

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

VOLTSTAR TECHNOLOGIES, INC. f/k/a
HORIZON TECHNOLOGIES, INC.

CASE NO.:

Plaintiff,

v.

AMAZON.COM, INC. a Delaware corporation,
Defendant.

COMPLAINT FOR DESIGN PATENT INFRINGEMENT

JURY TRIAL DEMANDED

Plaintiff VOLTSTAR TECHNOLOGIES, INC. f/k/a HORIZON TECHNOLOGIES, INC., by and through undersigned counsel, brings this civil action for patent infringement against Defendant, and alleges as follows:

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 enjoin and obtain damages resulting from Defendant's unauthorized importation for sale, manufacture, use, and offer to sell a universal serial bus (USB) electrical charger that infringes United States Design Patent No. D587,192 entitled "Electrical Charger."

PARTIES, JURISDICTION AND VENUE

2. Plaintiff VOLTSTAR TECHNOLOGIES, INC. f/k/a HORIZON TECHNOLOGIES, INC. (“Voltstar”) is an Illinois corporation with its principal place of business at 1320 Tower Road, Schaumburg, Illinois 60173.

3. Defendant AMAZON.COM, INC. (“Amazon”) is a Delaware corporation with its principal place of business at 410 Terry Avenue North, Seattle, Washington 98109.

4. Pursuant to 735 ILCS 5/2-209, Amazon is subject to personal jurisdiction within this judicial district and division because it operates, conducts, engages in, or carries on business within this state, judicial district and division, and/or has an office or agency within this state, judicial district and division.

5. In addition, Amazon is subject to personal jurisdiction within this judicial district and division because the unlawful conduct of Amazon took place within this judicial district and division, and jurisdiction over Amazon will not offend traditional notions of fair play and substantial justice.

6. This Court has exclusive subject matter jurisdiction pursuant to 28 U.S.C. §1338(a) under the Patent Laws of the United States.

7. Venue is proper in this judicial district and division pursuant to 28 U.S.C. §1400(b) and 28 U.S.C. §1391 (b) because Amazon has committed acts of infringement within this judicial district and division.

THE PATENT-IN-SUIT

8. Prior to November 28, 2007, James W. McGinley, Donald Rimdzius, and Joseph L. Kapushion, invented a new and novel ornamental design for an electrical charger.

9. McGinley, Rimdzius, and Kapushion applied for and obtained United States Design Patent No. D587,192 entitled “Electrical Charger” which was duly and legally issued on February 24, 2009 (the ‘192 Patent). A true and correct copy of the ‘192 Patent is attached as Exhibit A.

10. McGinley, Rimdzius and Kapushion assigned all right, title and interest in and to the ‘192 Patent to Plaintiff on November 30, 2007.

11. The ‘192 patent claims the following ornamental design for an electrical charger:

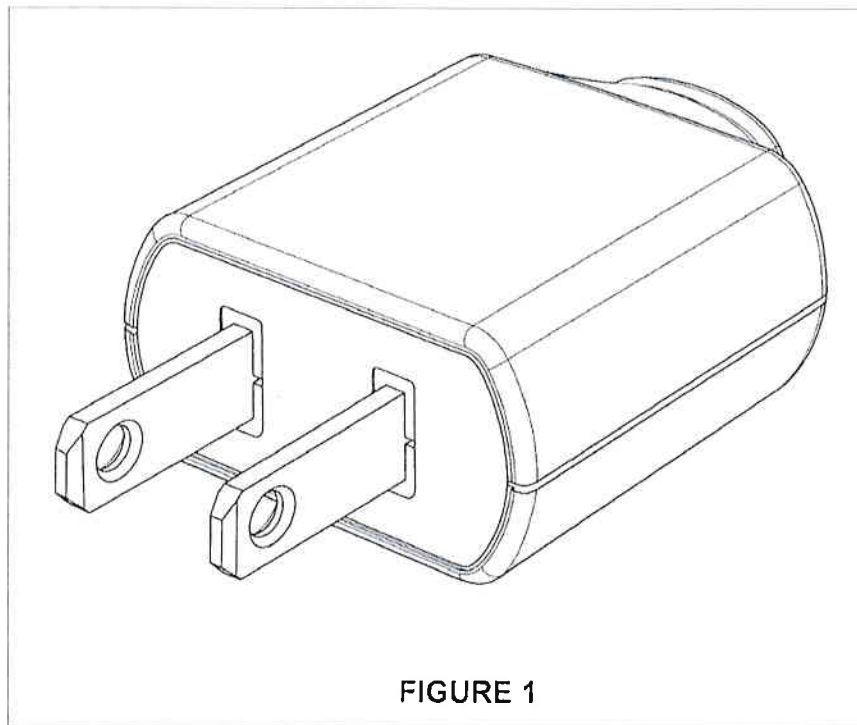


FIGURE 1

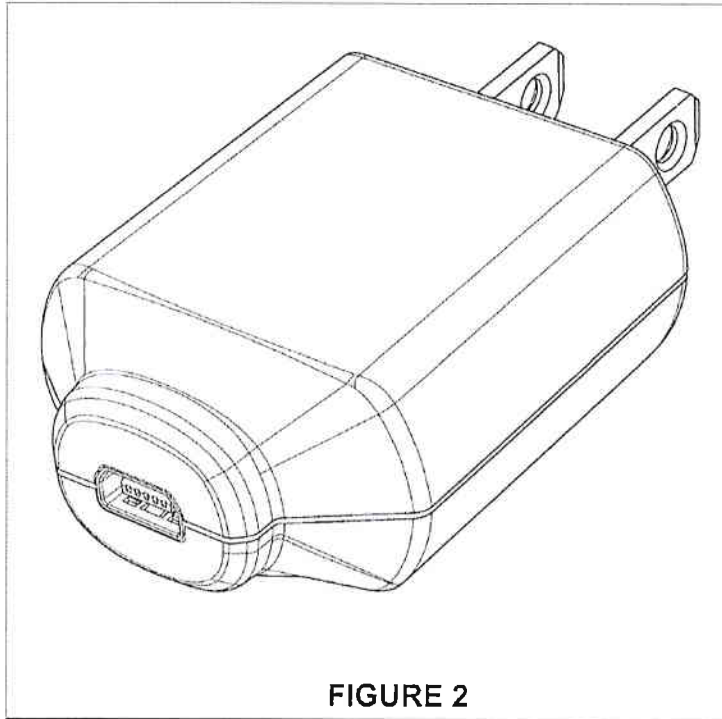
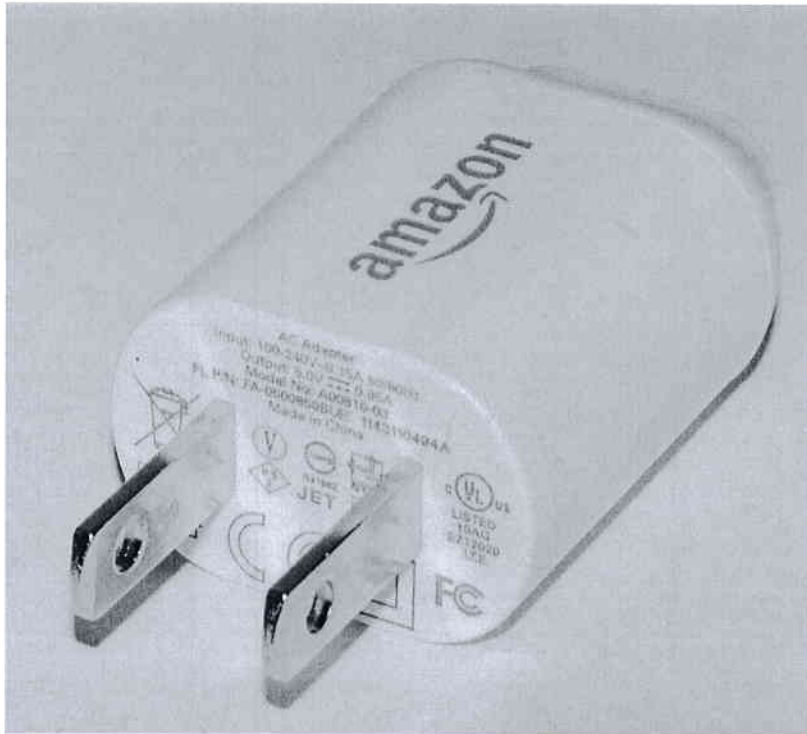


FIGURE 2

INFRINGEMENT OF THE '192 PATENT

12. Amazon is the manufacturer and seller of a popular battery operated e-reader device called the “Kindle.”

13. On February 10, 2009, Amazon announced the Kindle 2. The Kindle 2 used the same USB data connection for both data transfer and battery charging. The Kindle 2 comes with a USB cable and an electrical charger. The electrical charger included with every Kindle 2 looks like this:



14. From 2009 through 2012, millions of Kindle devices, including the Kindle 2, the Kindle DX, and the third, fourth and fifth generation Kindles, manufactured and sold by Amazon were sold with the electrical charger shown above.

15. Amazon's electrical charger for the Kindle infringes the ornamental design for an electrical charger of the '192 Patent.

COUNT I
INFRINGEMENT OF U.S. DESIGN PATENT NO. D587,192
AGAINST AMAZON

16. Plaintiff re-alleges paragraphs 1 through 15 above as fully and completely as if set forth herein verbatim.

17. Defendant Amazon makes, uses, sells, offers to sell and/or imports into the United States for subsequent distribution, sale or use, products that infringe the '192 Patent.

18. Without limiting paragraph 17, Amazon's manufacture and sale of the Kindle electrical charger constitutes infringement of the '192 Patent.

19. The activities of Amazon have been done and continue to be done without license or permission from Voltstar and/or without authority of Voltstar.

20. The activities of Amazon have been and continue to be to the injury and detriment and irreparable harm to Voltstar.

WHEREFORE, VOLTSTAR PRAYS:

- A. For judgment that Amazon has infringed the '192 Patent;
- B. For an accounting and an award of damages sufficient to compensate Voltstar for the infringement but in no event less than a reasonable royalty;
- C. For an award of costs; and
- D. For such other and further relief as to the Court may appear just and reasonable.

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury on all claims so triable.

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pursuant to Local Rule 83.15.*