

1 Scott Alan Burroughs, Esq. (SBN 235718)
scott@donigerlawfirm.com
2 Trevor W. Barrett (SBN 287174)
tbarrett@donigerlawfirm.com
3 Frank R. Trechsel (SBN 312199)
ftrechsel@donigerlawfirm.com
4 DONIGER / BURROUGHS
5 603 Rose Avenue
6 Venice, California 90291
7 Telephone: (310) 590-1820

8 Attorneys for Plaintiff

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

CHARLES HWANG, an individual,
Plaintiff,
vs.
TEST RITE PRODUCTS CORPORATION,
a California corporation; O REILLY
AUTOMOTIVE, INC., a Missouri
corporation, and DOES 1-10,
Defendants.

Case No.:
PLAINTIFF'S COMPLAINT FOR:
1. PATENT INFRINGEMENT
Jury Trial Demanded

1 Plaintiff, CHARLES HWANG (“HWANG” or “Plaintiff”), by and through its
2 undersigned attorneys, hereby prays to this honorable Court for relief based on the
3 following:

4 **INTRODUCTION**

5 Plaintiff invented and owns the patent in a portable modular power station.
6 Plaintiff’s business is predicated in part on his extensive research and development of
7 new and innovative products. One such critical innovation was Plaintiff’s invention
8 of portable power station including a current, light, and voltage sources as well as a
9 control panel to permit a user to selectively operate the current and light sources – an
10 invention for which Plaintiff holds a United States patent. At all relevant times,
11 Plaintiff’s invention was affixed with Plaintiff’s corresponding United States patent
12 number. The defendants in this case have developed, created, imported, purchased,
13 and/or sold without permission product infringing Plaintiff’s proprietary patented
14 invention.

15 **JURISDICTION AND VENUE**

- 16 1. This action arises under the Patent Act, Title 35 U.S.C., § 101 *et seq.*
17 2. This Court has federal question jurisdiction under 28 U.S.C. § 1331 and
18 1338 (a) and (b).
19 3. Venue in this judicial district is proper under 28 U.S.C. § 1391(c) and
20 1400(a) in that this is the judicial district in which a substantial part of the acts and
21 omissions giving rise to the claims occurred.

22 **PARTIES**

- 23 4. Plaintiff CHARLES HWANG is an individual residing in Gardena,
24 California.
25 5. Plaintiff is informed and believes and thereon alleges that Defendant TEST
26 RITE PRODUCTS CORPORATION, (“Test Rite”) is a corporation organized and
27 existing under the laws of the State of California with its principal place of business
28

1 located in Ontario, California, and is doing business in and with the State of
2 California.

3 6. Plaintiff is informed and believes and thereon alleges that Defendant O
4 REILLY AUTOMOTIVE INC., (“O Reilly”) is a corporation organized and existing
5 under the laws of the State of Missouri with its principal place of business located in
6 Springfield, Missouri, and is doing business in and with the State of California.

7 7. Plaintiff is informed and believes and thereon alleges that Defendants
8 DOES 1-10, inclusive, are manufacturers and/or vendors (and/or agents or
9 employees to a manufacturer or vendor) of power tools and products, which DOE
10 Defendants have manufactured and/or supplied and are manufacturing and/or
11 supplying power tools and other products infringing Plaintiff’s patent (as hereinafter
12 defined) without Plaintiff’s knowledge or consent or have contributed to said
13 infringement, or other currently unknown retail or wholesale customers of the named
14 defendants. Plaintiff will seek leave to amend this Complaint to show their true
15 names and capacities when same have been ascertained.

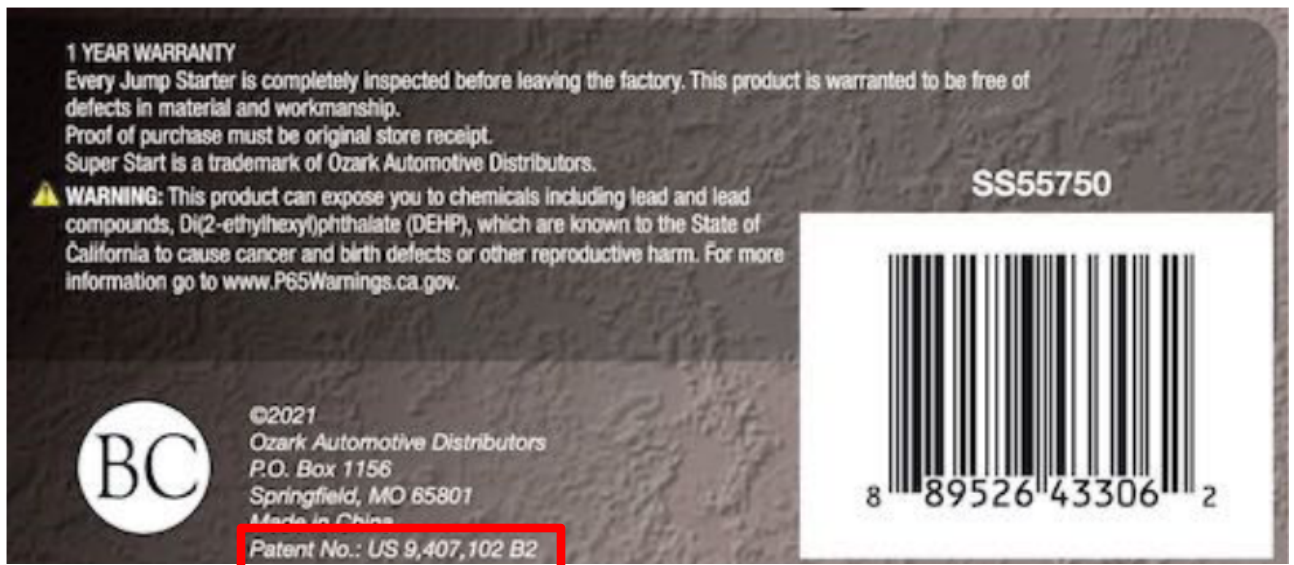
16 8. Plaintiff is informed and believes and thereon alleges that at all times
17 relevant hereto each of the Defendants was the agent, affiliate, officer, director,
18 manager, principal, alter-ego, and/or employee of the remaining Defendants and was
19 at all times acting within the scope of such agency, affiliation, alter-ego relationship
20 and/or employment; and actively participated in or subsequently ratified and
21 adopted, or both, each and all of the acts or conduct alleged, with full knowledge of
22 all the facts and circumstances, including, but not limited to, full knowledge of each
23 and every violation of Plaintiff’s rights and the damages to Plaintiff proximately
24 caused thereby.

25
26 ///

27 ///

1 12. On information and belief, the Defendants have been and are infringing,
2 contributing to infringement, and/or inducing others to infringe the ‘102 patent by
3 making, offering for sale, selling or importing power products that infringe the ‘102
4 patent. Defendants are sophisticated entities in the power tools and accessories and
5 retail industries and are uniquely aware of the existence of patents associated with
6 power related products. Despite this, Defendants recklessly manufactured and
7 utilized distinct portable power stations, which they either knew or should have
8 known to be illegally made using Plaintiff’s patented invention.

9 13. In fact, Defendant’s infringing product, sold under the “Super Start” brand
10 (“Infringing Product”) states on its packaging that it uses HWANG’s ‘102 patent. A
11 true and correct image of a portion of the Infringing Product’s packaging is below
12 with the ‘102 patent identified and referenced.



1 the '102 patent on the Infringing Product's packaging. Plaintiff further directly
2 advised Defendants in in November 2021 that its products violate Plaintiff's rights in
3 the '102 patent and that past royalties were owed. As such, Defendants, and each of
4 them, had constructive notice through Plaintiff's Federal patent registration, and
5 Plaintiff's direct cease and desist correspondence of Plaintiff's patent rights.
6 Defendants', and each of their, exploitation of the patented material with such notice
7 constitutes willful infringement.

8 Plaintiff has been damaged by the Defendants' infringement, and Defendants
9 will continue their infringing activity and Plaintiff will continue to be damaged.

10 **PRAYER FOR RELIEF**

11 Wherefore, Plaintiff prays for judgment as follows:

12 **Against All Defendants**

- 13 a. That Defendants, their agents and employees, all parent and subsidiary
14 corporations, all assignees and successors in interest, and those persons
15 in active participation with Defendants, be enjoined from infringing
16 Plaintiff's '102 patent in any manner;
- 17 b. an award of damages under 35 U.S.C. § 287 for Defendants'
18 infringements of Plaintiff's '102 patent;
- 19 c. a trebling of damages pursuant to 35 U.S.C. § 284;
- 20 d. an award of attorney fees pursuant to 35 U.S.C. § 285;
- 21 e. That Plaintiff be awarded pre-judgment interest as allowed by law;
- 22 f. That Plaintiff be awarded the costs of this action; and
- 23 g. That Plaintiff be awarded such further legal and equitable relief as the
24 Court deems proper.

25
26
27 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

A TRIAL BY JURY PURSUANT TO FED. R. CIV. P. 38 AND
CONSTITUTIONAL AMENDMENT SEVEN IS HEREBY DEMANDED.

Respectfully submitted,

Dated: February 23, 2022

By: /s/ Scott Alan Burroughs
Scott Alan Burroughs, Esq.
Trevor W. Barrett, Esq.
Frank R. Trechsel, Esq.
DONIGER / BURROUGHS
Attorneys for Plaintiff