

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

VOLTSTAR TECHNOLOGIES, INC.	§	
	§	
Plaintiff,	§	CIVIL ACTION NO. _____
v.	§	
	§	
SUPERIOR COMMUNICATIONS, INC.	§	
	§	
Defendant	§	JURY TRIAL DEMANDED

PLAINTIFF’S ORIGINAL COMPLAINT

Plaintiff VoltStar Technologies, Inc. respectfully files this Original Complaint for patent infringement against Defendant Superior Communications, Inc.

PARTIES

1. Plaintiff VoltStar Technologies, Inc. (“VoltStar”) is an Illinois corporation with its principal place of business at 1320 Tower Road, Schaumburg, Illinois, 60173.
2. Defendant Superior Communications, Inc. (“Superior”) is a California corporation and has its principal place of business at 5027 Irwindale Ave. Suite 900, Irwindale, CA 91706. Superior may be served with process through its registered agent, Jannifer Ju, 5027 Irwindale Ave. Suite 900, Irwindale, CA 91706.

JURISDICTION AND VENUE

3. This is an action for patent infringement under the Patent Laws of the United States, 35 U.S.C. § 271, *et seq.*
4. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).
5. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b) and 1400(b).

FACTS

6. VoltStar is an innovative supplier of patented, environmentally-friendly battery chargers sold throughout the United States.

7. VoltStar developed a charger that automatically shuts off when a device is fully charged or not plugged in, eliminating “vampire” load. This feature reduces power consumption and extends battery life.

8. VoltStar was the first supplier to offer a “zero draw” charger that eliminates vampire load.

9. On March 22, 2011, the United States Patent and Trademark Office duly and legally issued United States Patent No. 7,910,833 (the ‘833 patent), entitled “Energy-Saving Power Adapter/Charger.”

10. VoltStar holds all right, title, and interest in and to the ‘833 patent (a true and correct copy of which is attached hereto as Exhibit A).

11. On June 14, 2011, the United States Patent and Trademark Office duly and legally issued United States Patent No. 7,960,648 (the ‘648 patent), entitled “Energy Saving Cable Assemblies.”

12. VoltStar holds all right, title, and interest in and to the ‘648 patent (a true and correct copy of which is attached hereto as Exhibit B).

13. On August 14, 2012, after this lawsuit had been filed, the United States Patent and Trademark Office duly and legally issued United States Patent No. 8,242,359.

14. VoltStar holds all right, title, and interest in and to the ‘359 patent (a true and correct copy of which is attached hereto as Exhibit C).

15. Superior makes, uses, sells, offers for sale and imports products and services that infringe the '833, '648, and the '359 patents and engage in these infringing activities in the Eastern District of Texas.

16. Superior also contributes to and induces infringement of the '833, '648, and the '359 patents by, among other things, instructing and directing infringers of these patents and by knowingly making, using, selling, offering for sale, and importing component parts that are especially made and/or adapted for infringing uses.

CAUSES OF ACTION

A. Infringement of the '833 Patent

17. VoltStar incorporates the foregoing paragraphs as if fully set forth here.

18. Superior has been, and is now, directly infringing and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '833 patent in the State of Texas, in this judicial district, and elsewhere within the United States by, among other things, making, using, licensing, selling, offering for sale, or importing products and services covered by one or more claims of the '833 patent, all to the injury of VoltStar.

19. Superior's acts of infringement have been willful, deliberate, and in reckless disregard of VoltStar's patent rights, and will continue unless permanently enjoined by this Court.

20. VoltStar has been damaged by Superior's infringement of the '833 patent in an amount to be determined at trial, and has suffered and will continue to suffer irreparable loss and injury unless Superior are permanently enjoined from infringing the '833 patent.

B. Infringement of the '648 Patent

21. VoltStar incorporates the foregoing paragraphs as if fully set forth here.

22. Superior has been, and is now, directly infringing and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '648 patent in the State of Texas, in this judicial district, and elsewhere within the United States by, among other things, making, using, licensing, selling, offering for sale, or importing products and services covered by one or more claims of the '648 patent, all to the injury of VoltStar.

23. Superior's acts of infringement have been willful, deliberate, and in reckless disregard of VoltStar's patent rights, and will continue unless permanently enjoined by this Court.

24. VoltStar has been damaged by Superior's infringement of the '648 patent in an amount to be determined at trial, and has suffered and will continue to suffer irreparable loss and injury unless Superior are permanently enjoined from infringing the '648 patent.

C. Infringement of the '359 Patent

25. VoltStar incorporates the foregoing paragraphs as if fully set forth here.

26. Superior has been, and is now, directly infringing and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '359 patent in the State of Texas, in this judicial district, and elsewhere within the United States by, among other things, making, using, licensing, selling, offering for sale, or importing products and services covered by one or more claims of the '359 patent, all to the injury of VoltStar.

27. Superior's acts of infringement have been willful, deliberate, and in reckless disregard of VoltStar's patent rights, and will continue unless permanently enjoined by this Court.

28. VoltStar has been damaged by Superior's infringement of the '359 patent in an amount to be determined at trial, and has suffered and will continue to suffer irreparable loss and injury unless Superior is permanently enjoined from infringing the '359 patent.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff VoltStar Technologies, Inc. prays for the following relief against Superior Communications, Inc.

A. A judgment in favor of Plaintiff that Superior has infringed, directly and indirectly by way of inducing infringement and/or contributing to the infringement of the ‘648, ‘833, and ‘359 patents;

B. A permanent injunction, enjoining Superior along with its officers, directors, agents, servants, employees, affiliates, divisions, branches, subsidiaries, and parents from infringing, inducing the infringement of, or contributing to the infringement of the ‘648, ‘833, and ‘359 patents;

C. A judgment and order requiring Superior to pay Plaintiff damages for its infringement of the ‘648, ‘833, and ‘359 patents, together with interest (both pre- and post-judgment), costs and disbursements as fixed by this Court under 35 U.S.C. § 284;

D. A judgment and order finding Superior’s infringement willful and awarding treble the amount of damages and losses sustained by Plaintiff as a result of Superior’s infringement under 35 U.S.C. § 284;

E. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Plaintiff its reasonable attorneys’ fees; and

F. Such other and further relief in law or in equity to which Plaintiff may be justly entitled.

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury of any and all issues triable of right before a jury.

Respectfully submitted,

AHMAD, ZAVITSANOS, ANAIPAKOS, ALAVI & MENSING, P.C.

/s/ Steven J. Mitby

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