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THE NOCO COMPANY

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

THE NOCO COMPANY, Plaintiff, v. WINPLUS NORTH AMERICA, INC., WINPLUS NA, LLC, AND ADC SOLUTIONS AUTO LLC Defendants.	**Case No.** 8:23-cv-00269 **COMPLAINT FOR PATENT INFRINGEMENT** **DEMAND FOR JURY TRIAL**

EXHIBIT 1010
Petitioner ADC (IPR2024-00577)

Plaintiff The NOCO Company ("NOCO" or "Plaintiff") for its Complaint against Defendants Winplus North America, Inc., Winplus NA, LLC, and ADC Solutions Auto LLC (collectively, "Winplus" or "Defendants") alleges as follows:

INTRODUCTION

1. NOCO, a designer of consumer electronics headquartered in the greater Cleveland, Ohio area, has set a new standard in the performance, design and safety of portable jump starters. An unfortunate by product of NOCO's tremendous success has been widespread copycats entering the market from outside of the U.S. seeking to trade off of NOCO's substantial investment in its research, design and marketing. These knockoff and copycat products are pouring into the United States from overseas infringing NOCO's valuable intellectual property rights.

2. This is an action to cease the unlawful and infringing activities of Defendants in the manufacture and sale of their jump starter products. As set forth more fully below, NOCO seeks damages, costs and attorneys' fees and permanent injunctive relief as authorized by the Patent Act.

THE PARTIES

3. NOCO is a corporation organized under the laws of the State of Ohio, with its principal place of business in Glenwillow, Ohio.

4. Upon information and belief, Defendant Winplus North America, Inc. is a California company having a principal place of business at 2975 Red Hill Avenue, Suite 100 Costa Mesa, CA, 92626-1201, as registered with the California Secretary of State.

5. Upon information and belief, Defendant Winplus NA, LLC is a Delaware company registered to do business in California, having a principal place of business at 2975 Red Hill Avenue, Suite 100 Costa Mesa, CA, 92626-1201, as registered with the California Secretary of State.

6. Upon information and belief, Defendant ADC Solutions Auto LLC is a corporation incorporated under the laws of California with its principal place of business located

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at 2975 Red Hill Ave. #100, Costa Mesa, CA 92626.

JURISDICTION AND VENUE

7. This action involves statutory questions and claims arising under the laws of the United States. This Court has jurisdiction over the subject matter of this action pursuant to 35 U.S.C. § 271, *et. seq*., and 28 U.S.C. §§ 1331 and 1338.

8. Personal jurisdiction exists over Defendants. Defendants share and maintain a principal place of business in the State of California within this District. Defendants also have minimum contacts with this the State of California and this District as a result of substantial business regularly conducted or solicited within the State of California and this District. Moreover, Defendants have placed its products within the stream of commerce, which stream is directed to residents of the State of California and this District. Defendants are causing harm to NOCO as a result of tortious activity occurring in the State of California and in this District.

9. Venue is proper in this Court under 28 U.S.C. §§ 1391 and 1400, as Defendants reside in this District and wrongful acts giving rise to NOCO's claims have occurred in this District.

BACKGROUND

10. Founded in the greater Cleveland, Ohio area in 1914, and continuously owned and managed by the same family since then, NOCO is a power supply and consumer electronics company. Among other things, NOCO is in the business of designing and marketing innovative, premium battery products including jump starters, battery chargers, cables and accessories.

11. NOCO's patents asserted in this matter generally relate to technologies implemented in portable battery jump starters. They concern technologies related to specific circuitry for improving the performance and safety of these devices.

12. Since the early days of automobiles in the 1900s, car batteries have provided power to start engines. Batteries, however, lose charge over time, and eventually lack sufficient power to start the car. When a car battery dies, the engine can be started using an external current source, a process known as "jump starting." The conventional way to jump start a dead car battery has been through the use of "jumper cables," where two cables run from the positive and

negative terminals of a live battery (usually in a running car) to the corresponding terminals of the dead battery.

13. Using jumper cables to provide the current needed to start a car with a dead battery has long been problematic, even dangerous. This method can entail, among other things, a second car with a live battery or a heavy and bulky lead-acid battery system to provide the current boost. The method also presents a risk that the cables are improperly connected to either battery, which may cause sparks and short circuits that damage the car and potentially injure those performing the process.

14. NOCO solved the safety problems presented by jump starting a car with jumper cables in 2014 and introduced what is now known as the NOCO BOOST® line of jump starter products.

15. NOCO's NOCO BOOST® products are tremendously popular and are the market-leading compact lithium-ion battery-based jump starters in the United States. The NOCO BOOST® products have become known for safety, ease of use, and reliability.

16. NOCO is an innovator and has made substantial investments in research and development resulting in NOCO having been awarded numerous utility and design patents, including the asserted patents identified below, that cover the key safety and performance features of NOCO's NOCO BOOST® products.

17. Some of NOCO's game-changing patented inventions deliver enhanced battery life and performance thanks to dedicated circuits that equalize the charging process. Lithium-ion battery-based jump starters generally include a bank of individual battery cells that store enough charge to jump start a depleted 12-volt car battery. Batteries lose charge over time and with each use, and so they need to be re-charged. NOCO's patented solutions improve the re-charging process by equalizing the charges and charging rates of the individual battery cells, resulting in a more efficient and effective charging process that increases battery life as well as jump starting performance. The two asserted patents relating to NOCO's equalization circuits are United States Patent Nos. 10,981,452 ("the '452 Patent") and 11,254,213 ("the '213 Patent").

18. The '452 Patent is entitled "Portable or Hand Held Vehicle Battery Jump Starting

Apparatus with Battery Cell Equalization Circuit." The '452 Patent was duly and legally issued on April 20, 2021 by the United States Patent and Trademark Office (USPTO), a true and correct copy of which is attached hereto as Exhibit A and by reference is herein incorporated. NOCO is the assignee and owner of all right, title and interest, including the right to recover for past infringement, in the '452 Patent.

19. The '213 Patent is entitled "Portable or Hand Held Vehicle Battery Jump Starting Apparatus with Battery Cell Equalization Circuit." The '213 Patent was duly and legally issued on February 22, 2022 by the USPTO, a true and correct copy of which is attached hereto as Exhibit B and by reference is herein incorporated. NOCO is also the assignee and owner of all right, title and interest, including the right to recover for past infringement, in the '213 Patent.

20. NOCO's patented technology also relates to flexible and convenient ways to re-charge jump starters using a USB input charging interface. Previously, re-charging a jump starter powerful enough to jump start a 12-volt car battery frequently required a high-power charger through a non-standard or proprietary plug. NOCO engineers devised a new way to re-charge using low-voltage inputs through standardized, convenient, and (now) widely-used USB plugs. The asserted patent relating to NOCO's USB charging inventions is United States Patent No. 11,447,023 ("the '023 Patent").

21. The '023 Patent is entitled "Portable Vehicle Battery Jump Start Apparatus with Safety Protection and Jumper Cable Device Thereof." The '023 Patent was duly and legally issued on September 20, 2022 by the USPTO, a true and correct copy of which is attached hereto as Exhibit C and by reference is herein incorporated. NOCO is the assignee and owner of all right, title and interest, including the right to recover for past infringement, in the '023 Patent.

DEFENDANTS' INFRINGING ACTIVITIES

22. Unfortunately, the success and popularity of NOCO's BOOST® products has resulted in imitation, copying, and unlawful piggybacking off of NOCO's substantial investment in its intellectual property rights, including the asserted patents.

23. Upon information and belief, Defendants develop, import, distribute, offer to sell, sell, and/or use jump starter products within the state of California, within this District, and

elsewhere around the country.

24. More particularly, Winplus offers for sale and sells at least the following jump starter products (collectively, "Winplus jump starters"):

- TYPE S 12V 6.0L Battery Jump Starter with Qi Wireless Charging, JumpGuide™ and 8,000 mAh Power Bank – Black (https://typesauto.com/products/type-s-wireless-jump-starter-8000mah-with-lcd-ac530013)
- TYPE S 12V 6.0L Battery Jump Starter with JumpGuide™ and 10,000 mAh Power Bank – Black (https://typesauto.com/products/type-s-jump-starter-10-000mah-with-lcd-and-emergency-light-ac532781)
- TYPE S 12V 6.0L Battery Jump Starter with Built-in USB-C Cable & LCD Display and 8,000mAh Qi Power Bank – Black (https://typesauto.com/products/type-s-12v-6-0l-battery-jump-starter-with-built-in-usb-c-cable-lcd-display-and-8-000mah-qi-power-bank-ac532671)
- TYPE S 12V 6.0L Battery Jump Starter with Built-in MFi Certified Lightning Cable & LCD Display and 8,000mAh Qi Power Bank - Black (https://typesauto.com/products/type-s-12v-6-0l-battery-jump-starter-with-built-in-lightning-cable-lcd-display-and-8-000mah-power-bank-ac532777)
- TYPE S 12V 9.0L ProJump™ Battery Jump Starter with JumpGuide™ and 18,000 mAh Power Bank (https://typesauto.com/products/type-s-12v-9-0l-projump-18000-jump-starter-ac530017)
- TYPE S 12V 9.0L ProJump™ Battery Jump Starter with JumpGuide™ and 26,000 mAh Power Bank (https://typesauto.com/products/type-s-12v-9-0l-projump%E2%84%A2-battery-jump-starter-with-jumpguide%E2%84%A2-and-26000-mah-power-bank-ac530020)
- TYPE S 12V 7.0L Battery Jump Starter with USB C Charging and 10,000 mAh Power Bank – Blue (https://typesauto.com/products/type-s-10000mah-jump-starter-and-portable-power-bank-ac56789)
- TYPE S 12V 6.0L Battery Jump Starter Power Bank with Dual USB Charging and 8,000 mAh Power Bank – Titanium (https://typesauto.com/products/type-s-8000mah-car-jump-start-and-portable-power-bank-ac56388)
- TYPE S 12V 6.0L Battery Jump Starter with JumpGuide™ and 8,000 mAh Power Bank (https://typesauto.com/products/type-s-12v-6-0l-jump-starter-power-bank-with-jump-guide-gen-2-ac532632)
- TYPE S 12V 8.0L ProJump™ Battery Jump Starter with JumpGuide™ and 15,000 mAh Power Bank (https://typesauto.com/products/type-s-12v-8-0l-projump%E2%84%A2-battery-jump-starter-with-jumpguide%E2%84%A2-and-15-000-mah-power-bank-ac532780)
- TYPE S Jump Starter & Power Bank (https://typesauto.com/products/type-s-jump-starter-power-bank-ac532806)

25. Upon information and belief, as set forth more fully below, the Winplus jump

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starters infringe one or more claims of the ’452, ’213, and ’023 Patents.

The ’452 Patent

26. Upon information and belief, as set forth more fully below, the Winplus jump starters infringe one or more claims of the ’452 Patent.

27. The ’452 Patent is generally directed to a portable vehicle battery jump starting device comprising a battery pack with multiple individual battery cells and a battery cell equalization circuit.

28. Exemplary Independent claim 1 of the ’452 Patent recites:

> A portable or hand held jump starting apparatus, comprising:
>
> a battery comprising a plurality of individual battery cells connected together in series;
>
> a battery cell equalization circuit connected to the battery, the battery cell equalization circuit comprising:
>
> an individual battery cell equalization circuit provided for each of the plurality of individual battery cells; and
>
> a load resistor provided for each of the individual battery cell equalization circuits,
>
> wherein the individual battery cell equalization circuits are configured to discharge a respective individual battery cell using a respective load resistor upon the respective individual battery cell reaching a cell voltage exceeding a pre-determined upper voltage threshold until the respective cell reaches a pre-determined lower voltage level below the upper voltage threshold or until the battery charging process is terminated, and
>
> wherein the individual battery cell equalization circuits are configured to charge lower voltage individual battery cells at a higher rate allowing lower voltage individual battery cells to catch up in voltage to an individual battery cell having a highest voltage.

29. On information and belief, Defendants offer to sell and sell Winplus jump starters within this District and throughout the United States that infringe one or more claims of the ’452 Patent.

30. For example, the Winplus jump starters are portable or hand held jump starting apparatuses, as shown in the following representative image from Defendants’ website:

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(Excerpted from https://typesauto.com/collections/portable-jump-starters).

31. Upon information and belief, each of the Winplus jump starters contain a battery comprising a plurality of individual battery cells connected together in series. For example, the Type S 12V 6.0L Battery Jump Starter with JumpGuide™ and 10,000 mAh Power Bank has a "Battery Capacity" of "10,000mAh @ 3.7V." (*See* https://typesauto.com/products/type-s-jump-starter-10-000mah-with-lcd-and-emergency-light-ac532781).

32. Upon information and belief, the Winplus jump starters contain a battery cell equalization circuit connected to the battery that comprises an individual battery cell equalization circuit for each of the individual battery cells, and a load resistor for each of the individual battery cell equalization circuits.

33. Upon information and belief, in each of the Winplus jump starters, the individual battery cell equalization circuits discharge a respective individual battery cell using a load resistor upon the individual battery cell reaching a cell voltage exceeding a pre-determined upper voltage threshold until the respective cell reaches a pre-determined lower voltage level below the upper voltage threshold or until the battery charging process is terminated.

34. Upon information and belief, in each of the Winplus jump starters, the individual battery cell equalization circuits are configured to charge lower voltage individual battery cells at a higher rate allowing lower voltage individual battery cells to catch up in voltage to an individual battery cell having a highest voltage. For example, the Winplus website explains the Winplus jump starters have "Safe & Smart Jump-Starting Technology" including "Polarity Protection," "Over-discharge Protection," "Low Voltage Protection," "Reverse Charging Protection," "Short-circuit Protection," "Overheat Protection," "Timeout Protection," "Temperature Control

Protection," and "Spark-proof Clamps." *See* https://typesauto.com/products/type-s-jump-starter-10-000mah-with-lcd-and-emergency-light-ac532781.

The '213 Patent

35. Upon information and belief, as set forth more fully below, the Winplus jump starters infringe one or more claims of the '213 Patent.

36. The '213 Patent is generally directed to a portable vehicle battery jump starting device comprising a battery pack with multiple individual battery cells and a battery cell equalization circuit.

37. Exemplary Independent claim 1 of the '213 Patent recites:

> A portable or hand held jump starting apparatus, comprising:
>
> a battery comprising a plurality of individual battery cells connected in series;
>
> a battery cell equalization circuit connected to the battery, the battery cell equalization circuit comprising:
>
> a plurality of individual battery cell equalization circuits each provided for each respective battery cell; and
>
> a plurality of load resistors each provided for each respective battery cell,
>
> wherein the individual battery cell equalization circuits are configured to discharge an individual battery cell by its particular load resistor upon the individual battery cell reaching a cell voltage exceeding a pre-determined upper voltage threshold until the individual battery cell reaches a pre-determined lower voltage level below the upper voltage threshold or until the individual battery cell charging process is terminated.

38. On information and belief, Defendants offer to sell and sell Winplus jump starters within this District and throughout the United States that infringe one or more claims of the '213 Patent.

39. For example, the Winplus jump starters are portable or hand held jump starting apparatuses, as shown in the following representative image from Defendants' website:

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(Excerpted from https://typesauto.com/collections/portable-jump-starters).

40. Upon information and belief, each of the Winplus jump starters contain a battery comprising a plurality of individual battery cells connected together in series. For example, the Type S 12V 6.0L Battery Jump Starter with JumpGuideTM and 10,000 mAh Power Bank has a "Battery Capacity" of "10,000mAh @ 3.7V." (*See* https://typesauto.com/products/type-s-jump-starter-10-000mah-with-lcd-and-emergency-light-ac532781).

41. Upon information and belief, the Winplus jump starters contain a battery cell equalization circuit connected to the battery that comprises a plurality of individual battery cell equalization circuits for each respective battery cell, and a plurality of load resistors for each respective battery cell.

42. Upon information and belief, in each of the Winplus jump starters, the individual battery cell equalization circuits discharge an individual battery cell by its particular load resistor upon the individual battery cell reaching a cell voltage exceeding a pre-determined upper voltage threshold until the individual battery cell reaches a pre-determined lower voltage level below the upper voltage threshold or until the individual battery cell charging process is terminated. For example, the website explains the Winplus jump starters have "Safe & Smart Jump-Starting Technology" including "Polarity Protection," "Over-discharge Protection," "Low Voltage Protection," "Reverse Charging Protection," "Short-circuit Protection," "Overheat Protection," "Timeout Protection," "Temperature Control Protection," and "Spark-proof Clamps." *See* https://typesauto.com/products/type-s-jump-starter-10-000mah-with-lcd-and-emergency-light-ac532781.

The '023 Patent

43. On information and belief, as set forth more fully below, the Winplus jump starters

infringe one or more claims of the ’023 Patent.

44. The ’023 Patent is generally directed to a hand held jump starter comprising a USB input port and circuit for charging or recharging an internal power supply.

45. Exemplary Independent claim 1 of the ’023 Patent recites:

> A jump starting apparatus configured for boosting or charging a depleted or discharged battery having a positive polarity battery terminal and a negative polarity battery terminal, the jump starting apparatus comprising:
>
> a power supply;
>
> a positive polarity battery terminal connector configured for connecting the jump starting apparatus to the positive polarity battery terminal of the depleted or discharged battery;
>
> a negative polarity battery terminal connector configured for connecting the jump starting apparatus to the negative polarity battery terminal of the depleted or discharged battery;
>
> a power switch or circuit configured to turn on power from the power supply to the positive and negative polarity battery terminal connectors;
>
> a control system or circuit connected to and controlling the power switch, the control system or circuit configured to detect whether the positive and negative polarity battery terminal connectors have a correct polarity connection with the positive and negative polarity battery terminals of the depleted or discharged battery prior to turning on the power switch or circuit;
>
> a USB input circuit connected to the power supply, the USB input circuit comprising a DC/DC converter, the USB input circuit configured for converting power from a USB power source to increase power voltage to the power supply; and
>
> a USB input connector connected to the USB input circuit, the USB input connector configured for connecting to the USB power source and providing power input from the USB power source through the USB input connector and the USB input circuit to the power supply.

46. On information and belief, Defendants offer to sell and sell Winplus jump starters within this District and throughout the United States that infringe one or more claims of the ’023 Patent.

47. For example, the Winplus jump starters are jump starting devices for boosting or charging a depleted or discharged battery having a positive polarity battery terminal (**red**) and a

negative polarity battery terminal (**black**), as in the following representative image:

https://typesauto.com/products/type-s-jump-starter-10-000mah-with-lcd-and-emergency-light-ac532781.

48. Each of the Winplus jump starters comprises a power supply. For example, the Type S 12V 6.0L Battery Jump Starter with JumpGuideTM and 10,000 mAh Power Bank has a "Battery Capacity" of "10,000mAh @ 3.7V." (*See* https://typesauto.com/products/type-s-jump-starter-10-000mah-with-lcd-and-emergency-light-ac532781).

49. Each of the Winplus jump starters also comprises a positive polarity battery terminal connector (**red**) and a negative polarity battery terminal connector (**black**) that connects the jump starting apparatus to the positive polarity battery terminal and the negative polarity battery terminal of the depleted or discharged battery, respectively, as shown in the following representative image:

https://typesauto.com/products/type-s-jump-starter-10-000mah-with-lcd-and-emergency-light-ac532781.

50. Upon information and belief, each of the Winplus jump starters comprises a power

switch or circuit configured to turn on power from the power supply to the positive and negative polarity battery terminal connectors. For example, upon information and belief, the Winplus jump starters comprise a power relay or switch internal to the jump starters that turns on power from the power supply to the positive and negative polarity battery terminal connectors.

51. Upon information and belief, the Winplus jump starters further comprise a control system or circuit that controls the power switch and detects whether the positive and negative polarity battery terminal connectors have a correct polarity connection with the positive and negative polarity battery terminals of the depleted/discharged battery prior to turning on the power switch or circuit. For example, the website explains the Winplus jump starters have "Safe & Smart Jump-Starting Technology" including "Polarity Protection," "Over-discharge Protection," "Low Voltage Protection," "Reverse Charging Protection," "Short-circuit Protection," "Overheat Protection," "Timeout Protection," "Temperature Control Protection," and "Spark-proof Clamps." *See* https://typesauto.com/products/type-s-jump-starter-10-000mah-with-lcd-and-emergency-light-ac532781.

52. Upon information and belief, the Winplus jump starters comprise a USB input circuit connected to the power supply. For example, the website refers to a "high-speed USB-C input/output port," as shown in the following representative image:

USB-C Charging Goes Both Ways

Rapid charge mobile devices AND recharge the TYPE S 12V 6.0L Battery Jump Starter Power Bank With Jump Guide (Gen 2) through the high-speed USB-C input/output port. USB-C charging is up to 20 times faster than standard USB.

https://typesauto.com/products/type-s-jump-starter-10-000mah-with-lcd-and-emergency-light-ac532781.

53. Upon information and belief, the Winplus jump starters comprise a USB input circuit that includes a DC/DC converter and is configured for converting power from a USB power source to increase power voltage to the power supply. For example, upon information and belief, each of the Winplus jump starters is configured to be charged through a USB input port

described and shown above.

54. Upon information and belief, the Winplus jump starters comprise a USB input connector connected to the USB input circuit, where the USB input connector is configured to connect to the USB power source and provide power from the USB power source through the USB input connector and the USB input circuit to the power supply. For example, upon information and belief and as described and depicted above, the power supply in each of the Winplus jump starters is charged/provided power through a USB input connection.

COUNT ONE – INFRINGEMENT OF U.S. PATENT NO. 10,981,452

55. NOCO realleges, adopts, and incorporates by reference the allegations included within paragraphs 1-54 as if fully set forth herein.

56. Upon information and belief, Defendants have directly infringed the ’452 Patent by importing, offering to sell, selling, and/or using the Winplus jump starters in the United States, without authority, in a manner that infringes at least claim 1 of the ’452 Patent to the injury of NOCO both literally and under the doctrine of equivalents.

57. Defendants are liable for infringement of the ’452 Patent pursuant to 35 U.S.C. § 271.

58. Upon information and belief, Winplus has willfully infringed the ’452 Patent. Among other things, Winplus competes with NOCO. NOCO’s portfolio of issued patents is public knowledge and, upon information and belief, Winplus has actually known about the ’452 Patent and their infringement thereof since prior to this lawsuit.

59. As a result of Defendants’ infringement of the ’452 Patent, NOCO has suffered and will continue to suffer monetary damages, including lost profits and/or a reasonable royalty, that are compensable under 35 U.S.C. § 284 in an amount to be determined at trial. NOCO complied with the patent marking statute, 35 U.S.C. § 287(a), by providing an address of a posting on the Internet, accessible to the public without charge for accessing the address, that associates the patented article with the number of the patent (https://no.co/intellectual-property).

60. Unless an injunction is issued enjoining Defendants and their officers, agents, servants, employees, attorneys, representatives, affiliates, and all others acting on their behalf

from infringing the ’452 Patent, NOCO will continue to be greatly and irreparably harmed and has no adequate remedy at law.

COUNT TWO – INFRINGEMENT OF U.S. PATENT NO. 11,254,213

61. NOCO realleges, adopts, and incorporates by reference the allegations included within paragraphs 1-60 as if fully set forth herein.

62. On information and belief, Winplus has directly infringed the ’213 Patent by importing, offering to sell, selling, and/or using the Winplus jump starters in the United States, without authority, in a manner that infringes at least claim 1 of the ’213 Patent to the injury of NOCO both literally and under the doctrine of equivalents.

63. Defendants are liable for infringement of the ’213 Patent pursuant to 35 U.S.C. § 271.

64. Upon information and belief, Winplus has willfully infringed the ’213 Patent. Among other things, Winplus competes with NOCO. NOCO’s portfolio of issued patents is public knowledge and, upon information and belief, Winplus has actually known about the ’213 Patent and their infringement thereof since prior to this lawsuit.

65. As a result of Defendants’ infringement of the ’213 Patent, NOCO has suffered and will continue to suffer monetary damages, including lost profits and/or a reasonable royalty, that are compensable under 35 U.S.C. § 284 in an amount to be determined at trial. NOCO complied with the patent marking statute, 35 U.S.C. § 287(a), by providing an address of a posting on the Internet, accessible to the public without charge for accessing the address, that associates the patented article with the number of the patent (https://no.co/intellectual-property).

66. Unless an injunction is issued enjoining Defendants and their officers, agents, servants, employees, attorneys, representatives, affiliates, and all others acting on their behalf from infringing the ’213 Patent, NOCO will continue to be greatly and irreparably harmed and has no adequate remedy at law.

COUNT THREE – INFRINGEMENT OF U.S. PATENT NO. 11,447,023

67. NOCO realleges, adopts, and incorporates by reference the allegations included within paragraphs 1-66 as if fully set forth herein.

68. On information and belief, Winplus has directly infringed the ’023 Patent by importing, offering to sell, selling, and/or using the Winplus jump starters in the United States, without authority, in a manner that infringes at least claim 1 of the ’023 Patent to the injury of NOCO both literally and under the doctrine of equivalents.

69. Defendants are liable for infringement of the ’023 Patent pursuant to 35 U.S.C. § 271.

70. Upon information and belief, Winplus has willfully infringed the ’023 Patent. Among other things, Winplus competes with NOCO. NOCO’s portfolio of issued patents is public knowledge and, upon information and belief, Winplus has actually known about the ’023 Patent and their infringement thereof since prior to this lawsuit. In fact, NOCO has previously accused Winplus (and others) of infringing a related patent (U.S. Patent No. 9,007,015) in earlier litigation. *See, e.g.*, *Certain Portable Battery Jump Starters & Components Thereof*, Inv. No. 337-TA-1256 (U.S. Int’l Trade Comm’n).

71. As a result of Defendants’ infringement of the ’023 Patent, NOCO has suffered and will continue to suffer monetary damages, including lost profits and/or a reasonable royalty, that are compensable under 35 U.S.C. § 284 in an amount to be determined at trial. NOCO complied with the patent marking statute, 35 U.S.C. § 287(a), by providing an address of a posting on the Internet, accessible to the public without charge for accessing the address, that associates the patented article with the number of the patent (https://no.co/intellectual-property).

72. Unless an injunction is issued enjoining Defendants and their officers, agents, servants, employees, attorneys, representatives, affiliates, and all others acting on its behalf from infringing the ’023 Patent, NOCO will continue to be greatly and irreparably harmed and has no adequate remedy at law.

PRAYER FOR RELIEF

NOCO respectfully requests the following relief:

(a) Judgment for NOCO and against Defendants on all Counts asserted herein;

(b) Permanent injunctive relief enjoining Defendants and their officers, agents, servants, employees, attorneys, representatives, affiliates, and all others acting on their behalf or

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in active concert or participation with them from infringement of the ’452, ’213, and ’023 Patents;

(c) Damages to which NOCO is entitled including without limitation as provided under 35 U.S.C. § 284;

(d) Actual, statutory, and compensatory damages as proven at trial;

(e) Enhanced damages in an amount equal to three times NOCO’s damages for Defendants’ willful infringement of the ’452, ’213, and ’023 Patents pursuant to 35 U.S.C. § 284;

(f) Pre-judgment and post-judgment interest;

(g) That the Court find that this is an exceptional case within the meaning of 35 U.S.C. § 285;

(h) NOCO’s costs, expenses, and reasonable attorneys’ fees and litigation expenses incurred in this action; and

(i) Such other relief as the Court may deem just and proper.

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Dated: February 14, 2023

Respectfully submitted,

JONES DAY

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THE NOCO COMPANY

EXHIBIT 1010
Petitioner ADC (IPR2024-00577)

JURY TRIAL DEMAND

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, The NOCO Company demands a trial by jury of all issues triable of right by jury.

Dated: February 14, 2023

Respectfully submitted,

JONES DAY

By: */s/ Alexis A. Smith*

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