inventors.

63. The '936 Patent has been in full force and effect since its issuance. Fundamental owns by assignment the entire right, title, and interest in and to the '936 Patent, including the exclusive right to seek damages for past, current and future infringement thereof.

64. Belkin has been, and currently is, directly infringing the '936 Patent by making, using, selling, offering to sell, and/or importing into the United States the Accused Products. Belkin's products infringe at least claim 13 of the '936 Patent.

65. The Accused Products include charging adapters that are able to provide power to a mobile device through a USB port. As shown in the photos below, the Accused Products include a plug unit that can be plugged into an electrical socket to receive energy from the socket.



66. The Accused Products also include a power converter that regulates energy from the power socket so that voltage can be output from the charging adapter, and a USB connector that is electrically connected to the power converter and that is able to deliver power to a mobile device through a USB cable.



67. The USB connector is also electrically connected to an identification subsystem. The identification subsystem is configured to generate an identification signal that consists of voltages on the D+ and D- lines. The identification subsystem includes a hardwired connection of a voltage level to the D+ and D- lines in the primary USB connector. For example, the D+ and D- lines are either connected together, or connected to the Vbus line through resistors.

68. On information and belief, Belkin has been, and currently is, inducing infringement of the '936 Patent, in violation of 35 U.S.C. § 271(b), by knowingly encouraging or aiding others to make, use, sell, or offer to sell the Accused Products in the United States, or to import the Accused Products into the United States, without license or authority from Fundamental, with

knowledge of or willful blindness to the fact that Belkin's actions will induce others, including but not limited to its customers, partners, and/or end users, to directly infringe the '936 patent. Belkin induces others to infringe the '936 Patent by encouraging and facilitating others to perform actions that Belkin knows to be acts of infringement of the '936 Patent with specific intent that those performing the acts infringe the '936 Patent.

69. On information and belief, Belkin has been, and currently is, contributorily infringing the '936 Patent, in violation of 35 U.S.C. § 271(c), by selling or offering for sale, in this judicial district and throughout the United States, components that embody a material part of the inventions described in the '936 Patent, are known by Belkin to be especially made or especially adapted for use in infringement of the '936 Patent, and are not staple articles of commerce or commodities suitable for substantial, non-infringing use, including at least the Accused Products. Belkin's actions contribute to the direct infringement of the Patents-in-Suit by others, including customers of the Accused Products, in violation of 35 U.S.C. § 271(c).

70. As a result of Belkin's infringement of the '936 Patent, Fundamental has been damaged. Fundamental is entitled to recover for damages sustained as a result of Belkin's wrongful acts in an amount to be determined. Fundamental has complied with the requirements of 35 U.S.C. § 287(a) at least because Fundamental provided Belkin with written notice of the infringement as discussed above.

71. In addition, Belkin's infringing acts have caused and are causing immediate and irreparable harm to Fundamental.

72. On information and belief, Belkin has had actual knowledge of its infringement of the '936 Patent since no later than December 2016. On information and belief, Belkin's infringement of the '936 Patent has been and continues to be deliberate and willful, and, therefore, this is an exceptional case warranting an award of treble damages and attorney's fees to Fundamental pursuant to 35 U.S.C. §§ 284-285.

FIFTH CLAIM FOR RELIEF

(Infringement of U.S. Patent No. 8,330,422)

73. Fundamental re-alleges and incorporates by reference the allegations of the preceding paragraphs of this Complaint as if fully set forth herein.

74. The '422 Patent, titled "Charging System and Method," was duly and legally issued on December 11, 2012. On May 15, 2018, the USPTO issued an ex parte reexamination certificate for the '422 patent. A true and correct copy of the '422 Patent and its reexamination certificate is attached as Exhibit E.

75. The '422 Patent names Ryan M. Bayne, Alexei Skarine, and Steven R. Green as co-inventors.

76. The '422 Patent has been in full force and effect since its issuance. Fundamental owns by assignment the entire right, title, and interest in and to the '422 Patent, including the exclusive right to seek damages for past, current and future infringement thereof.

77. Belkin has been, and currently is, directly infringing the '422 Patent by making, using, selling, offering to sell, and/or importing into the United States the Accused Products. On information and belief, Belkin's products infringe at least claim 1 of the '422 Patent.

78. The Accused Products include charging adapters that are able to provide power to a mobile device through a USB port. The Accused Products include a power converter configured to receive power from a power source and to generate a power output. For example, some of the Accused Products can be connected to an AC electrical outlet and convert the AC voltage to a DC voltage. Other Accused Products can be connected to an electrical outlet in a vehicle and convert power from 12v to 5v for output from the charging adapter.



79. The Accused Products include a charging controller that is configured to control an amount of power output from the charger and communicate an identification signal via USB data lines. For example, at least some of the Accused Products generate approximately 2.7v on the D- line and 2.7v on the D+ line. On information and belief, the voltages on the D+ and D- lines are based on a resistance between the D+ and D- lines. The identification signal indicates that the power output exceeds standard USB power limits.

80. On information and belief, Belkin has been, and currently is, inducing infringement of the '422 Patent, in violation of 35 U.S.C. § 271(b), by knowingly encouraging or aiding others to make, use, sell, or offer to sell the Accused Products in the United States, or to import the Accused Products into the United States, without license or authority from Fundamental, with knowledge of or willful blindness to the fact that Belkin's actions will induce others, including but not limited to its customers, partners, and/or end users, to directly infringe the '422 patent. Belkin induces others to infringe the '422 Patent by encouraging and facilitating others to perform actions that Belkin knows to be acts of infringement of the '422 Patent with specific intent that those performing the acts infringe the '422 Patent.

81. On information and belief, Belkin has been, and currently is, contributorily infringing the '422 Patent, in violation of 35 U.S.C. § 271(c), by selling or offering for sale, in this judicial district and throughout the United States, components that embody a material part of the inventions described in the '422 Patent, are known by Belkin to be especially made or especially adapted for use in infringement of the '422 Patent, and are not staple articles of commerce or

commodities suitable for substantial, non-infringing use, including at least the Accused Products. Belkin's actions contribute to the direct infringement of the Patents-in-Suit by others, including customers of the Accused Products, in violation of 35 U.S.C. § 271(c).

82. As a result of Belkin's infringement of the '422 Patent, Fundamental has been damaged. Fundamental is entitled to recover for damages sustained as a result of Belkin's wrongful acts in an amount to be determined. Fundamental has complied with the requirements of 35 U.S.C. § 287(a) at least because Fundamental provided Belkin with written notice of the infringement as discussed above.

83. In addition, Belkin's infringing acts have caused and are causing immediate and irreparable harm to Fundamental.

84. On information and belief, Belkin has had actual knowledge of its infringement of the '422 Patent since no later than May 2018. On information and belief, Belkin's infringement of the '422 Patent has been and continues to be deliberate and willful, and, therefore, this is an exceptional case warranting an award of treble damages and attorney's fees to Fundamental pursuant to 35 U.S.C. §§ 284-285.

PRAYER FOR RELIEF

WHEREFORE, Fundamental prays for judgment against Belkin as follows:

- A. That Belkin has infringed, and continues to infringe, each of the Patents-in-Suit;
- B. That Belkin pay Fundamental damages adequate to compensate Fundamental for Belkin's infringement of the Patents-in-Suit, together with interest and costs under 35 U.S.C. § 284;
- C. That Belkin be ordered to pay pre-judgment and post-judgment interest on the damages assessed;
- D. That Belkin be ordered to pay supplemental damages to Fundamental, including interest, with an accounting, as needed;
- E. That Belkin's infringement is willful and that the damages awarded to Fundamental

should be trebled;

F. That this is an exceptional case under 35 U.S.C. § 285 and that Belkin pay Fundamental's attorney's fees and costs in this action;

G. That Belkin be enjoined from directly and indirectly infringing the Patents-in-Suit; and

H. That Fundamental be awarded such other and further relief, including other monetary and equitable relief, as this Court deems just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Federal Rule of Civil Procedure 38(b), Fundamental hereby demands a trial by jury on all issues triable by jury.

Dated: April 23, 2020

Respectfully submitted,

Of Counsel:

FARNAN LLP

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