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

14 IPOWUP INC., a Delaware
15 Corporation

16 Plaintiff,

17 vs.

18 ASCENT SOLAR TECHNOLOGIES,
19 INC., a Delaware Corporation
20 Defendant.

Case No. 2:16-cv-1006

**COMPLAINT FOR INFRINGEMENT
OF UNITED STATES PATENT
NOS. 8,080,975 AND 8,604,753**

DEMAND FOR JURY TRIAL

21 1. Plaintiff IPOWUP INC., a Delaware corporation (“iPowerUp”), for
22 its complaint, and demanding trial by jury under Rule 38, Fed. R. Civ. P., and Local
23 Rule 38-1, alleges that ASCENT SOLAR TECHNOLOGIES INC., a Delaware
24 corporation (“AST”), is infringing claim 21 of U.S. Patent no. 8,080,975 (“the ‘975
25 patent”) and claims 1, 14, and 17 of U.S. Patent no. 8,604,753 (“the ‘753 patent”)
26 (collectively the “iPowerUp Patents”), by making, selling, and offering to sell, in
27 this judicial district, Solar Battery Phone Cases that infringe the iPowerUp Patents.

28 2. This is a civil action for patent infringement and arises under, among
other things, the United States Patent Laws, 35 U. S. C. section 10, et seq.
Jurisdiction is therefore based upon 28 U. S. C. sections 1331 and 1338(a),

1 providing for federal question jurisdiction of patent infringement actions and
2 exclusive jurisdiction of patent infringement actions in the U. S. district courts.

3 3. Plaintiff iPowerUp is informed and believes, and thereon alleges, that
4 venue in this court is proper under 28 U. S. C. section 1391 (c) and section 1400 (b)
5 because the acts of patent infringement alleged herein took place, at least in part,
6 within this judicial district.

7 4. Plaintiff iPowerUp is a Delaware corporation, and has its principal
8 place of business in Ventura, California.

9 5. Defendant AST is a Delaware corporation, and has its principal place of
10 business in Thornton, Colorado.

11 6. On December 20, 2011, the U. S. Patent and Trademark Office duly
12 and lawfully issued the '975 patent under the title *Portable and Universal Hybrid-*
13 *Charging Apparatus for Portable Electronic Devices*. A true and correct copy of
14 the '975 patent is attached hereto as **Exhibit A**. On December 10, 2013, the U. S.
15 Patent and Trademark Office duly and lawfully issued the '753 patent under the title
16 *Method of Distributing to a User a Remedy for Inadequate Battery Life in a*
17 *Handheld Device*. A true and correct copy of the '753 patent is attached hereto as
18 **Exhibit B**.

19 7. Defendant AST has infringed the iPowerUp Patents by making, selling,
20 and offering to sell, in this judicial district, solar battery phone cases covered by one
21 or more of the claims in the iPowerUp Patents in this judicial district and elsewhere
22 in the United States. AST's sales, in this judicial district, of solar battery phone
23 cases, specifically Enerplex Surfr Amp for iPhone 6/6s; Enerplex Surfr for iPhone
24 6/6S; and EnerPlex Surfr for iPhone 5/5S; have infringed the iPowerUp Patents.
25 Pictures of the accused infringing products are attached hereto as **Exhibit C**. On
26 information and belief, this infringement will continue unless enjoined by this court.

27 8. Defendant AST's infringement of the iPowerUp Patents has damaged
28 iPowerUp in an unknown amount. These damages continue to grow as Defendant

1 8. Defendant AST’s infringement of the iPowerUp Patents has damaged
2 iPowerUp in an unknown amount. These damages continue to grow as Defendant
3 AST’s infringement continues. Under Section 284 of Title 35 of the United States
4 Code, iPowerUp seeks damages adequate to compensate for this infringement in an
5 amount no less than a reasonable royalty, together with interest and costs affixed by
6 the Court.

7 9. Defendant AST’s continuing infringement of the iPowerUp Patents has
8 caused and continues to cause irreparable harm to iPowerUp, including impairing
9 the value of the iPowerUp Patents in an amount yet to be determined. Pursuant to
10 Section 283 of Title 35 of the United States Code, iPowerUp seeks a preliminary
11 and a permanent injunction against further infringement of the iPowerUp Patents.

12 **PRAYER FOR RELIEF**

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14 WHEREFORE, iPowerUp prays for the following relief from this court
15 against Defendant AST:

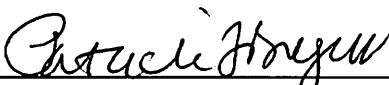
- 16 1. An order, pursuant to 35 U.S.C. Section 271, declaring that Defendant
- 17 AST has infringed one or more claims of the iPowerUp Patents;
- 18 2. A preliminary and a permanent injunction against Defendant AST,
- 19 prohibiting Defendant AST from further infringement of the iPowerUp Patents;
- 20 3. An award of the actual damages iPowerUp has suffered by reason of
- 21 the infringement charged in this Complaint, in an amount not less than a reasonable
- 22 royalty on Defendant AST’s sales of the products charged with infringing the
- 23 iPowerUp Patents;
- 24 4. An award to Plaintiff iPowerUp of its costs of suit herein; and
- 25 5. Such other and further relief as the Court may deem just and proper.

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1 Dated: February 11, 2016

Respectfully submitted,

2 WAGNER, ANDERSON & BRIGHT PC

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4 By: 

5 Patrick F. Bright

6 Attorneys for Plaintiff IPOWERRUP INC.

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DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, and Local Rule 38-1, Plaintiff iPowerUp does hereby demand trial by jury against Defendant AST on each and every issue and claim as to which it is entitled to trial by jury under Rule 38(a) of the Federal Rules of Civil Procedure.

Dated: February 11, 2016

Respectfully submitted,
WAGNER, ANDERSON & BRIGHT PC

By: 
Patrick F. Bright
Attorneys for Plaintiff IPOWUP INC.