

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
MANHATTAN DIVISION**

**CASE NO.: 1:22-cv-8429**

VOLTSTAR TECHNOLOGIES, INC.,

Plaintiff,

v.

B&H PHOTO-VIDEO INC RPC,

Defendant.

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**COMPLAINT FOR PATENT INFRINGEMENT**

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Plaintiff VOLTSTAR TECHNOLOGIES, INC. by and through its undersigned counsel, brings this Complaint against Defendant B&H PHOTO-VIDEO INC RPC 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 B&H Photo-Video Inc RPC’s unauthorized manufacture, use, offer to sell and sale in the United States of products identified and described herein in violation of Plaintiff Voltstar’s rights under U.S. Patent No. ‘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.

4. Venue is proper in this district pursuant to 28 U.S.C. § 1400(b) because B&H Photo-Video Inc RPC has committed acts of infringement and has a regular and established place of business within this judicial district and division.

**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, IL 60010.

**THE DEFENDANT**

6. B&H Photo-Video Inc RPC (“B&H Photo”) is a New York corporation with its principal place of business at 1420 Washington Avenue, 6D, Bronx, NY 10456, and can be served by serving its Registered Agent, Shaquille Rivers, at the same adress.

**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 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. The patent application for the '581 patent (application serial number 12/124,515) was first published on November 26, 2009.

11. 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.

12. 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:



13. 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>

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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 ...*”

14. 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 has only limited 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.

15. Claim 1 of the reissued ‘794 Patent is substantially identical with the claims submitted during the ‘581 patent prosecution at least as early as 2011, in the published patent application serial number 12/124,515. Claim 1 of the reissued ‘794 Patent was substantially known publicly at least as early as 2011.

16. At all relevant times, Voltstar and its predecessors in interest in the ‘794 Patent and original U.S. Patent No. 9,024,581, complied with the federal patent marking statute, 35 U.S.C. § 287(a).

17. As of May 5, 2015, the issue date of the original U.S. Patent No. 9,024,581 Voltstar and its predecessors in interest had ceased making, offering for sale, or selling within the United States any patented article covered under the ‘794 Patent or the original U.S. Patent No. 9,024,581.

### **DEFENDANT’S PRODUCTS**

#### **Accused Product # 1 – iessentials 4 Piece Charging Kit**

18. B&H Photo makes, uses, offers for sale and sells the iessentials 4 Piece Charging Kit (hereinafter, “iessentials Wall Charger”). An example of the iessentials Wall Charger distributed by B&H Photo is shown below.



19. B&H Photo advertises the use of and sells its iessentials 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.

20. In particular, the iessentials Wall Charger distributed by B&H Photo employ a reduced plug-size charger plug, that upon plugging the iessentials Wall Charger into a source of AC power such as a wall outlet, the iessentials Wall Charger does not block or interfere with the use of adjacent outlets.

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

22. Attached hereto as **Exhibit 2** is a Claim Chart that illustrates each element of the infringing iessentials Wall Charger as compared to Claim 1 in the '794 Patent.

23. Defendant B&H Photo infringed at least one of the claim of the '794 Patent by offering to sell and by selling a charger plug identified as iessentials Wall Charger.

24. The iessentials Wall Charger has a longitudinal length less than 2 inches, approximately 1.755 inches, and a width of less than 1.75 inches, approximately 1.403 inches.

25. The iessentials Wall Charger contains each element of Claim 1 in the '794 Patent, as shown in the Claim Chart of Exhibit 2, and B&H Photo Video knew or should have known that the iessentials Wall Charger infringes Claim 1 of the '794 Patent.

26. The elements of Claim 1 of the '794 Patent state clear dimension, size and orientation requirements and B&H Photo knew or should have known that the iessentials Wall Charger meets said requirements and infringes Claim 1 of the '794 Patent.

**Accused Product # 2 – Chargeworx 2.4 AMP Dual USB Wall Charger**

27. B&H Photo makes, uses, offers for sale and sells the Chargeworx 2.4 AMP Dual USB Wall Charger. An example of the Chargeworx 2.4 AMP Dual USB Wall Charger distributed by B&H Photo is shown below.





28. B&H Photo advertises the use of and sells its Chargeworx 2.4 AMP Dual 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.

29. In particular, the Chargeworx 2.4 AMP Dual USB Wall Charger distributed by B&H Photo employ a reduced plug-size charger plug, that upon plugging the Chargeworx 2.4 AMP Dual USB Wall Charger into a source of AC power such as a wall outlet, that the Chargeworx 2.4 AMP Dual USB Wall Charger does not block or interfere with the use of adjacent outlets.

30. Moreover, the size and shape of the Chargeworx 2.4 AMP Dual USB Wall Charger are such that a power cord for the device to be charged may be easily inserted into and removed from the Chargeworx 2.4 AMP Dual USB Wall Charger while the charger is plugged into the source of AC power and removal of the power cord from the Chargeworx 2.4 AMP Dual USB Wall Charger can be accomplished without removal of the charger from the source of AC power.

31. Attached hereto as **Exhibit 3** is a Claim Chart that illustrates each element of the infringing Chargeworx 2.4 AMP Dual USB Wall Charger as compared to Claim 1 in the '794 Patent.

32. Defendant B&H Photo infringed at least one of the claim of the '794 Patent by offering to sell and by selling a charger plug identified as Chargeworx 2.4 AMP Dual USB Wall Charger.

33. The Chargeworx 2.4 AMP Dual USB Wall Charger has a longitudinal length less than 2 inches, approximately 1.678 inches, and a width of less than 1.75 inches, approximately 1.482 inches.

34. The Chargeworx 2.4 AMP Dual USB Wall Charger contains each element of Claim 1 in the '794 Patent, as shown in the Claim Chart of Exhibit 3, and B&H Photo knew or should have known that the Chargeworx 2.4 AMP Dual USB Wall Charger infringes Claim 1 of the '794 Patent.

35. The elements of Claim 1 of the '794 Patent state clear dimension, size and orientation requirements and B&H Photo knew or should have known that the Chargeworx 2.4 AMP Dual USB Wall Charger meets said requirements and infringes Claim 1 of the '794 Patent.

**Accused Product # 3 – Chargeworx Dual USB Wall Charger**

36. B&H Photo makes, uses, offers for sale and sells the Chargeworx Dual USB Wall Charger. An example of the Chargeworx Dual USB Wall Charger distributed by B&H Photo is shown below.



37. B&H Photo advertises the use of and sells its Chargeworx Dual 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.

38. In particular, the Chargeworx Dual USB Wall Charger distributed by B&H Photo employ a reduced plug-size charger plug, that upon plugging the Chargeworx Dual USB Wall Charger into a source of AC power such as a wall outlet, that the Chargeworx Dual USB Wall Charger does not block or interfere with the use of adjacent outlets.

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

40. Attached hereto as **Exhibit 4** is a Claim Chart that illustrates each element of the infringing Chargeworx Dual USB Wall Charger as compared to Claim 1 in the '794 Patent.

41. Defendant B&H Photo infringed at least one of the claim of the '794 Patent by offering to sell and by selling a charger plug identified as Chargeworx Dual USB Wall Charger.

42. The Chargeworx Dual USB Wall Charger has a longitudinal length less than 2 inches, approximately 1.546 inches, and a width of less than 1.75 inches, approximately 1.109 inches.

43. The Chargeworx Dual USB Wall Charger contains each element of Claim 1 in the '794 Patent, as shown in the Claim Chart of Exhibit 4, and B&H Photo knew or should have known that the Chargeworx Dual USB Wall Charger infringes Claim 1 of the '794 Patent.

44. The elements of Claim 1 of the '794 Patent state clear dimension, size and orientation requirements and B&H Photo knew or should have known that the Chargeworx Dual USB Wall Charger meets said requirements and infringes Claim 1 of the '794 Patent.

**Accused Product # 4 – Bytech Micro Wall Charger**

45. B&H Photo makes, uses, offers for sale and sells the Bytech Micro Wall Charger. An example of the Bytech Micro Wall Charger distributed by B&H Photo is shown below.



46. B&H Photo advertises the use of and sells its Bytech Micro 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.

47. In particular, the Bytech Micro Wall Charger distributed by B&H Photo employ a reduced plug-size charger plug, that upon plugging the Bytech Micro Wall Charger into a source of AC power such as a wall outlet, that the Bytech Micro Wall Charger does not block or interfere with the use of adjacent outlets.

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

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

50. Defendant B&H Photo infringed at least one of the claim of the '794 Patent by offering to sell and by selling a charger plug identified as Bytech Micro Wall Charger.

51. The Bytech Micro Wall Charger has a longitudinal length less than 2 inches, approximately 1.633 inches, and a width of less than 1.75 inches, approximately 1.087 inches.

52. The Bytech Micro Wall Charger contains each element of Claim 1 in the '794 Patent, as shown in the Claim Chart of Exhibit 5, and B&H Photo knew or should have known that the Bytech Micro Wall Charger infringes Claim 1 of the '794 Patent.

53. The elements of Claim 1 of the '794 Patent state clear dimension, size and orientation requirements and B&H Photo knew or should have known that the Bytech Micro Wall Charger meets said requirements and infringes Claim 1 of the '794 Patent.

**Accused Product # 5 – Bytech Universal Wall Charger**

54. B&H Photo makes, uses, offers for sale and sells the Bytech Universal Wall Charger. An example of the Bytech Universal Wall Charger distributed by B&H Photo is shown below.



55. B&H Photo advertises the use of and sells its Bytech Universal 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.

56. In particular, the Bytech Universal Wall Charger distributed by B&H Photo employ a reduced plug-size charger plug, that upon plugging the Bytech Universal Wall Charger into a source of AC power such as a wall outlet, that the Bytech Universal Wall Charger does not block or interfere with the use of adjacent outlets.

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

58. Attached hereto as **Exhibit 6** is a Claim Chart that illustrates each element of the infringing Bytech Universal Wall Charger as compared to Claim 1 in the '794 Patent.

59. Defendant B&H Photo infringed at least one of the claim of the '794 Patent by offering to sell and by selling a charger plug identified as Bytech Universal Wall Charger.

60. The Bytech Universal Wall Charger has a longitudinal length less than 2 inches, approximately 1.968 inches, and a width of less than 1.75 inches, approximately 1.427 inches.

61. The Bytech Universal Wall Charger contains each element of Claim 1 in the '794 Patent, as shown in the Claim Chart of Exhibit 6, and B&H Photo knew or should have known that the Bytech Universal Wall Charger infringes Claim 1 of the '794 Patent.

62. The elements of Claim 1 of the '794 Patent state clear dimension, size and orientation requirements and B&H Photo knew or should have known that the Bytech Universal Wall Charger meets said requirements and infringes Claim 1 of the '794 Patent.

**Accused Product # 6 – PDG-120 B 20W GaN USB-C Charger**

63. B&H Photo makes, uses, offers for sale and sells the PDG-120 B 20W GaN USB-C Charger (hereinafter, "PDG 20W USB-C Charger"). An example of the PDG 20W USB-C Charger distributed by B&H Photo is shown below.





64. B&H Photo advertises the use of and sells its PDG 20W USB-C *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.

65. In particular, the PDG 20W USB-C Charger distributed by B&H Photo employ a reduced plug-size charger plug, that upon plugging the PDG 20W USB-C Charger into a source of AC power such as a wall outlet, that the PDG 20W USB-C Charger does not block or interfere with the use of adjacent outlets.

66. Moreover, the size and shape of the PDG 20W USB-C Charger are such that a power cord for the device to be charged may be easily inserted into and removed from the PDG 20W USB-C Charger while the charger is plugged into the source of AC power and removal of the power cord from the PDG 20W USB-C Charger can be accomplished without removal of the charger from the source of AC power.

67. Attached hereto as **Exhibit 7** is a Claim Chart that illustrates each element of the infringing PDG 20W USB-C Charger as compared to Claim 1 in the '794 Patent.

68. Defendant B&H Photo infringed at least one of the claim of the '794 Patent by offering to sell and by selling a charger plug identified as PDG 20W USB-C Charger.

69. The PDG 20W USB-C Charger has a longitudinal length less than 2 inches, approximately 1.274 inches, and a width of less than 1.75 inches, approximately 1.252 inches.

70. The PDG 20W USB-C Charger contains each element of Claim 1 in the '794 Patent, as shown in the Claim Chart of Exhibit 7, and B&H Photo knew or should have known that the PDG 20W USB-C Charger infringes Claim 1 of the '794 Patent.



71. The elements of Claim 1 of the ‘794 Patent state clear dimension, size and orientation requirements and B&H Photo knew or should have known that the PDG 20W USB-C Charger meets said requirements and infringes Claim 1 of the ‘794 Patent.

**Accused Product # 7 – PDG-130 B 30W GaN USB-C Charger**

72. B&H Photo makes, uses, offers for sale and sells the PDG-130 B 30W GaN USB-C Charger (hereinafter, “PDG 30W USB-C Charger”). An example of the PDG 30W USB-C Charger distributed by B&H Photo is shown below.



73. B&H Photo advertises the use of and sells its PDG 30W USB-C *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.

74. In particular, the PDG 30W USB-C Charger distributed by B&H Photo employ a reduced plug-size charger plug, that upon plugging the PDG 30W USB-C Charger into a source

of AC power such as a wall outlet, that the PDG 30W USB-C Charger does not block or interfere with the use of adjacent outlets.

75. Moreover, the size and shape of the PDG 30W USB-C Charger are such that a power cord for the device to be charged may be easily inserted into and removed from the PDG 30W USB-C Charger while the charger is plugged into the source of AC power and removal of the power cord from the PDG 30W USB-C Charger can be accomplished without removal of the charger from the source of AC power.

76. Attached hereto as **Exhibit 8** is a Claim Chart that illustrates each element of the infringing PDG 30W USB-C Charger as compared to Claim 1 in the '794 Patent.

77. Defendant B&H Photo infringed at least one of the claim of the '794 Patent by offering to sell and by selling a charger plug identified as PDG 30W USB-C Charger.

78. The PDG 30W USB-C Charger has a longitudinal length less than 2 inches, approximately 1.274 inches, and a width of less than 1.75 inches, approximately 1.248 inches.

79. The PDG 30W USB-C Charger contains each element of Claim 1 in the '794 Patent, as shown in the Claim Chart of Exhibit 8, and B&H Photo knew or should have known that the PDG 30W USB-C Charger infringes Claim 1 of the '794 Patent.

80. The elements of Claim 1 of the '794 Patent state clear dimension, size and orientation requirements and B&H Photo knew or should have known that the PDG 30W USB-C Charger meets said requirements and infringes Claim 1 of the '794 Patent.

**Accused Product # 8 – Peak Design Wall Power Adapter**

81. B&H Photo makes, uses, offers for sale and sells the Peak Design Wall Power Adapter. An example of the Peak Design Wall Power Adapter distributed by B&H Photo is shown below.



82. B&H Photo advertises the use of and sells its Peak Design Wall Power Adapter *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.

83. In particular, the Peak Design Wall Power Adapter distributed by B&H Photo employ a reduced plug-size charger plug, that upon plugging the Peak Design Wall Power Adapter into a source of AC power such as a wall outlet, that the Peak Design Wall Power Adapter does not block or interfere with the use of adjacent outlets.

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

85. Attached hereto as **Exhibit 9** is a Claim Chart that illustrates each element of the infringing Peak Design Wall Power Adapter as compared to Claim 1 in the '794 Patent.

86. Defendant B&H Photo infringed at least one of the claim of the ‘794 Patent by offering to sell and by selling a charger plug identified as Peak Design Wall Power Adapter.

87. The Peak Design Wall Power Adapter has a longitudinal length less than 2 inches, approximately 1.730 inches, and a width of less than 1.75 inches, approximately 1.302 inches.

88. The Peak Design Wall Power Adapter contains each element of Claim 1 in the ‘794 Patent, as shown in the Claim Chart of Exhibit 9, and B&H Photo knew or should have known that the Peak Design Wall Power Adapter infringes Claim 1 of the ‘794 Patent.

89. The elements of Claim 1 of the ‘794 Patent state clear dimension, size and orientation requirements and B&H Photo knew or should have known that the Peak Design Wall Power Adapter meets said requirements and infringes Claim 1 of the ‘794 Patent.

**Accused Product # 9 – Xuma 2.1 AMPS USB Charger**

90. B&H Photo makes, uses, offers for sale and sells the Xuma 2.1 AMPS USB Charger. An example of the Xuma 2.1 AMPS USB Charger distributed by B&H Photo is shown below.



91. B&H Photo advertises the use of and sells its Xuma 2.1 AMPS USB *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.

92. In particular, the Xuma 2.1 AMPS USB Charger distributed by B&H Photo employ a reduced plug-size charger plug, that upon plugging the Xuma 2.1 AMPS USB Charger into a source of AC power such as a wall outlet, that the Xuma 2.1 AMPS USB Charger does not block or interfere with the use of adjacent outlets.

93. Moreover, the size and shape of the Xuma 2.1 AMPS USB Charger are such that a power cord for the device to be charged may be easily inserted into and removed from the Xuma 2.1 AMPS USB Charger while the charger is plugged into the source of AC power and removal of the power cord from the Xuma 2.1 AMPS USB Charger can be accomplished without removal of the charger from the source of AC power.

94. Attached hereto as **Exhibit 10** is a Claim Chart that illustrates each element of the infringing Xuma 2.1 AMPS USB Charger as compared to Claim 1 in the '794 Patent.

95. Defendant B&H Photo infringed at least one of the claim of the '794 Patent by offering to sell and by selling a charger plug identified as Xuma 2.1 AMPS USB Charger.

96. The Xuma 2.1 AMPS USB Charger has a longitudinal length less than 2 inches, approximately 1.401 inches, and a width of less than 1.75 inches, approximately 1.388 inches.

97. The Xuma 2.1 AMPS USB Charger contains each element of Claim 1 in the '794 Patent, as shown in the Claim Chart of Exhibit 10, and B&H Photo knew or should have known that the Xuma 2.1 AMPS USB Charger infringes Claim 1 of the '794 Patent.

98. The elements of Claim 1 of the ‘794 Patent state clear dimension, size and orientation requirements and B&H Photo knew or should have known that the Xuma 2.1 AMPS USB Charger meets said requirements and infringes Claim 1 of the ‘794 Patent.

**Accused Product # 10 – UltimatePower Mini 30W GaN USB-C PD Wall Charger**

99. B&H Photo makes, uses, offers for sale and sells the UltimatePower Mini 30W GaN USB-C PD Wall Charger (hereinafter, “UltimatePower Mini Wall Charger”). An example of the UltimatePower Mini Wall Charger distributed by B&H Photo is shown below.



100. B&H Photo advertises the use of and sells its UltimatePower Mini 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.

101. In particular, the UltimatePower Mini Wall Charger distributed by B&H Photo employ a reduced plug-size charger plug, that upon plugging the UltimatePower Mini Wall Charger into a source of AC power such as a wall outlet, that the UltimatePower Mini Wall Charger does not block or interfere with the use of adjacent outlets.

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

103. Attached hereto as **Exhibit 11** is a Claim Chart that illustrates each element of the infringing UltimatePower Mini Wall Charger as compared to Claim 1 in the '794 Patent.

104. Defendant B&H Photo infringed at least one of the claim of the '794 Patent by offering to sell and by selling a charger plug identified as UltimatePower Mini Wall Charger.

105. The UltimatePower Mini Wall Charger has a longitudinal length less than 2 inches, approximately 1.204 inches, and a width of less than 1.75 inches, approximately 1.209 inches.

106. The UltimatePower Mini Wall Charger contains each element of Claim 1 in the '794 Patent, as shown in the Claim Chart of Exhibit 11, and B&H Photo knew or should have known that the UltimatePower Mini Wall Charger infringes Claim 1 of the '794 Patent.

107. The elements of Claim 1 of the '794 Patent state clear dimension, size and orientation requirements and B&H Photo knew or should have known that the UltimatePower Mini Wall Charger meets said requirements and infringes Claim 1 of the '794 Patent.

**Accused Product # 11 – iLuv 20W USB-C Wall Charger**

108. B&H Photo makes, uses, offers for sale and sells the iLuv 20W USB-C Wall Charger. An example of the iLuv 20W USB-C Wall Charger distributed by B&H Photo is shown below.





109. B&H Photo advertises the use of and sells its iLuv 20W USB-C 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.

110. In particular, the iLuv 20W USB-C Wall Charger distributed by B&H Photo employ a reduced plug-size charger plug, that upon plugging the iLuv 20W USB-C Wall Charger into a source of AC power such as a wall outlet, that the iLuv 20W USB-C Wall Charger does not block or interfere with the use of adjacent outlets.

111. Moreover, the size and shape of the iLuv 20W USB-C Wall Charger are such that a power cord for the device to be charged may be easily inserted into and removed from the iLuv 20W USB-C Wall Charger while the charger is plugged into the source of AC power and removal of the power cord from the iLuv 20W USB-C Wall Charger can be accomplished without removal of the charger from the source of AC power.



112. Attached hereto as **Exhibit 12** is a Claim Chart that illustrates each element of the infringing iLuv 20W USB-C Wall Charger as compared to Claim 1 in the ‘794 Patent.

113. Defendant B&H Photo infringed at least one of the claim of the ‘794 Patent by offering to sell and by selling a charger plug identified as iLuv 20W USB-C Wall Charger.

114. The iLuv 20W USB-C Wall Charger has a longitudinal length less than 2 inches, approximately 1.546 inches, and a width of less than 1.75 inches, approximately 1.456 inches.

115. The iLuv 20W USB-C Wall Charger contains each element of Claim 1 in the ‘794 Patent, as shown in the Claim Chart of Exhibit 11, and B&H Photo knew or should have known that the iLuv 20W USB-C Wall Charger infringes Claim 1 of the ‘794 Patent.

116. The elements of Claim 1 of the ‘794 Patent state clear dimension, size and orientation requirements and B&H Photo knew or should have known that the iLuv 20W USB-C Wall Charger meets said requirements and infringes Claim 1 of the ‘794 Patent.

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

117. Voltstar repeats, realleges, and incorporates by reference, as if fully set forth herein paragraphs 1 through 116, as set forth above.

118. Within the six years preceding the filing of this Complaint, B&H Photo 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).

119. Without limiting the foregoing, Defendant has infringed at least Claim 1 of the ‘794 Patent as described in the Claim Chart attached hereto as **Exhibits 2-12**.

120. B&H Photo’s acts of making, using, importing, selling, and/or offering for sale infringing products and services have been without license, permission, or authorization from Voltstar.

121. B&H Photo's infringement includes, but is not limited to, the manufacture, use, sale, importation and/or offer for sale of Defendant's products including the Accused Products herein, which incorporates Voltstar's patent.

122. B&H Photo's infringement includes, but is not limited to, the manufacture, use, sale, importation and/or offer for sale of Defendant's products including the Accused Products herein, which incorporates Voltstar's patent.

123. 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.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff Voltstar Technologies, Inc. demands judgment and relief against Defendant B&H Photo-Video Inc RPC 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. 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;
- C. 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;
- D. 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;

- E. 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
- F. 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: October 3, 2022

Respectfully submitted,

*/s/ Joseph A. Dunne*

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