

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

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON**

VOLTSTAR TECHNOLOGIES, INC.,

Plaintiff,

v.

AMERICA UGREEN LIMITED,

Defendant.

CASE NO.: 2:24-cv-01271

**COMPLAINT FOR PATENT
INFRINGEMENT**

Plaintiff VOLTSTAR TECHNOLOGIES, INC. (“Voltstar”) by and through its undersigned counsel, brings this Complaint against Defendant AMERICA UGREEN LIMITED 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 Ugreen’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. 7,910,833, U.S. Patent No. 7,960,648, and

1
SRIPLAW, P.A.

1 U.S. Patent Number 9,024,581 which was reissued as Patent Number RE48,794 E. Plaintiff
2 seeks permanent injunctive relief and monetary damages resulting from Defendant's
3 infringement.

4
JURISDICTION AND VENUE

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

7 **3.** This Court has personal jurisdiction over the Defendant.

8 **4.** Venue is proper in this district pursuant to 28 U.S.C. § 1400(b) and 28 U.S.C. §
9 1391(b)(3) because Defendant has committed acts of infringement and is subject to personal
10 jurisdiction within this judicial district and division.

11
THE PARTIES

12 **5.** Plaintiff, Voltstar Technologies, Inc. ("Voltstar"), is an Illinois Corporation with a
13 principal place of business located at P.O. Box 3727, Barrington, IL 60010.

14 **6.** America Ugreen Limited ("Ugreen") is a Delaware corporation, that is registered
15 to do business in the state of Washington, with its principal place of business at 10900 NE 8th
16 Street, Suite 610, Bellevue, Washington, 98004 and can be served by serving its registered agent
17 Business Filings Incorporated, at 711 Capitol Way S., Suite 204, Olympia, Washington 98501.

18
THE PLAINTIFF'S PATENT

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

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

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

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

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

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

1 AC power. An example of the “Charger Plug with Improved Package Electrical Charger” is
2 shown below:



3
4
5
6
7
8
9
10 13. On October 26, 2021, the U.S. Patent No. 9,024,581 was reissued as Patent
11 Number US RE48,794 E (“the ’794 Patent”). The reissued ’794 Patent, in part, specifically
12 amended Claim 1(i) to now state: “being sized so that the charger plug housing comprises a
13 longitudinal length extending between the front wall and the rear end and the longitudinal length
14 is less than 2.0 inches, a width of the housing outer profile being less than 1.75 inches ...”¹

15 14. Pursuant to 35 U.S.C. § 252, Claim 1 of the reissued ’794 Patent is substantially
16 identical with the original ’581 in that it has only limited the sizing dimensions of the claimed
17 invention. Therefore, the reissued ’794 Patent is a continuation of the original ’581 Patent and
18 has effect continuously from the date of the original patent as May 5, 2015.

19
20 ¹ The previous language of the U.S. Patent No. 9,024,581 Claim 1(i) stated: “being sized so that
21 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 ...”

22 On reissue, the USPTO amended the claim language. The bolded language was omitted and the
23 italicized portion was included, shown as follows: “being sized so that the charger plug housing
24 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 claims
2 submitted during the '581 patent prosecution at least as early as 2011, in the published patent
3 application serial number 12/124,515. Claim 1 of the reissued '794 Patent was substantially
4 known publicly at least as early as 2011.

5 16. At all relevant times, Voltstar and its predecessors in interest in the '794 Patent
6 and original '581, complied with the federal patent marking statute, 35 U.S.C. § 287(a).

7 17. As of May 5, 2015, the issue date of the original '581 Patent Voltstar and its
8 predecessors in interest had ceased making, offering for sale, or selling within the United States
9 any patented article covered under the '794 Patent or the original '581 Patent.

10 **DEFENDANT'S PRODUCT**

11 **Accused Product #1 - UGREEN Nexode mini 45W Charger**

12 18. Defendant makes, uses, offers for sale and sells its UGREEN Nexode mini 45W
13 Charger (hereinafter referred to as "Nexode 45W Charger"). Examples of the Nexode 45W
14 Charger distributed by Defendant are shown below.



1 19. Defendant advertises the use of and sell its Nexode 45W Charger which is a
2 *charger* that is to be connected between a source of AC power, such as a wall outlet, and a
3 device such as a mobile phone that includes a battery with the battery being rechargeable through
4 the use of DC power.

5 20. In particular, the Nexode 45W Charger distributed by Defendant employ a
6 reduced plugsize charger plug, that upon plugging the Nexode 45W Charger into a source of AC
7 power such as a wall outlet, the Nexode 45W Charger does not block or interfere with the use of
8 adjacent outlets.

9 21. Moreover, the size and shape of the Nexode 45W Charger are such that a power
10 cord for the device to be charged may be easily inserted into and removed from the Nexode 45W
11 Charger while the charger is plugged into the source of AC power and removal of the power cord
12 from the Nexode 45W Charger can be accomplished without removal of the charger from the
13 source of AC power.

14 22. Attached hereto as Exhibit 2 is a Claim Chart that illustrates each element of the
15 infringing Nexode 45W Charger as compared to Claim 1 in the '794 Patent.

16 23. Defendant infringed at least one of the claims of the '794 Patent by offering to
17 sell and by selling a charger plug identified as Nexode 45W Charger.

18 24. The Nexode 45W Charger has a longitudinal length less than 2 inches,
19 approximately 1.927 inches, and a width of less than 1.75 inches, approximately 1.559 inches.

20 **COUNT I**

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

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

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

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

6 28. Ugreen’s acts of making, using, importing, selling, and/or offering for sale
7 infringing products and services have been without license, permission, or authorization from
8 Voltstar.

9 29. Ugreen’s infringement includes, but is not limited to, the manufacture, use, sale,
10 importation and/or offer for sale of Ugreen’s products including its UGREEN Nexode mini 45W
11 Charger, which incorporates Voltstar’s patent.

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

14 **PRAYER FOR RELIEF**

15 WHEREFORE, Plaintiff Voltstar Technologies, Inc. demands judgment and relief against
16 Defendant America Ugreen Limited and respectfully requests that the Court:

- 17 A. An entry of judgment holding that Defendant has infringed and is infringing the
18 ‘794 Patent;
- 19 B. For an accounting and an award of damages sufficient to compensate Voltstar
20 for the infringement in no event less than a reasonable royalty pursuant to 35
21 U.S.C. § 284;
- 22
23
24

- 1 C. A determination that Defendant’s infringement has been willful, wanton, and
2 deliberate and that the damages against it be increased up to treble on this basis
3 or for any other basis in accordance with the law;
- 4 D. A finding that this case is an exceptional case under 35 U.S.C. § 284 and an
5 award to Voltstar of its costs and reasonable attorneys’ fees as provided by 35
6 U.S.C. § 285;
- 7 E. An accounting of all infringing sales and revenues, together with post judgment
8 interest and prejudgment interest from the first date of infringement of the ‘794
9 Patent; and
- 10 F. That Voltstar is entitled to such other and further relief as to the Court appears
11 just and proper.

12 **JURY DEMAND**

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

14 Dated: August 16, 2024

Respectfully submitted,

15 /s/ Joel B. Rothman

16 JOEL B. ROTHMAN

Washington Bar Number: 57717

17 Joel.rothman@sriplaw.com

18 **SRIPLAW, P. A.**

21301 Powerline Road

Suite 100

Boca Raton, FL 33433

561.826.6924 – Telephone

561.404.4353 – Facsimile

19 *Counsel for Plaintiff Voltstar Technologies, Inc.*