

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
WEST PALM BEACH DIVISION**

**CASE NO.: 9:22-cv-80530**

VOLTSTAR TECHNOLOGIES, INC.,

Plaintiff,

v.

BIG LOTS STORES, INC.,

Defendant.

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**COMPLAINT FOR PATENT INFRINGEMENT**  
**(INJUNCTIVE RELIEF DEMANDED)**

Plaintiff VOLTSTAR TECHNOLOGIES, INC. by and through its undersigned counsel, brings this Complaint against Defendant BIG LOTS STORES, INC. for Patent Infringement, and in support, alleges as follows:

**NATURE OF THE LAWSUIT**

1. This is an action for patent infringement of United States Patent Number 9,024,581, and its Reissue Patent Number RE48,794 E (hereinafter, the “‘794 Patent”) arising under the patent laws of the United States Title 35, United States Code §§ 1 *et seq.* to enjoin further infringement and obtain damages resulting from Defendant Big Lots Stores, Inc.’s unauthorized manufacture, use, offer to sell and sale in the United States of a product identified and described herein as in violation of Plaintiff Voltstar’s rights under the ‘794 Patent.

**JURISDICTION AND VENUE**

2. This Court has original and exclusive subject matter jurisdiction pursuant to 28 U.S.C. § 1331; 28 U.S.C. § 1338(a); and 35 U.S.C. § 271.

3. This Court has personal jurisdiction over the Defendant.

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4. Venue is proper in this district pursuant to 28 U.S.C. § 1400(b) because Big Lots Stores, Inc. has committed acts of infringement and has a regular established place of business within this judicial district and division. The accused products identified herein were purchased on January 15, 2022 at the Big Lots store located at 21697 SR-7, Boca Raton, FL 33428.

#### **THE PLAINTIFF**

5. Plaintiff, Voltstar Technologies, Inc. (“Voltstar”), is an Illinois Corporation with a principal place of business located at P.O. Box 3727, Barrington, Illinois, 60011.

#### **THE DEFENDANT**

6. Big Lots Stores, Inc. (“Big Lots”) is an Ohio corporation and registered to do business in Florida, with its principal place of business at 4900 E. Dublin Granville Rd., Columbus, Ohio 43081, and can be served by serving its Registered Agent, Corporation Service Company, at 1201 Hays Street, Tallahassee, Florida 32301.

#### **THE PLAINTIFF'S PATENT**

7. Voltstar owns all right, title and interests in, and/or has standing to sue for infringement of United States Patent Number RE48,794 E (the “794 patent”), entitled "Charger Plug With Improved Package", issued on October 26, 2021. A copy of the ‘794 patent is attached hereto as **Exhibit 1**.

8. Prior to May 21, 2008, James W. McGinley, Donald Rimdzius, and David P. Marcusen, invented a novel and non-obvious Charger Plug with Improved Package.

9. McGinley, Rimdzius, and Marcusen applied for and obtained United States Patent No. 9,024,581 (the “581 patent”) entitled “Charger Plug with Improved Package Electrical Charger” which was duly and legally issued on May 5, 2015.

10. McGinley, Rimdzius and Marcusen assigned all right, title and interest in and to the ‘581 Patent to Horizon Technologies, Inc. in May, 2008, which was recorded at the United

States Patent and Trademark Office on May 21, 2008 at Reel 20979, Frame 56. Horizon Technologies, Inc. changed its name to Voltstar Technologies, Inc. and recorded such change of name at the United States Patent and Trademark Office on March 1, 2010, and corrected on November 22, 2010 at Reel 25411, Frame 783.

11. In general, non-legal terms, the '581 Patent relates to a Charger that is to be connected between a source of AC power, such as a wall outlet, and a device such as a mobile phone that includes a battery with the battery being rechargeable through the use of DC power. The size and shape of the Charger are such that upon plugging the Charger into a source of AC power such as a wall outlet, (a) the Charger does not block or interfere with the use of adjacent outlets and (b) the Charger does not interfere with objects or furniture that may be placed adjacent to or in front of the outlet. In addition, the size and shape of the Charger are such that (a) a power cord for the device to be charged may be easily inserted into and removed from the Charger while the Charger is plugged into the source of AC power and (b) removal of the power cord from the Charger can be accomplished without removal of the Charger from the source of AC power. An example of the “Charger Plug with Improved Package Electrical Charger” is shown below:



12. On October 26, 2021, the U.S. Patent No. 9,024,581 was reissued as Patent Number US RE48,794 E (the “‘794 Patent”). The reissued ‘794 Patent, in part, specifically amended Claim 1(i) to now state: “being sized so that the charger plug housing comprises a longitudinal length extending between the front wall and the rear end and the longitudinal length is less than 2.0 inches, a width of the housing outer profile being less than 1.75 inches ...”<sup>1</sup>

13. Pursuant to 35 U.S.C. § 252, Claim 1 of the reissued ‘794 Patent is substantially identical with the original U.S. Patent No. 9,024,581 in that it only clarified the sizing dimensions of the claimed invention. Therefore, the reissued ‘794 Patent is a continuation of the original U.S. Patent No. 9,024,581 and has effect continuously from the date of the original patent as May 5, 2015.

### **DEFENDANT’S PRODUCTS**

#### **Accused Product #1 – H Power 1 Port USB Wall Charger**

14. Big Lots uses, offers for sale and sells the H Power 1 Port USB Wall Charger. An example of the H Power 1 Port USB Wall Charger distributed by Big Lots is shown below.

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<sup>1</sup> The previous language of the U.S. Patent No. 9,024,581 Claim 1(i) stated: “being sized so that the charger plug housing comprises a longitudinal length extending between the front wall and the rear end and the longitudinal length is equal to or less than 2.0 inches ...”

On reissue, the USPTO amended the claim language. The bolded language was omitted and the italicized portion was included, shown as follows: “being sized so that the charger plug housing comprises a longitudinal length extending between the front wall and the rear end and the longitudinal length is [**equal to or**] less than 2.0 inches, *a width of the housing outer profile being less than 1.75 inches ...*”



15. Big Lots advertises the use of and sells its H Power 1 Port USB Wall *Charger* that is to be connected between a source of AC power, such as a wall outlet, and a device such as a mobile phone that includes a battery with the battery being rechargeable through the use of DC power.

16. In particular, the H Power 1 Port USB Wall Charger distributed by Big Lots employ a reduced plug-size charger plug, that upon plugging the H Power 1 Port USB Wall Charger into a source of AC power such as a wall outlet, the H Power 1 Port USB Wall Charger does not block or interfere with the use of adjacent outlets.

17. Moreover, the size and shape of the H Power 1 Port USB Wall Charger are such that a power cord for the device to be charged may be easily inserted into and removed from the H Power 1 Port USB Wall Charger while the charger is plugged into the source of AC power and removal of the power cord from the H Power 1 Port USB Wall Charger can be accomplished without removal of the charger from the source of AC power.

18. Attached hereto as **Exhibit 2** is a Claim Chart that illustrates each element of the infringing H Power 1 Port USB Wall Charger as compared to Claim 1 in the '794 Patent.

19. Beginning on or before January 15, 2022 defendant Big Lots infringed at least one of the claim of the '794 Patent by offering to sell and by selling a charger plug identified as H Power 1 Port USB Wall Charger.

20. The H Power 1 Port USB Wall Charger has a longitudinal length less than 2 inches, approximately 1.427 inches, and a width of less than 1.75 inches, approximately 1.456 inches.

**Accused Product #2 – H Power 2 Port USB Wall Charger**

21. Big Lots uses, offers for sale and sells the H Power 2 Port USB Wall Charger. An example of the H Power 2 Port USB Wall Charger distributed by Big Lots is shown below.



22. Big Lots advertises the use of and sells its H Power 2 Port USB Wall *Charger* that is to be connected between a source of AC power, such as a wall outlet, and a device such as a mobile phone that includes a battery with the battery being rechargeable through the use of DC power.

23. In particular, the H Power 2 Port USB Wall Charger distributed by Big Lots employ a reduced plug-size charger plug, that upon plugging the H Power 2 Port USB Wall Charger into a source of AC power such as a wall outlet, the H Power 2 Port USB Wall Charger does not block or interfere with the use of adjacent outlets.

24. Moreover, the size and shape of the H Power 2 Port USB Wall Charger are such that a power cord for the device to be charged may be easily inserted into and removed from the H Power 2 Port USB Wall Charger while the charger is plugged into the source of AC power and removal of the power cord from the H Power 2 Port USB Wall Charger can be accomplished without removal of the charger from the source of AC power.

25. Attached hereto as **Exhibit 3** is a Claim Chart that illustrates each element of the infringing H Power 2 Port USB Wall Charger as compared to Claim 1 in the '794 Patent.

26. Beginning on or before January 15, 2022 defendant Big Lots infringed at least one of the claim of the '794 Patent by offering to sell and by selling a charger plug identified as H Power 2 Port USB Wall Charger.

27. The H Power 2 Port USB Wall Charger has a longitudinal length less than 2 inches, approximately 1.587 inches, and a width of less than 1.75 inches, approximately 1.504 inches.

**Accused Product #3 – Wireless Gear BL1489**

28. Big Lots uses, offers for sale and sells the Wireless Gear BL1489. An example of the Wireless Gear BL1489 distributed by Big Lots is shown below.



29. Big Lots advertises the use of and sells its Wireless Gear BL1489 *charger* that is to be connected between a source of AC power, such as a wall outlet, and a device such as a mobile phone that includes a battery with the battery being rechargeable through the use of DC power.

30. In particular, the Wireless Gear BL1489 distributed by Big Lots employ a reduced plug-size charger plug, that upon plugging the Wireless Gear BL1489 into a source of AC power such as a wall outlet, the Wireless Gear BL1489 does not block or interfere with the use of adjacent outlets.

31. Moreover, the size and shape of the Wireless Gear BL1489 are such that a power cord for the device to be charged may be easily inserted into and removed from the Wireless Gear BL1489 while the charger is plugged into the source of AC power and removal of the power cord from the Wireless Gear BL1489 can be accomplished without removal of the charger from the source of AC power.

32. Attached hereto as **Exhibit 4** is a Claim Chart that illustrates each element of the infringing Wireless Gear BL1489 as compared to Claim 1 in the '794 Patent.

33. Beginning on or before January 15, 2022 defendant Big Lots infringed at least one of the claim of the '794 Patent by offering to sell and by selling a charger plug identified as Wireless Gear BL1489.

34. The Wireless Gear BL1489 has a longitudinal length less than 2 inches, approximately 1.918 inches, and a width of less than 1.75 inches, approximately 1.350 inches.

**Accused Product #4 – Dual Port Wall Charger**

35. Big Lots makes, uses, offers for sale and sells the Dual Port Wall Charger. An example of the Dual Port Wall Charger distributed by Big Lots is shown below.





36. Big Lots advertises the use of and sells its Dual Port Wall *Charger* that is to be connected between a source of AC power, such as a wall outlet, and a device such as a mobile phone that includes a battery with the battery being rechargeable through the use of DC power.

37. In particular, the Dual Port Wall Charger distributed by Big Lots employs a reduced plug-size charger plug, that upon plugging the Dual Port Wall Charger into a source of AC power such as a wall outlet, the Dual Port Wall Charger does not block or interfere with the use of adjacent outlets.

38. Moreover, the size and shape of the Dual Port Wall Charger are such that a power cord for the device to be charged may be easily inserted into and removed from the Dual Port Wall Charger while the charger is plugged into the source of AC power and removal of the power cord from the Dual Port Wall Charger can be accomplished without removal of the charger from the source of AC power.

39. Attached hereto as **Exhibit 5** is a Claim Chart that illustrates each element of the infringing Dual Port Wall Charger as compared to Claim 1 in the '794 Patent.

40. Beginning on or before January 15, 2022 defendant Big Lots infringed at least one of the claim of the '794 Patent by offering to sell and by selling a charger plug identified as Dual Port Wall Charger.

41. The Dual Port Wall Charger has a longitudinal length less than 2 inches, approximately 1.531 inches, and a width of less than 1.75 inches, approximately 1.114 inches.

**COUNT I**  
**DIRECT INFRINGEMENT OF U.S. PATENT NO. RE48,794 E**

42. Voltstar repeats, realleges, and incorporates by reference, as if fully set forth herein paragraphs 1 through 41, as set forth above.

43. Within the six years preceding the filing of this Complaint, Big Lots has directly infringed at least one claim of U.S. Patent No. RE48,794 E by the activities referred to in this Complaint in violation of 35 U.S.C. § 271(a).

44. Without limiting the foregoing, Defendant has infringed at least Claim 1 of the '794 Patent as described in the Claim Charts attached hereto as **Exhibit 2, 3, 4, and 5**.

45. Big Lots' acts of making, using, importing, selling, and/or offering for sale infringing products and services have been without license, permission, or authorization from Voltstar.

46. Big Lots' infringement includes, but is not limited to, the manufacture, use, sale, importation and/or offer for sale of Defendant's products including H Power 1 Port USB Wall Charger, H Power 2 Port USB Wall Charger, Wireless Gear BL1489, Dual Port Wall Charger, which incorporates Voltstar's patent.

47. As a result of Big Lots' unlawful activities, Voltstar has suffered and will continue to suffer irreparable harm for which there is no adequate remedy at law. Defendant's continued infringement of the '794 Patent causes harm to Voltstar in the form of price erosion, loss of goodwill, damage to reputation, loss of business opportunities, inadequacy of money damages, direct and indirect competition. Monetary damages are insufficient to compensate Voltstar for these harms. Accordingly, Voltstar is entitled to permanent injunctive relief.

48. Defendant's infringement of the '794 Patent has injured and continues to injure Voltstar in an amount to be proven at trial, but not less than a reasonable royalty.

**COUNT II**  
**INDIRECT INFRINGEMENT OF U.S. PATENT NO. RE48,794 E**

49. Voltstar repeats, realleges and incorporates by reference, as if fully set forth herein paragraphs 1 through 41, as set forth above.

50. Within the six years preceding the filing of this Complaint, Big Lots has indirectly infringed at least one claim of U.S. Patent No. RE48,794 E, by requesting and encouraging and inducing customers to in violation of 35 U.S.C. § 271(b).

51. Defendant, Big Lots has induced and continues to induce infringement of at least Claim 1 of the '794 Patent under 35 U.S.C. § 271(b).

52. Big Lots' activities alleged in this Count have been without license permission or authorization from Voltstar.

53. Big Lots knowingly and actively aided and abetted the direct infringement of the '794 Patent by instructing and encouraging its customers, purchasers, users and developers to distribute the '794 infringing products. Such instructions and encouragement included, but are not limited to, advising third parties to use the '794 infringing products in an infringing manner, providing a mechanism through which third parties may infringe the '794 Patent, and by advertising and promoting the use of the '794 infringing products in an infringing manner, and distributing guidelines and instructions to third parties on how to use the '794 infringing products in an infringing manner.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff Voltstar Technologies, Inc. demands judgment and relief against Defendant Big Lots Stores, Inc. and respectfully requests that the Court:

- A. An entry of judgment holding that Defendant has infringed and is infringing the ‘794 Patent and has induce infringement and is inducing infringement of the ‘794 Patent;
- B. A permanent injunction against Defendant and their officers, employees, agents, servant attorneys, instrumentalities, and/or those in privity with them, from infringing the ‘794 Patent, and for all further and proper injunctive relief pursuant to 35 U.S.C. § 283.
- C. For an accounting and an award of damages sufficient to compensate Voltstar for the infringement in no event less than a reasonable royalty pursuant to 35 U.S.C. § 284;
- D. A determination that Defendant’s infringement has been willful, wanton, and deliberate and that the damages against it be increased up to treble on this basis or for any other basis in accordance with the law;
- E. A finding that this case is an exceptional case under 35 U.S.C. § 284 and an award to Voltstar of its costs and reasonable attorneys’ fees as provided by 35 U.S.C. § 285;
- F. An accounting of all infringing sales and revenues, together with post judgment interest and prejudgment interest from the first date of infringement of the ‘794 Patent; and
- G. That Voltstar is entitled to such other and further relief as to the Court appears just and proper.

**JURY DEMAND**

Plaintiff hereby demands a trial by jury of all issues so triable.

DATED: April 1, 2022

Respectfully submitted,

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*/s/ Joel B. Rothman*

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