UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

THE NOCO COMPANY, an Ohio Corporation, Plaintiff, v. DELTONA TRANSFORMER CORPORATION, a Florida Corporation, DELTRAN USA, LLC, a Florida Limited Liability Company, and DELTRAN OPERATIONS USA, INC., a Florida Corporation. Defendants.	CASE NO. 6:23-cv-2194

COMPLAINT FOR PATENT INFRINGEMENT AND DEMAND FOR A JURY TRIAL

Plaintiff, The NOCO Company for its Complaint against Defendants, Deltona Transformer Corporation, Deltran USA, LLC, and Deltran Operations USA, Inc. alleges as follows:

INTRODUCTION

1. Through this action, The NOCO Company seeks to stop Defendants from continuing to free ride off of valuable intellectual property owned by NOCO. Defendants are offering to sell, or selling Battery Tender® portable jump starter devices that infringe three separate NOCO patents. As set forth more fully below, NOCO seeks damages, costs and attorneys' fees, and permanent injunctive relief

DELTRAN EX1028
IPR2024-01219

as authorized by the Patent Act.

THE PARTIES

2. Plaintiff, The NOCO Company ("NOCO") is a corporation organized under the laws of the State of Ohio, with its principal place of business in Glenwillow, Ohio.

3. Defendant Deltona Transformer Corporation ("Deltona") is a corporation organized under the laws of the State of Florida, with its principal place of business in Deland, Florida.

4. Defendant Deltran USA, LLC ("Deltran") is a limited liability company organized under the laws of the State of Florida, with its principal place of business in Deland, Florida.

5. Defendant Deltran Operations USA, Inc. ("Deltran Operations") is a corporation organized under the laws of the State of Florida, with its principal place of business in Deland, Florida. Deltran Operations is listed as the manager of Deltran in Deltran's 2023 Florida Limited Liability Company Annual Report, according to publicly available information.

JURISDICTION AND VENUE

6. 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.

DELTRAN EX1028
IPR2024-01219

7. Venue is proper in this District under 28 U.S.C. §§ 1391 and 1400 because Defendants are subject to personal jurisdiction in this District, Defendants reside in this District, Defendants have committed acts of infringement in this District, and Defendants have a regular and established place of business in this District.

8. This Court has personal jurisdiction over Deltona because Deltona is a Florida corporation and because Deltona resides in the State of Florida and in this District as it maintains its principal place of business in Deland, Florida.

9. This Court has personal jurisdiction over Deltran because Deltran is a Florida limited liability company and because Deltran resides in the State of Florida and in this District as it maintains its principal place of business in Deland, Florida.

10. This Court has personal jurisdiction over Deltran Operations because Deltran Operations is a Florida corporation and because Deltran Operations resides in the State of Florida and in this District as it maintains its principal place of business in Deland, Florida.

BACKGROUND

11. 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

DELTRAN EX1028
IPR2024-01219

in the business of designing and marketing innovative, premium battery products including jump starters, battery chargers, cables, and accessories. As set forth more fully below, through its innovations, NOCO has set a new standard in the performance, design, and safety of lithium-ion portable jump starter devices.

12. Since the early days of automobiles in the 1900s, car batteries have provided power to start engines. Batteries, 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

DELTRAN EX1028
IPR2024-01219

with jumper cables at least as early as 2014 and introduced what is now known as the NOCO BOOST® ULTRASAFE® and ULTRASAFE 2.0® 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 key safety and performance features of NOCO's NOCO BOOST® products.

17. Some of NOCO's game-changing patented inventions also relate 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 the jump starter's high discharge lithium-ion battery using low-voltage inputs through standardized, convenient, and (now) widely-used USB plugs. The three asserted patents relating to NOCO's USB charging inventions are U.S. Patent Nos. 11,447,023 ("the '023 Patent"), 11,584,243 ("the '243 Patent"), and 11,667,203 ("the '203 Patent").

DELTRAN EX1028
IPR2024-01219

18. 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 United States Patent and Trademark Office (USPTO), a true and correct copy of which is attached hereto as Exhibit A and by reference incorporated herein. NOCO is the assignee and owner of all right, title, and interest, including the right to recover damages for past infringement, in the ’023 Patent.

19. The ’243 Patent is entitled “Jump Starting Device with USB.” The ’243 Patent was duly and legally issued on February 21, 2023, by the USPTO, a true and correct copy of which is attached hereto as Exhibit B and by reference incorporated herein. NOCO is the assignee and owner of all right, title, and interest, including the right to recover damages for past infringement, in the ’243 Patent.

20. The ’203 Patent is entitled “Portable Vehicle Battery Jump Start Apparatus with Safety Protection.” The ’203 Patent was duly and legally issued on June 6, 2023, by the USPTO, a true and correct copy of which is attached hereto as Exhibit C and by reference incorporated herein. NOCO is the assignee and owner of all right, title, and interest, including the right to recover damages for past infringement, in the ’203 Patent.

DEFENDANTS’ INFRINGING ACTIVITIES

21. Unfortunately, the success and popularity of NOCO’s NOCO

DELTRAN EX1028
IPR2024-01219

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.

22. As set forth more fully below, upon information and belief, Defendants are operating in concert to offer to sell, sell, and/or use jump starters within the United States, including in the State of Florida, and in this District, over at least Defendants' website (www.batterytender.com) and the Amazon marketplace (www.amazon.com) that infringe the '023 Patent, the '203 Patent, and the '243 Patent

23. True and correct copies of screenshots of various of Defendants' jump starters offered for sale and sold in the United States, including in this District, as of November 2023 from Defendants' website and the Amazon marketplace, are attached hereto as Exhibits D-O and by reference incorporated herein.

24. As shown in Exhibits D-O, Defendants' jump starters available for purchase in the United States, including in this District include: (1) the Battery Tender® 800 AMP Jump Starter – 7200mAh Power Bank (Ex. D); (2) the Battery Tender® 1000 AMP Jump Starter – 8000mAh Power Bank (Exs. E, F); (3) the Battery Tender® 1500 AMP Jump Starter – 12000mAh Power Bank (Exs. G, H); (4) the Battery Tender® 2000 AMP Jump Starter – 16000mAh Power Bank (Exs. I, J); (5) the Battery Tender® 2000 AMP Power Station with 100 Watt Inverter (Exs. K,

DELTRAN EX1028
IPR2024-01219

L); (6) the Battery Tender® 600 AMP Jump Starter – 6000mAh Power Bank (Ex. M); and (7) the Battery Tender® 800 AMP Jump Starter And Tire Inflator (Exs. N, O) (collectively, "the Accused Battery Tender® jump starters").

25. According to USPTO records, the "Battery Tender" trademark used in connection with the sale and offer to sell the Accused Battery Tender® jump starters is owned by Deltona and, upon information and belief, has been owned by Deltona at all relevant times. A true and correct copy of the relevant USPTO records showing ownership is attached hereto as Exhibit P and by reference incorporated herein.

26. Defendants are offering to sell, or selling the Accused Battery Tender® jump starters at least on Defendants' website (www.batterytender.com). A review of the website shows in part that it is operated "by Deltran." (A true and correct copy of the "About Us" page of Defendants' website (www.batterytender.com) is attached hereto as Exhibit Q and by reference incorporated herein.)

27. The copyright notice on Defendants' website (www.batterytender.com) provides that "Battery Tender®" is a "Deltran Operations Brand." *See, e.g.*, Ex. D.

28. Defendants are offering to sell, or selling the Accused Battery Tender® jump starters on the Amazon marketplace (www.amazon.com) where

DELTRAN EX1028
IPR2024-01219

again, consumers are shown that the "Amazon storefront" features the "Battery Tender®" mark "by Deltran," a true and correct copy of which is attached hereto as Exhibit R and by reference incorporated herein. *See also* Exs. F, H, J, L, M, O.

The '023 Patent

29. As set forth more fully below, the Accused Battery Tender® jump starters infringe one or more claims of the '023 Patent as set forth in a claim chart charting the Battery Tender® 1500 AMP Jump Starter against the independent claims of the '023 patent, a true and correct copy of which is attached as Exhibit S and by reference incorporated herein.

30. The '023 Patent is generally directed to a handheld jump starter comprising a USB input port and circuit for charging or recharging an internal power supply.

31. 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

DELTRAN EX1028
IPR2024-01219

> 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. Ex. A at col. 8, l. 40-col. 9, l. 6.

32. Defendants sell the Accused Battery Tender® jump starters within this District and throughout the United States that infringe one or more claims of the ’023 Patent.

33. For example, the Accused Battery Tender® jump starters are jump starting devices for boosting or charging a depleted or discharged battery having a positive polarity battery terminal and a negative polarity battery terminal.

DELTRAN EX1028
IPR2024-01219

Shown below are representative images of the Accused Battery Tender® jump starters, which are each described as a vehicle "Jump Starter." Each image below further depicts **red** and **black** jump starter cables that are used to connect the jump starter power source to the vehicle's positive and negative battery terminals:

From left to right: Battery Tender® 800 AMP Jump Starter (Ex. D); Battery Tender® 1000 AMP Jump Starter (Ex. E); Battery Tender® 1500 AMP Jump Starter (Ex. G); Battery Tender® 2000 AMP Jump Starter (Ex. I).

34. Additionally, Defendants provide users with instruction manuals for the Accused Battery Tender® jump starters that include step-by-step instructions, under the heading "JUMP STARTING A VEHICLE," for boosting or charging a depleted or discharged battery having a positive polarity battery terminal and a negative polarity battery terminal. *See* Ex. T (Instruction Manual for the Battery Tender® 800 AMP Jump Starter); Ex. U (Instruction Manual for the Battery Tender® 1000 AMP Jump Starter); Ex. V (Instruction Manual for the Battery Tender® 1500 AMP Jump Starter); Ex. W (Instruction Manual for the Battery

DELTRAN EX1028
IPR2024-01219

Tender® 2000 AMP Jump Starter); Ex. X (Instruction Manual for the Battery Tender® 2000 AMP Power Station); Ex. Y (Instruction Manual for the Battery Tender® 800 AMP Jump Starter and Tire Inflator).

35. Each of the Accused Battery Tender® jump starters also comprises a power supply. *See* Exs. D-O, T-Y (describing the Accused Battery Tender® jump starters as being "lithium powered" or as having a "Lithium Ion" battery cell, an "internal lithium battery," or a "lithium battery pack").

36. Moreover, as shown below, each of the Accused Battery Tender® jump starters comprises a positive polarity battery terminal connector (**red**) and a negative polarity battery terminal connector (**black**), which Defendants refer to as "smart alligator clips," that connect the jump starting apparatus to the positive polarity battery terminal and the negative polarity battery terminal of the depleted or discharged battery, respectively.

From left to right: Battery Tender® 800 AMP Jump Starter (Ex. D); Battery Tender® 1500 AMP Jump Starter (Ex. G); Battery Tender® 2000 AMP Jump Starter (Ex. I).

DELTRAN EX1028
IPR2024-01219

37. Additionally, Defendants provide the following instruction as one step in in the process of "JUMP STARTING A VEHICLE":

Connect the RED positive clip to the positive post on the battery, then the BLACK negative clip to the negative post on the battery.

Exs. T-Y.

38. Each of the Accused Battery Tender® jump starters also 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, the Accused Battery Tender® 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. Ex. S.

39. The Accused Battery Tender® 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. Ex. S. For example, Defendants explain on their website that the Accused Battery Tender® jump starters have "reverse polarity protection" so that "no charge [is] sent [to the depleted/discharged battery] unless the alligator clips are connected correctly." Exs. D, E; *see also* Ex. S. Defendants further state on their website that

DELTRAN EX1028
IPR2024-01219

the "reverse polarity protection … ensures you're connecting to the correct terminal before the jump starter kicks in." Exs. D, E, G, I, K, N; *see also* Ex. S.

40. Each of the Accused Battery Tender® jump starters also comprises a USB input circuit connected to the power supply. Ex. S. For example, Defendants explain in the instructions that the Accused Battery Tender® jump starters include a "Micro USB Input port – 5VDC/2A … for charging your Jump Starter & Portable Power Bank." Exs. T, U; *see also* Exs. S, V-X (explaining that a "Type – C USB, (In Out) port – 5V, 3Amp" is used to "[c]harge the internal battery contained inside the Jump Starter & Portable Power Bank"), Y (explaining that a "Type – C USB, (IN) port – 5V, 2Amp" is used "for charging the internal battery contained inside the Jump Starter & Portable Inflator"). Further, the Accused Battery Tender® jump starters are designed having USB ports as shown below:

From left to right: Battery Tender® 800 AMP Jump Starter (Ex. D); Battery Tender® 1000 AMP Jump Starter (Ex. E); Battery Tender® 800 AMP Jump Starter And Tire Inflator (Ex. N).

DELTRAN EX1028
IPR2024-01219

41. The USB input circuit comprises a DC/DC converter and is configured for converting power from a USB power source to increase power voltage to the power supply. Ex. S. For example, each of the Accused Battery Tender® jump starters is configured to be charged through a 5-volt USB input port as noted above. Exs. T-Y; *see also* Ex. S. This voltage is increased in the Accused Battery Tender® jump starters using a DC/DC converter in order to charge the internal multi-cell Lithium-ion battery pack such that the jump starters are "strong enough to start any 12 volt battery." Exs. D, E, G, I, K. N; *see also* Ex. S.

42. Finally, the Accused Battery Tender® 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. Ex. S. For example, the power supply (Lithium-ion battery pack) in each of the Accused Battery Tender® jump starters is charged/provided power through a USB input connection. Exs. T-Y; *see also* Ex. S.

The '243 Patent

43. As set forth more fully below, the Accused Battery Tender® jump starters infringe one or more claims of the '243 Patent as set forth in a claim chart charting the Battery Tender® 1500 AMP Jump Starter against the independent

DELTRAN EX1028
IPR2024-01219

claims of the ′243 patent, a true and correct copy of which is attached as Exhibit Z and by reference incorporated herein.

44. The ′243 Patent is generally directed to a handheld jump starter comprising a USB input port and circuit for charging or recharging an internal power supply.

45. Exemplary independent claim 1 of the ′243 Patent recites:

> A jump starting device for boosting or charging a depleted or discharged battery having a positive battery terminal and a negative battery terminal, the jump starting device comprising:
>
> a power supply;
>
> a positive battery connector for electrically connecting the jump starting device to the positive battery terminal of the depleted or discharged battery;
>
> a negative battery connector for electrically connecting the jump starting device to the negative battery terminal of the depleted or discharged battery;
>
> a power switch or switch circuit connected in circuit with the power supply and the positive and negative battery connectors, the power switch or switch circuit configured to switch power on from the power supply to boost or charge the depleted or discharged battery when connected between the positive and negative battery connectors;
>
> a USB input connector; and
>
> a USB charge circuit electrically connecting the USB input connector to the power supply, the USB charge circuit comprising a DC-DC converter configured to upconvert voltage from the USB input connector to the

DELTRAN EX1028
IPR2024-01219

power supply. Ex. B at col. 8, ll. 24-47.

46. Defendants sell the Accused Battery Tender® jump starters within this District and throughout the United States that infringe one or more claims of the ′243 Patent.

47. The Accused Battery Tender® jump starters are jump starting devices for boosting or charging a depleted or discharged battery having a positive polarity battery terminal and a negative polarity battery terminal. Exs. D-O, T-Z.

48. Each of the Accused Battery Tender® jump starters also comprises a power supply. Exs. D-O, T-Z.

49. Moreover, each of the Accused Battery Tender® jump starters comprises a positive battery connector and a negative battery connector for electrically connecting the jump starting devices to the positive polarity battery terminal and the negative polarity battery terminal of the depleted or discharged battery, respectively. Exs. D-O, T-Z.

50. Each of the Accused Battery Tender® jump starters also comprises a power switch or switch circuit connected in circuit with the power supply and the positive and negative battery connectors, that is configured to turn on power from the power supply to boost or charge the depleted or discharged battery. *See* Ex. T.

51. Additionally, each of the Accused Battery Tender® jump starters comprises a USB input connector. Exs. D-O, T-Z.

DELTRAN EX1028
IPR2024-01219

52. Finally, each of the Accused Battery Tender® jump starters also comprises a USB charge circuit electrically connecting the USB input connector to the power supply, that comprises a DC-DC converter configured to upconvert voltage from the USB input connector to the power supply. Ex. T.

The ’203 Patent

53. As set forth more fully below, the Accused Battery Tender® jump starters infringe one or more claims of the ’203 Patent as set forth in a claim chart charting the Battery Tender® 1500 AMP Jump Starter against the independent claim of the ’203 patent, a true and correct copy of which is attached as Exhibit AA and by reference incorporated herein.

54. The ’203 Patent is generally directed to a handheld jump starter comprising a USB input port and one or more safety sensors configured to control power output from the jump starter based on detecting proper connectivity with a vehicle battery.

55. Exemplary independent claim 1 of the ’203 Patent recites:

> A jump starter apparatus for jump starting a vehicle battery, comprising:
>
> a power supply that includes one or more rechargeable batteries;
>
> a USB port configured to receive power from an external power source for charging the one or more batteries;

DELTRAN EX1028
IPR2024-01219

> a DC-DC converter coupled between the USB port and the one or more rechargeable batteries and configured to increase a voltage received from the external power source for charging the one or more rechargeable batteries;
>
> a vehicle battery isolation sensor configured to detect presence of the vehicle battery connected to the jump starter apparatus;
>
> a reverse polarity sensor, separate from the vehicle battery isolation sensor, configured to detect a proper polarity connection between the jump starter apparatus and the vehicle battery; and
>
> a power switch configured to electrically connect the power supply to the vehicle battery,
>
> wherein the power switch is controlled based on signals from the vehicle battery isolation sensor and the reverse polarity sensor such that the power supply is connected to the vehicle battery when both (i) the vehicle battery isolation sensor currently indicates that the vehicle battery is connected to the jump starter apparatus, and (ii) the reverse polarity sensor currently indicates that the jump starter and the vehicle battery are connected with the proper polarity connection. Ex. C at col. 8, ll. 32-60.

56. Defendants sell the Accused Battery Tender® jump starters within this District and throughout the United States that infringe one or more claims of the ’203 Patent.

57. The Accused Battery Tender® jump starters are jump starter apparatuses for jump starting a vehicle battery. Exs. D-O, T-Y, AA.

58. Each of the Accused Battery Tender® jump starters also comprises a

DELTRAN EX1028
IPR2024-01219

power supply that includes one or more rechargeable batteries. Exs. D-O, T-Y, AA.

59. Additionally, each of the Accused Battery Tender® jump starters comprises a USB port configured to receive power from an external power source for charging its one or more batteries. Exs. D-O, T-Y, AA.

60. Each of the Accused Battery Tender® jump starters also comprises a DC-DC converter coupled between the USB port and the one or more rechargeable batteries and configured to increase a voltage received from an external power source for charging the one or more batteries. Ex. AA.

61. Moreover, each of the Accused Battery Tender® jump starters comprises a vehicle battery isolation sensor configured to detect presence of the vehicle battery connected to the jump starter apparatus and a reverse polarity sensor, separate from the vehicle battery isolation sensor, configured to detect a proper polarity connection between the jump starter apparatus and the vehicle battery. Ex. AA.

62. Each of the Accused Battery Tender® jump starters also comprises a power switch configured to electrically connect the power supply to the vehicle battery and that is controlled based on signals from the vehicle battery isolation sensor and the reverse polarity sensor such that the power supply is connected to the vehicle battery when the vehicle battery isolation sensor indicates that the

DELTRAN EX1028
IPR2024-01219

vehicle battery is connected to the jump starter apparatus, and the reverse polarity sensor currently indicates that the jump starter and the vehicle battery are connected in proper polarity. Ex. AA.

COUNT ONE:
INFRINGEMENT OF U.S. PATENT NO. 11,447,023

63. NOCO realleges, adopts, and incorporates by reference the allegations included within ¶¶ 1–62 as if fully set forth herein.

64. Defendants have directly infringed the ’023 Patent by importing, offering to sell, selling, and/or using the Accused Battery Tender® jump starters in the United States, without authority, in a manner that infringes at least independent claims 1, 39, 47, 52, and 54 of the ’023 Patent to the injury of NOCO both literally and under the doctrine of equivalents.

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

66. Upon information and belief, Defendants have willfully infringed the ’023 Patent. Among other things, Defendants compete with NOCO. NOCO’s portfolio of issued patents is public knowledge and, upon information and belief, Defendants have actually known about the ’023 Patent and its infringement thereof since prior to this lawsuit.

67. As a result of Defendants’ infringement of the ’023 Patent, NOCO has

DELTRAN EX1028
IPR2024-01219

suffered and will continue to suffer monetary damages, including lost profits and/or reasonable royalties, 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/patents).

68. 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 ’023 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. 11,584,243

69. NOCO realleges, adopts, and incorporates by reference the allegations included within ¶¶ 1–68 as if fully set forth herein.

70. Defendants have directly infringed the ’243 Patent by importing, offering to sell, selling, and/or using the Accused Battery Tender® jump starters in the United States, without authority, in a manner that infringes at least independent claims 1 and 57 of the ’243 Patent to the injury of NOCO both literally and under the doctrine of equivalents.

71. Defendants are liable for infringement of the ’243 Patent pursuant to 35 U.S.C. § 271.

DELTRAN EX1028
IPR2024-01219

72. Upon information and belief, Defendants have willfully infringed the '243 Patent. Among other things, Defendants compete with NOCO. NOCO's portfolio of issued patents is public knowledge and, upon information and belief, Defendants have actually known about the '243 Patent and its infringement thereof since prior to this lawsuit.

73. As a result of Defendants' infringement of the '243 Patent, NOCO has suffered and will continue to suffer monetary damages, including lost profits and/or reasonable royalties, 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/patents).

74. 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 '243 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. 11,667,203

75. NOCO realleges, adopts, and incorporates by reference the allegations included within ¶¶ 1–74 as if fully set forth herein.

76. Defendants have directly infringed the '203 Patent by importing,

DELTRAN EX1028
IPR2024-01219

offering to sell, selling, and/or using the Accused Battery Tender® jump starters in the United States, without authority, in a manner that infringes at least independent claim 1 of the ’203 Patent to the injury of NOCO both literally and under the doctrine of equivalents.

77. Defendants are liable for infringement of the ’203 Patent pursuant to 35 U.S.C. § 271.

78. Upon information and belief, Defendants have willfully infringed the ’203 Patent. Among other things, Defendants compete with NOCO. NOCO’s portfolio of issued patents is public knowledge and, upon information and belief, Defendants have actually known about the ’203 Patent and its infringement thereof since prior to this lawsuit.

79. As a result of Defendants’ infringement of the ’203 Patent, NOCO has suffered and will continue to suffer monetary damages, including lost profits and/or reasonable royalties, 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/patents).

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

DELTRAN EX1028
IPR2024-01219

acting on their behalf from infringing the ′203 Patent, NOCO will continue to be greatly and irreparably harmed and has no adequate remedy at law.

PRAYER FOR RELIEF

WHEREFORE, NOCO prays for the following:

(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 in active concert or participation with them from infringement of the Asserted 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 post-suit of the Asserted 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

DELTRAN EX1028
IPR2024-01219

expenses incurred in this action; and

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

JURY DEMAND

NOCO hereby demands a trial by jury pursuant to Federal Rule of Civil Procedure 38(b) on all issues so triable.

Dated: November 13, 2023

Respectfully submitted,

By: */s/ Michelle Hogan*

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DELTRAN EX1028
IPR2024-01219

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DELTRAN EX1028
IPR2024-01219

CERTIFICATE OF SERVICE

This is to certify that on November 13, 2023, I have caused a copy of the foregoing to be electronically filed with the Clerk of the Court by using the CM/ECF system. I also certify that the foregoing document is being served this day on counsel of record via transmission of Notices of Electronic Filing generated by CM/ECF.

/s/ Michelle Hogan
Michelle Hogan

Counsel for Plaintiff
The NOCO Company

DELTRAN EX1028
IPR2024-01219

Exhibit List

Exhibit	Description
A	U.S. Patent No. 11,447,023
B	U.S. Patent No. 11,584,243
C	U.S. Patent No. 11,667,203
D	BatteryTender.com webpage for Battery Tender® 800 AMP Jump Starter – 7200mAh Power Bank
E	BatteryTender.com webpage for Battery Tender® 1000 AMP Jump Starter – 8000mAh Power Bank
F	Amazon.com webpage for Battery Tender® 1000 AMP Jump Starter – 8000mAh Power Bank
G	BatteryTender.com webpage for Battery Tender® 1500 AMP Jump Starter – 12000mAh Power Bank
H	Amazon.com webpage for Battery Tender® 1500 AMP Jump Starter – 12000mAh Power Bank
I	BatteryTender.com webpage for Battery Tender® 2000 AMP Jump Starter – 16000mAh Power Bank
J	Amazon.com webpage for Battery Tender® 2000 AMP Jump Starter – 16000mAh Power Bank
K	BatteryTender.com webpage for Battery Tender® 2000 AMP Power Station with 100 Watt Inverter
L	Amazon.com webpage for Battery Tender® 2000 AMP Power Station with 100 Watt Inverter
M	Amazon.com webpage for Battery Tender® 600 AMP Jump Starter – 6000mAh Power Bank
N	BatteryTender.com webpage for Battery Tender® 800 AMP Jump Starter And Tire Inflator

DELTRAN EX1028
IPR2024-01219

O	Amazon.com webpage for Battery Tender® 800 AMP Jump Starter And Tire Inflator
P	USPTO webpage for "Battery Tender" word mark
Q	Battery Tender "About Us" webpage
R	Amazon "Battery Tender" Store webpage
S	Claim Chart (U.S. Patent No. 11,447,023, Battery Tender® 1500 AMP Jump Starter)
T	Instruction Manual for Battery Tender® 800 AMP Jump Starter – 7200mAh Power Bank
U	Instruction Manual for Battery Tender® 1000 AMP Jump Starter – 8000mAh Power Bank
V	Instruction Manual for Battery Tender® 1500 AMP Jump Starter – 12000mAh Power Bank
W	Instruction Manual for Battery Tender® 2000 AMP Jump Starter – 16000mAh Power Bank
X	Instruction Manual for Battery Tender® 2000 AMP Power Station with 100 Watt Inverter
Y	Instruction Manual for Battery Tender® 800 AMP Jump Starter And Tire Inflator
Z	Claim Chart (U.S. Patent No. 11,584,243, Battery Tender® 1500 AMP Jump Starter)
AA	Claim Chart (U.S. Patent No. 11,667,203, Battery Tender® 1500 AMP Jump Starter)

DELTRAN EX1028
IPR2024-01219