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5 *Attorney(s) for Battery Conservation Innovations, LLC*

7 **UNITED STATES DISTRICT COURT**
8 **CENTRAL DISTRICT OF CALIFORNIA**
9 **SOUTHERN DIVISION**

12 **BATTERY CONSERVATION**
INNOVATIONS, LLC,
13
14 **Plaintiff,**
15 **v.**
16 **TARGUS US, LLC,**
17
18 **Defendant.**

CASE NO. 8:22-cv-02231
COMPLAINT
PATENT CASE
JURY TRIAL DEMANDED

20 Plaintiff Battery Conservation Innovations, Inc. (“Plaintiff” and/or “BCI”) files
21 this complaint against Targus US, LLC (“Defendant” and/or “Targus”) for
22 infringement of U.S. Patent No. 9,239,158 (hereinafter the “ ‘158 Patent”) and alleges
23 as follows:
24

25 **PARTIES**

26 1. Plaintiff is a Texas limited liability company with an address of 1 East
27 Broward Boulevard, Suite 700, Ft. Lauderdale, FL 33301.
28

1 **COUNT ONE**

2 **(Infringement of United States Patent No. 9,239,158)**

3 11. Plaintiff refers to and incorporates the allegations in Paragraphs 1 - 10, the
4 same as if set forth herein.

5 12. This cause of action arises under the patent laws of the United States and,
6 in particular under 35 U.S.C. §§ 271, *et seq.*

7 13. Defendant has knowledge of its infringement of the ‘158 Patent, at least
8 as of the service of the present complaint.

9 14. The ‘158 Patent is valid, enforceable, and was duly issued in full
10 compliance with Title 35 of the United States Code.

11 15. Upon information and belief, Defendant has infringed and continues to
12 infringe one or more claims, including at least Claim 15, of the ‘158 Patent by
13 manufacturing (as identified in the Claim Chart attached hereto as Exhibit B) a
14 Computer Mouse that is an electronic device and any similar products (“Product”),
15 which infringe at least Claim 15 of the ‘158 Patent. The Computer Mouse is powered
16 through a replaceable battery. The Computer Mouse includes motion sensing
17 capabilities wherein, the Computer Mouse may automatically switch to sleep mode
18 when no movement is detected, Defendant has infringed and continues to infringe the
19 ‘158 patent either directly or through acts of contributory infringement or inducement
20 in violation of 35 U.S.C. § 271.

21 16. Defendant also has and continues to directly infringe, literally or under the
22 doctrine of equivalents, the Exemplary ‘158 Patent Claims, by having its employees
23 internally test and use these Exemplary Products.

24 17. The service of this Complaint, in conjunction with the attached claim chart
25 and references cited, constitutes actual knowledge of infringement as alleged here.

26 18. Despite such actual knowledge, Defendant continues to make, use, test,
27 sell, offer for sale, market, and/or import into the United States, products that infringe
28 the ‘158 Patent. On information and belief, Defendant has also continued to sell the

1 Exemplary Defendant Products and distribute product literature and website materials
2 inducing end users and others to use its products in the customary and intended manner
3 that infringes the ‘158 Patent. See Exhibit B (extensively referencing these materials to
4 demonstrate how they direct end users to commit patent infringement).

5 19. At least since being served by this Complaint and corresponding claim
6 chart, Defendant has actively, knowingly, and intentionally continued to induce
7 infringement of the ‘158 Patent, literally or by the doctrine of equivalents, by selling
8 Exemplary Defendant Products to their customers for use in end-user products in a
9 manner that infringes one or more claims of the ‘158 Patent.

10 20. Exhibit B includes at least one chart comparing the Exemplary ‘158 Patent
11 Claims to the Exemplary Defendant Products. As set forth in this chart, the Exemplary
12 Defendant Products practice the technology claimed by the ‘158 Patent. Accordingly,
13 the Exemplary Defendant Products incorporated in this chart satisfy all elements of the
14 Exemplary ‘158 Patent Claims.

15 21. Plaintiff therefore incorporates by reference in its allegations herein the
16 claim chart of Exhibit B.

17 22. Plaintiff is entitled to recover damages adequate to compensate for
18 Defendant's infringement.

19 21. Defendant’s actions complained of herein will continue unless Defendant
20 is enjoined by this court.

21 22. Defendant’s actions complained of herein are causing irreparable harm
22 and monetary damage to Plaintiff and will continue to do so unless and until Defendant
23 is enjoined and restrained by this Court.

24 23. Plaintiff is in compliance with 35 U.S.C. § 287.

25 **PRAYER FOR RELIEF**

26 WHEREFORE, Plaintiff asks the Court to:

27 (a) Enter judgment for Plaintiff on this Complaint on all cases of action
28 asserted herein;

1 (b) Enter an Order enjoining Defendant, its agents, officers, servants,
2 employees, attorneys, and all persons in active concert or participation with Defendant
3 who receives notice of the order from further infringement of United States Patent No.
4 9,239,158 (or, in the alternative, awarding Plaintiff running royalty from the time
5 judgment going forward);

6 (c) Award Plaintiff damages resulting from Defendant’s infringement in
7 accordance with 35 U.S.C. § 284;

8 (d) Award Plaintiff such further relief to which the Court finds Plaintiff entitled
9 under law or equity.

10 **DEMAND FOR JURY TRIAL**

11 Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial
12 by jury of any issues so triable by right.

13
14 Dated: December 12, 2022

Respectfully submitted,

15 /s/ Stephen M. Lobbin
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17 ***Attorney(s) for Plaintiff Battery***
18 ***Conservation Innovations, LLC***
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