

1 Matthew L. Rollin (SBN 332631)
2 **SRIPLAW, P.A.**
3 8730 Wilshire Boulevard, Suite 350
4 Beverly Hills, California 90211
5 323.452.5600 – Telephone
6 561.404.4353 – Facsimile
7 matthew.rollin@sriplaw.com

8 *Attorney for Plaintiff*
9 *Voltstar Technologies, Inc.*

10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**
12 **WESTERN DIVISION**

13 VOLTSTAR TECHNOLOGIES, INC.,

Case No.: 2:23-cv-09455

14 Plaintiff,

COMPLAINT FOR PATENT
INFRINGEMENT

15 v.

16 HYPERCEL CORPORATION dba
17 NAZTECH

18 Defendant.
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22 Plaintiff VOLTSTAR TECHNOLOGIES, INC. by and through its undersigned
23 counsel, brings this Complaint against Defendant HYPERCEL CORPORATION dba
24 NAZTECH for Patent Infringement, and in support, alleges as follows:

25 **NATURE OF THE LAWSUIT**

26 1. This is an action for patent infringement of United States Patent Number
27 9,024,581, and its Reissue Patent Number RE48,794 E (hereinafter, the “794 Patent”)
28 arising under the patent laws of the United States Title 35, United States Code §§ 1 *et*

1 *seq.* to enjoin further infringement and obtain damages resulting from Defendant
2 Hypercel Corporation dba Naztech’s unauthorized manufacture, use, offer to sell and
3 sale in the United States of a product identified and described herein in violation of
4 Plaintiff Voltstar’s rights under the ‘794 Patent.

5 **JURISDICTION AND VENUE**

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

8 3. This Court has personal jurisdiction over the Defendant.

9 4. Venue is proper in this district pursuant to 28 U.S.C. § 1400(b) and 28
10 U.S.C. § 1391(b)(3) because Hypercel Corporation dba Naztech committed acts of
11 infringement and has a regular and established place of business within this judicial
12 district and division.

13 **THE PLAINTIFF**

14 5. Plaintiff, Voltstar Technologies, Inc. (“Voltstar”), is an Illinois
15 Corporation with its principal place of business located at P.O. Box 3727, Barrington,
16 IL 60010.

17 **THE DEFENDANT**

18 6. Hypercel Corporation dba Naztech (“Naztech”) is a California
19 Corporation with its principal place of business at 28385 Constellation Road,
20 Valencia, CA 91355, and can be served by serving its Registered Agent, David Nazar,
21 at the same address.

22 **THE PLAINTIFF'S PATENT**

23 7. Voltstar owns all right, title and interests in, and/or has standing to sue
24 for infringement of United States Patent Number 9,024,581, and its Reissue Patent
25 Number RE48,794 E (the “‘794 patent”), entitled "Charger Plug With Improved
26 Packaging", issued October 26, 2021. A copy of the ‘794 Patent is attached hereto as
27 **Exhibit 1.**
28

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

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

7 10. The patent application for the ‘581 patent (application serial number
8 12/124,515) was first published on November 26, 2009.

9 11. McGinley, Rimdzius and Marcusen assigned all right, title and interest in
10 and to the ‘581 Patent to Horizon Technologies, Inc. in May 2008, which was
11 recorded at the United States Patent and Trademark Office on May 21, 2008, at Reel
12 20979, Frame 56. Horizon Technologies, Inc. changed its name to Voltstar
13 Technologies, Inc. and recorded such change of name at the United States Patent and
14 Trademark Office on March 1, 2010, and corrected on November 22, 2010, at Reel
15 25411, Frame 783.

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

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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 ...”¹

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.

¹ 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 ...*”

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

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

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

12 **DEFENDANT'S PRODUCT**

13 **Accused Product –20 W PD Mini Wall Charger**

14 18. Naztech makes, uses, offers for sale and sells 20 W PD Mini Wall
15 Charger. An example of the 20 W PD Mini Wall Charger distributed by Naztech is
16 shown below.



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27 19. Naztech advertises the use of and sells its 20 W PD Mini Wall *Charger*
28 that is to be connected between a source of AC power, such as a wall outlet, and a

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1 device such as a mobile phone that includes a battery with the battery being
2 rechargeable through the use of DC power.

3 20. In particular, the 20 W PD Mini Wall Charger distributed by Naztech
4 employ a reduced plug-size charger plug, that upon plugging the 20 W PD Mini Wall
5 Charger into a source of AC power such as a wall outlet, the 20 W PD Mini Wall
6 Charger does not block or interfere with the use of adjacent outlets.

7 21. Moreover, the size and shape of the 20 W PD Mini Wall Charger are
8 such that a power cord for the device to be charged may be easily inserted into and
9 removed from the 20 W PD Mini Wall Charger while the charger is plugged into the
10 source of AC power and removal of the power cord from the 20 W PD Mini Wall
11 Charger can be accomplished without removal of the charger from the source of AC
12 power.

13 22. Attached hereto as **Exhibit 2** is a Claim Chart that illustrates each
14 element of the infringing 20 W PD Mini Wall Charger as compared to Claim 1 in the
15 ‘794 Patent.

16 23. Defendant Naztech infringed at least one of the claims of the ‘794 Patent
17 by offering to sell and by selling a charger plug identified as 20 W PD Mini Wall
18 Charger.

19 24. The 20 W PD Mini Wall Charger has a longitudinal length less than 2
20 inches, approximately 1.189 inches, and a width of less than 1.75 inches,
21 approximately 1.107 inches.

22 **COUNT I**

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

24 25. Voltstar repeats, realleges, and incorporates by reference, as if fully set
25 forth herein paragraphs 1 through 24, as set forth above.

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

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

3 28. Naztech’s acts of making, using, importing, selling, and/or offering for
4 sale infringing products and services have been without license, permission, or
5 authorization from Voltstar.

6 29. Naztech’s infringement includes, but is not limited to, the manufacture,
7 use, sale, importation and/or offer for sale of Defendant’s products including the 20 W
8 PD Mini Wall Charger, which incorporates Voltstar’s patent.

9 30. Naztech’s infringement includes, but is not limited to, the manufacture,
10 use, sale, importation and/or offer for sale of Defendant’s products including the 20 W
11 PD Mini Wall Charger, which incorporates Voltstar’s patent.

12 31. Defendant’s infringement of the ‘794 Patent has injured and continues to
13 injure Voltstar in an amount to be proven at trial, but not less than a reasonable
14 royalty.

15 **PRAYER FOR RELIEF**

16 WHEREFORE, Plaintiff Voltstar Technologies, Inc. demands judgment and
17 relief against Defendant Hypercel Corporation dba Naztech and respectfully requests
18 that the Court:

- 19 A. An entry of judgment holding that Defendant has infringed and is
- 20 infringing the ‘794 Patent;
- 21 B. For an accounting and an award of damages sufficient to compensate
- 22 Voltstar for the infringement in no event less than a reasonable royalty
- 23 pursuant to 35 U.S.C. § 284;
- 24 C. A determination that Defendant’s infringement has been willful,
- 25 wanton, and deliberate and that the damages against it be increased up
- 26 to treble on this basis or for any other basis in accordance with the law;
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- 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: November 8, 2023

Respectfully submitted,

/s/ Matthew L. Rollin

 MATTHEW L. ROLLIN
 SRIPLAW, P.A.
 Counsel for Plaintiff Voltstar Technologies,
 Inc.