

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

VOLTSTAR TECHNOLOGIES, INC.,	§	
	§	
Plaintiff,	§	
	§	
v.	§	
	§	<b>CASE NO. 2:16-cv-01181</b>
AT&T MOBILITY, LLC, and	§	
SUPERIOR COMMUNICATIONS INC.	§	
	§	
Defendants.	§	
	§	

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**COMPLAINT FOR PATENT INFRINGEMENT AND DAMAGES  
AND DEMAND FOR JURY TRIAL**

Plaintiff VoltStar Technologies, Inc., by and through undersigned counsel, hereby files this Complaint for Patent Infringement against Defendants, AT&T MOBILITY, LLC, and SUPERIOR COMMUNICATIONS INC. and alleges as follows:

**THE PARTIES**

1. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 271, et seq., to obtain damages resulting from Defendants' unauthorized manufacture, use, offer to sell, importation and sale in the United States of Energy Saving Power Adapter/Chargers in violation of Plaintiff's rights under U.S. Patent Nos. 7,910,833 and 7,910,834.

2. Plaintiff VoltStar Technologies, Inc. ("VoltStar") is an Illinois corporation with its principal place of business at 1320 Tower Road, Schaumburg, Illinois, 60173.

3. Defendant, AT&T Mobility, LLC, ("AT&T") is a wholly-owned subsidiary of AT&T, Inc., a Delaware corporation having its principal place of business in Dallas, Texas, and

AT&T Mobility, LLC has its principal place of business in Atlanta, Georgia. Because of its parent's citizenship, AT&T Mobility LLC is a citizen of Texas. AT&T Mobility LLC may be served with process through its registered agent, C T Corporation System, 350 N. St. Paul St., Suite 2900, Dallas, TX 75201-4234.

4. 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**

5. This is an action for patent infringement under the Patent Laws of the United States, 35 U.S.C. §271 et seq.

6. This Court has exclusive subject matter jurisdiction pursuant to 28 U.S.C. §§ 1338(a).

7. Venue is proper in this judicial district and division pursuant to 28 U.S.C. § 1391(b) and 28 U.S.C. § 1400(b) and because each Defendant previously consented to suit in this judicial district and division on at least one of the aforementioned patents which litigation was stayed and then dismissed by agreement.

#### **PRIOR LITIGATION IN THIS COURT**

8. On February 29, 2012, VoltStar filed suit against AT&T in this Court in Civil Action 2:12-cv-00082 JRG (the "'082 suit") alleging, inter alia, patent infringement of certain claims of U.S. Patent No. 7,910,833.

9. On information and belief, Superior was notified of and responsible for the defense of the '082 suit and, inter alia, initiated reexamination of U.S. Patent No. 7,910,833 before the United States Patent and Trademark Office on September 14, 2012.

10. On February 1, 2013, VoltStar filed suit against Superior in this Court in Civil Action 2:13-cv-00097 JRG (the "'097 suit") alleging, inter alia, patent infringement of certain claims of U.S. Patent No. 7,910,833.

11. On or about October 2, 2013, the '082 and '097 suits were dismissed without prejudice pursuant to a tolling agreement filed with the Court.

**ADDITIONAL FACTS COMMON TO AND APPLICABLE TO ALL COUNTS**

12. VoltStar is an innovative supplier of patented, environmentally-friendly battery chargers and cable assemblies sold throughout the United States.

13. 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. VoltStar also developed a cable assembly to connect the charger to a device and including a switch which closed circuitry to draw no power when the switch was open.

14. VoltStar was the first supplier to offer a "zero draw" charger that eliminates vampire load.

15. 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."

16. 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).

17. The '833 Patent was asserted against AT&T and Superior in the '082 and '097 suits.

18. VoltStar claims the benefit of the aforementioned tolling agreement as it relates to the '833 Patent and the period for which damages may be awarded.

19. On March 22, 2011, the United States Patent and Trademark Office duly and legally issued United States Patent No. 7,910,834 (the '834 Patent), entitled "Energy-Saving Cable Assemblies."

20. VoltStar holds all right, title, and interest in and to the '834 Patent (a true and correct copy of which is attached hereto as Exhibit B).

#### **PATENT MARKING and NOTICE**

21. VoltStar began selling the charger referred to in Paragraphs 12-14 prior to the March 2011 grant of the '833 and '834 Patents.

22. On or about October 7, 2011, VoltStar received labels from its vendor that included the numbers of the '833 and '834 Patents.

23. All VoltStar charger products sold between October 7, 2011 until after the filing of the '082 suit contained the aforementioned labels.

24. Superior was on actual notice of the '833 Patent prior to September 2012.

25. On information and belief, Superior was on actual notice of the '833 Patent at least as early as March 31, 2012.

26. The activities referred to in Paragraphs 21- 25 comply with 35 U.S.C. §287.

27. VoltStar has engaged the undersigned attorneys and have agreed to pay them a reasonable fee.

**COUNT I**  
**DIRECT INFRINGEMENT OF U.S. PATENT No. 7,910,833 by AT&T**

28. VoltStar re-alleges Paragraphs 1 through 27 as fully and completely as if set forth herein verbatim.

29. Prior to May 27, 2008, James McGinley et al invented a novel and non-obvious Energy Saving Power Adapter/Charger.

30. James McGinley et al applied for and received the aforementioned U.S. Patent No. 7,910,833.

31. The United States Patent and Trademark Office instituted proceeding 95/002,365 at the request of Superior for reexamination of the '833 Patent.

32. On July 24, 2015, the United States Patent and Trademark Office issued a Decision on Request for Rehearing during which the patentability of various claims including, inter alia, claims 11, 20 and 21 was confirmed.

33. Defendant AT&T directly infringed each of claims 11, 20 and 21 of the '833 Patent by making, using (testing) offering for sale, importing for sale and/or selling a product known as the AT&T ZERO Charger in violation of 35 U.S.C. §271(a).

34. The activities of AT&T referred to in this Count have been without the license, permission or authority of VoltStar.

35. The activities of AT&T referred to in this Count have been and continue to be to the injury and detriment of VoltStar and cause irreparable harm to Voltstar.

**COUNT II**  
**INDIRECT INFRINGEMENT OF U.S. PATENT No. 7,910,833 by AT&T**

**BASED ON ACTIVE INDUCEMENT TO INFRINGE**

36. VoltStar realleges Paragraphs 28 through 32 as fully and completely as if set forth herein verbatim.

37. AT&T's activities include providing an instruction manual and instructing customers on how to use the AT&T ZERO Charger.

38. AT&T intends that its customers use the AT&T ZERO Charger in accordance with AT&T's instructions.

39. AT&T had actual knowledge from at least as early as the commencement of the '082 suit, that the acts of its customers in using the AT&T ZERO Charger would infringe at least claims 11, 20 and 21 of the '833 Patent.

40. The activities of AT&T referred to in this Count constitute active inducement to infringe claims 11, 20 and 21 of the '833 Patent in violation of 35 U.S.C. §271(b).

41. The activities of AT&T referred to in this Count have been without the license, permission or authority of VoltStar.

42. The activities of AT&T referred to in this Count have been and continue to be to the injury and detriment of VoltStar and cause irreparable harm to Voltstar.

**COUNT III**  
**INDIRECT INFRINGEMENT OF U.S. PATENT No. 7,910,833 by AT&T**

**BASED ON CONTRIBUTORY INFRINGEMENT**

43. VoltStar realleges Paragraph 36 as fully and completely as if set forth herein verbatim.

44. The AT&T ZERO Charger constitutes a material part of the invention of claims 11, 20 and 21 of the '833 Patent.

45. AT&T knew at least as early as the date of filing of the '082 suit that the AT&T ZERO Charger was especially made or especially adapted for use in accordance with claims 11, 20 and 21 of the '833 Patent.

46. There is no substantial non-infringing use of the AT&T ZERO Charger.

47. The AT&T ZERO Charger is not a staple article of commerce suitable for non-infringing use.

48. The activities of AT&T referred to in this Count constitute contributory infringement of at least one or more of claims 1, 20 and 21 of the '833 Patent in violation of 35 U.S.C. § 271(c).

49. The activities of AT&T as set forth in this Count have been without license, permission or authorization from VoltStar.

50. The activities of AT&T as set forth in this Count have been and continue to be to the injury and detriment of VoltStar.

**COUNT IV**  
**DIRECT INFRINGEMENT OF U.S. PATENT No. 7,910,834 by AT&T**

51. VoltStar re-alleges Paragraphs 1 through 27 as fully and completely as if set forth herein verbatim.

52. Prior to May 27, 2008, James McGinley et al invented a novel and non-obvious energy saving cable assembly.

53. James McGinley et al applied for and received the aforementioned U.S. Patent No. 7,910,834.

54. Defendant AT&T directly infringed at least claims 15, 18, 19, and 24 through 26 of the '834 Patent by making, using (testing) offering for sale, importing for sale and/or selling a cable assembly with or without an AT&T ZERO Charger in violation of 35 U.S.C. § 271(a).

55. The activities of AT&T referred to in this Count have been without the license, permission or authority of VoltStar.

56. The activities of AT&T referred to in this Count have been and continue to be to the injury and detriment of VoltStar and cause irreparable harm to VoltStar.

**COUNT V**  
**DIRECT INFRINGEMENT OF U.S. PATENT No. 7,910,833 by SUPERIOR**

57. VoltStar re-alleges Paragraphs 1 through 27 and 29 through 32 as fully and completely as if set forth herein verbatim.

58. Defendant SUPERIOR directly infringed each of claims 11, 20 and 21 of the '833 Patent by making, using (testing) offering for sale, importing for sale and/or selling a product including but not limited to the product known as the AT&T ZERO Charger in violation of 35 U.S.C. §271(a).

59. The activities of SUPERIOR referred to in this Count have been without the license, permission or authority of VoltStar.

60. The activities of SUPERIOR referred to in this Count have been and continue to be to the injury and detriment of VoltStar and cause irreparable harm to Voltstar.

**COUNT VI**  
**INDIRECT INFRINGEMENT OF U.S. PATENT No. 7,910,833 by SUPERIOR BASED**  
**ON ACTIVE INDUCEMENT TO INFRINGE**

61. VoltStar realleges Paragraph 57 as fully and completely as if set forth herein verbatim.



62. SUPERIOR'S activities include instructing customers on how to use the AT&T ZERO Charger.

63. SUPERIOR intends that its customers use the AT&T ZERO Charger in accordance with its instructions.

64. SUPERIOR had actual knowledge from prior to the commencement of the '097 suit, that the acts of its customers in using the AT&T ZERO Charger would infringe at least claims 11, 20 and 21 of the '833 Patent.

65. The activities of SUPERIOR referred to in this Count constitute active inducement to infringe claims 11, 20 and 21 of the '833 Patent in violation of 35 U.S.C. §271(b).

66. The activities of SUPERIOR referred to in this Count have been without the license, permission or authority of VoltStar.

67. The activities of SUPERIOR referred to in this Count have been and continue to be to the injury and detriment of VoltStar and cause irreparable harm to Voltstar.

**COUNT VII**  
**INDIRECT INFRINGEMENT OF U.S. PATENT No. 7,910,833 by SUPERIOR BASED**  
**ON CONTRIBUTORY INFRINGEMENT**

68. VoltStar realleges Paragraph 61 as fully and completely as if set forth herein verbatim.

69. The AT&T ZERO Charger constitutes a material part of the invention of claims 11, 20 and 21 of the '833 Patent.

70. SUPERIOR knew prior to the date of filing of the '097 suit that the AT&T ZERO Charger was especially made or especially adapted for use in accordance with claims 11, 20 and 21 of the '833 Patent.

71. There is no substantial non-infringing use of the AT&T ZERO Charger.

72. The AT&T ZERO Charger is not a staple article of commerce suitable for non-infringing use.

73. The activities of SUPERIOR referred to in this Count constitute contributory infringement of at least one or more of claims 1, 20 and 21 of the '833 Patent in violation of 35 U.S.C. § 271(c).

74. The activities of SUPERIOR as set forth in this Count have been without license, permission or authorization from VoltStar.

75. The activities of SUPERIOR as set forth in this Count have been and continue to be to the injury and detriment of VoltStar.

**COUNT VIII**  
**DIRECT INFRINGEMENT OF U.S. PATENT No. 7,910,834 by SUPERIOR**

76. VoltStar re-alleges Paragraphs 1 through 27, 52 and 53 as fully and completely as if set forth herein verbatim.

77. Defendant SUPERIOR directly infringed at least claims 15, 18, 19, and 24 through 26 of the '834 Patent by making, using (testing) offering for sale, importing for sale and/or selling a cable assembly with or without an AT&T ZERO Charger in violation of 35 U.S.C. § 271(a).

78. The activities of SUPERIOR referred to in this Count have been without the license, permission or authority of VoltStar.

79. The activities of SUPERIOR referred to in this Count have been and continue to be to the injury and detriment of VoltStar and cause irreparable harm to VoltStar

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff VOLTSTAR prays for the following relief against AT&T and SUPERIOR:

- A. A judgment that AT&T has directly or indirectly infringed at least one claim of the '833 Patent;
- B. A judgment that AT&T has directly infringed at least one claim of the '834 Patent;
- C. A judgment that SUPERIOR has directly or indirectly infringed at least one claim of the '833 Patent;
- D. A judgment that SUPERIOR has directly infringed at least one claim of the '834 Patent;
- E. An accounting and an award of damages sufficient to compensate Plaintiff for the infringement but in no event less than a reasonable royalty;
- F. An award of costs; and
- G. For such other and further relief as to the Court appears just and proper.

**DEMAND FOR JURY TRIAL**

Plaintiffs demand a jury trial as to all issues so triable.

DATED: October 19, 2016

Respectfully submitted,

*/s/ Jerold I. Schneider*

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