COMPLAINT AND JURY DEMAND

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NOW COMES Plaintiff Apple Inc. ("Apple"), by and through its attorneys, and for its Complaint against defendants Brilliant Store, Inc., Sunvalleytek International, Inc., and Hootoo.com Inc. (collectively, "Defendants"), alleges as follows:

INTRODUCTION

- This is an action for infringement of an Apple design patent. Well known for its revolutionary and unique products, Apple has pioneered not only technological advances but also breakthroughs in creative design. Apple takes great care to create a unique experience for its customers by focusing on all the details in a product that customers will touch or see. This care in the design and development of its products contributes significantly to Apple's success. Apple's designs have garnered critical acclaim and won many awards worldwide. Indeed, some of Apple's iconic products have even been featured in museums.
- A number of imitators are selling "knock-offs" that copy Apple's 2. products in an attempt to capitalize on Apple's success in the marketplace. As a result, Apple has a real and substantial interest in protecting its innovation.
- The Defendants have infringed Apple's design patent by selling and/or offering to sell power adapters that copy the patented design. Through various websites and otherwise, the Defendants have marketed these knock-off power adapters for use with Apple portable computers, such as the MacBook. The Defendants' infringing conduct has damaged Apple and inflicted irreparable harm, and Apple has brought this lawsuit to redress that harm.

THE PARTIES

4. Plaintiff Apple Inc. is a corporation organized and existing under the laws of the State of California with a principal place of business at 1 Infinite Loop, Cupertino, California. Among other things, Apple designs, manufactures, and sells computers, personal electronic devices, and accessories for those products, such as power adapters.

- 5. Upon information and belief, defendant Brilliant Store, Inc. ("BSI"), is a California corporation with a principal place of business at 933 Corporate Way, Fremont, California.
- 6. Upon information and belief, defendant Sunvalleytek International, Inc. ("SVT") is a California corporation with a principal place of business at 700 Aldo Avenue, Santa Clara, California.
- 7. Upon information and belief, defendant Hootoo.com Inc. ("HTI") is a California corporation with a principal place of business at 700 Aldo Avenue, Santa Clara, California.

JURISDICTION

8. This action arises under the patent laws of the United States, 35 U.S.C. §§ 1, et seq. The court has subject matter jurisdiction under 28 U.S.C. § 1338(a). Personal jurisdiction over the Defendants is proper pursuant to Federal Rule of Civil Procedure 4 and California Code of Civil Procedure § 410.10, and venue is proper under 28 U.S.C. §§ 1391(b)-(c) and 1400(b). Upon information and belief, each Defendant maintains its principal place of business in this District.

APPLE'S DESIGN PATENT

9. U.S. Patent No. D478,310 (the "'310 Patent"), entitled "Power Adapter," issued on August 12, 2003, covering an ornamental design for a power adapter. A true and correct copy of the '310 Patent is attached hereto as Exhibit A and made a part hereof by reference. Apple is the owner by assignment of the '310 Patent.

DEFENDANTS' INFRINGING CONDUCT

- 10. Upon information and belief, defendant BSI operates websites, including at least brilliantstore.com, dekcell.com, and electronics-batteries.com, through which it sells knock-off power adapters for use with genuine Apple portable computers.
 - 11. Upon information and belief, defendant SVT operates websites,

including at least suvalleytek.com, sunvalleyus.com, usadapter.com, makeqian.com, papatek.com, and babatek.com, through which it sells knock-off power adapters for use with genuine Apple portable computers.

- Upon information and belief, defendant HTI operates websites, including at least hootoo.com, through which it has offered for sale knock-off power adapters for use with genuine Apple portable computers.
- Defendants are selling and/or have offered to sell knock-off power 13. adapters in various power configurations that infringe the '310 Patent. For example, the images below of the Defendants' 60 Watt power adapters illustrate that they are substantially the same in appearance as Apple's patented design. The images depict the adapters sold or offered for sale through the Defendants' websites, and the numbered figures next to the images are from the '310 Patent.

'310 Patent Compared to BSI's 60 Watt Power Adapter

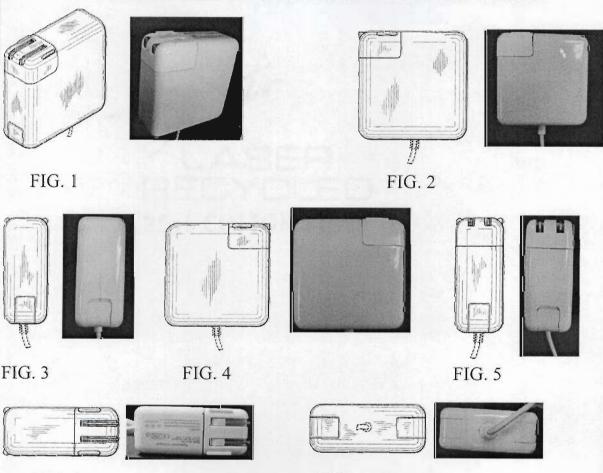
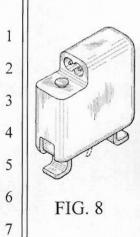


FIG. 7







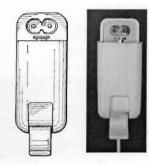
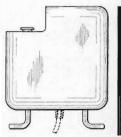


FIG. 9









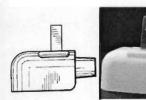
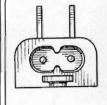


FIG. 10

FIG. 11

FIG. 12





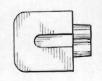
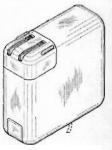




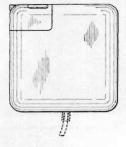
FIG. 13

FIG. 14

'310 Patent Compared to SVT's 60 Watt Power Adapter







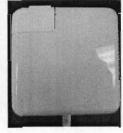
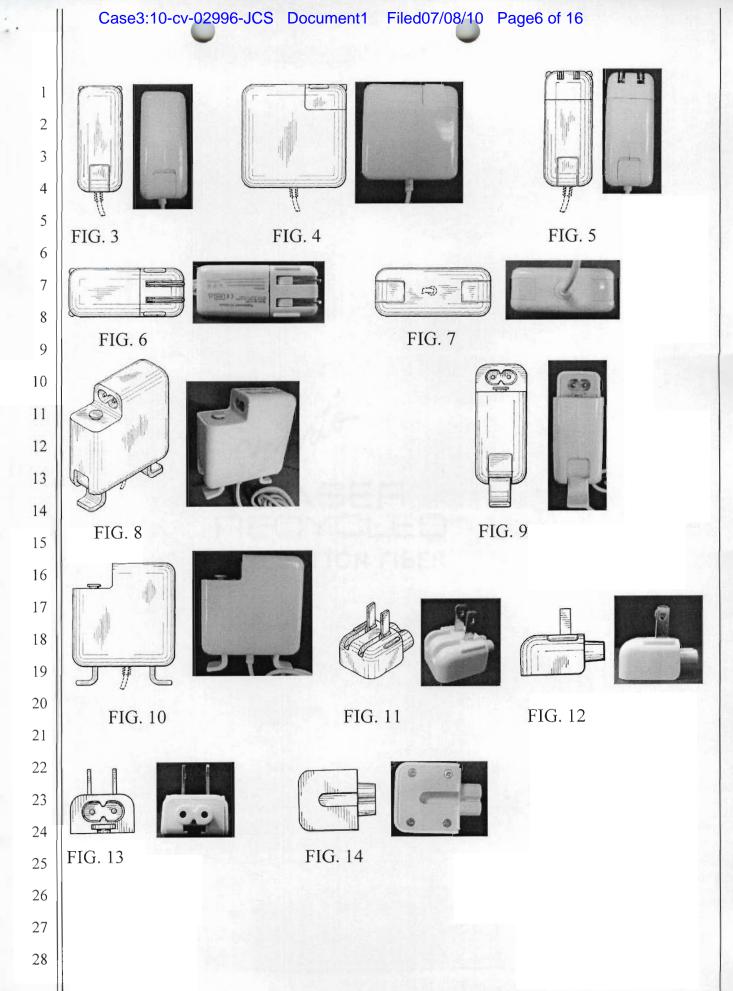


FIG. 1

FIG. 2



'310 Patent Compared to HTI's 60 Watt Power Adapter



FIG. 1

COUNT I – INFRINGEMENT OF U.S. PAT. NO. D478,310

(Against all Defendants)

- 14. Apple re-alleges and incorporates hereto by reference paragraphs 1 through 13 of this Complaint as though fully set forth herein.
- 15. Defendants have infringed the '310 Patent. They have imported into the United States, sold, and/or offered to sell power adapters that are substantially the same in appearance as the ornamental design claimed in the '310 Patent.
- 16. Apple has sustained damages as a result of the infringing acts of Defendants. In addition, Apple has suffered and will continue to suffer irreparable harm unless infringement of the '310 Patent is enjoined.

WHEREFORE, plaintiff Apple prays that this Court grant the following relief:

- A. A judgment that Defendants have infringed U.S. Patent No. D478,310;
- B. An award of damages adequate to compensate Apple for this infringement, including an award of Defendants' profits from their infringement, together with pre- and post-judgment interest;
 - C. An assessment of costs of suit;
- D. An injunction against Defendants, and each of their officers, agents, servants, employees, representatives, parents, subsidiaries, affiliates, assigns, successors in interest and all other persons in active concert or participation with

JURY TRIAL DEMANDED

Pursuant to Federal Rule of Civil Procedure 38(b), Apple demands a trial by jury on all matters and issues triable by jury.

Dated: July 8, 2010

MUNGER, TOLLES & OLSON LLP SAIDMAN DESIGNLAW GROUP, LLC

By: Gregory Stone/Aws

Attorneys for Plaintiff APPLE INC.

Exhibit A

(12) United States Design Patent (10) Patent No.:

US D478,310 S

Andre et al.

(45) Date of Patent:

** Aug. 12, 2003

(54) POWER ADAPTER

(75) Inventors: Bartley K. Andre, Menlo Park, CA (US); Daniel J. Coster, San Franciso, CA (US); Daniele De Iuliis, San Francisco, CA (US); Richard P. Howarth, San Francisco, CA (US); Jonathan P. Ive, San Francisco, CA (US); Steve Jobs, Palo Alto, CA (US); Duncan Robert Kerr, San Francisco, CA (US); Matthew Dean Rohrbach, San Francisco, CA (US); Douglas B. Satzger, San Carlos, CA (US); Calvin Q. Seid, Palo Alto, CA (US); Christopher J. Stringer, Pacifica, CA

(US); Eugene Anthony Whang, San Francisco, CA (US)

439/172-173, 500; 363/146; 320/107

Assignee: Apple Computer, Inc., Cupertino, CA (US)

14 Years (**) Term:

(21) Appl. No.: 29/145,957

(22) Filed: Jul. 31, 2001

(52) U.S. Cl. D13/110 Field of Search D13/110, 107; (58)

(56)References Cited

U.S. PATENT DOCUMENTS

5,019,767	Λ		5/1991	Shirai et al
D383,115	S	*	9/1997	Nagele et al D13/110
5,684,689	A	*	11/1997	Hahn
6,086,395	A	*	7/2000	Lloyd et al

OTHER PUBLICATIONS

U.S. Design patent application Ser. No. 29/153,133, by Andre et al., entitled "POWER ADAPTER," filed Oct. 22, 2001.

(List continued on next page.)

Primary Examiner-Holly Baynham

(74) Attorney, Agent, or Firm-Beyer Weaver & Thomas, LLP

CLAIM

We claim the ornamental design for a power adapter, substantially as shown and described.

DESCRIPTION

FIG. 1 is a perspective view of a power adapter in accordance with the present design.

FIG. 2 is a right side view for the power adapter shown in FIG. 1.

FIG. 3 is a rear view for the power adapter shown in FIG.

FIG. 4 is a left side view for the power adapter shown in

FIG. 5 is a front view for the power adapter shown in FIG.

FIG. 6 is a top view for the power adapter shown in FIG. 1. FIG. 7 is a bottom view for the power adapater shown in FIG. 1.

FIG. 8 is a perspective view of the power adapter with an adapter element removed and feet extended in accordance with the present design.

FIG. 9 is a front view for the power adapter shown in FIG.

FIG. 10 is a right side view for the power adapter shown in

FIG. 11 is a perspective view of the adapter element of the power adapter.

FIG. 12 is a side view of the adapter element of the power adapter shown in FIG. 11.

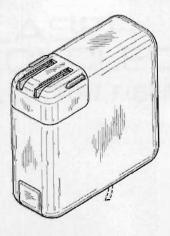
FIG. 13 is a front view of the adapter element of the power adapter shown in FIG. 11; and,

FIG. 14 is a bottom view of the adapter element of the power adapter shown in FJG. 11.

The broken line showing of a partial cord is for illustrative purposes only and forms no part of the claimed design.

The adapter element is shown detached in FIGS. 11-14 for clarity of illustration.

1 Claim, 4 Drawing Sheets



US D478,310 S

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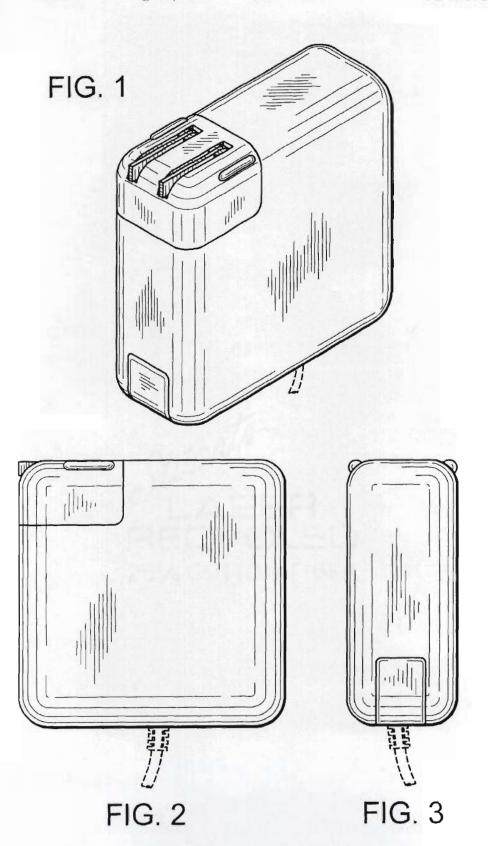
OTHER PUBLICATIONS

U.S. Design patent application Ser. No. 29/153,988, by Andre et al., entitled "ADAPTER PLUG," filed Oct. 22, 2001.

U.S. Design patent application Ser. No. 29/159,757, by Andre et al., entitled "ADAPTER," filed Apr. 24, 2002.

* cited by examiner

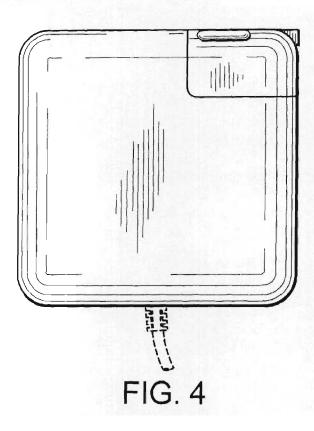
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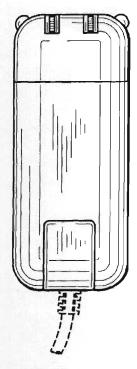


FIG. 5

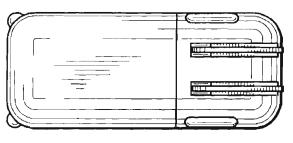


FIG. 6

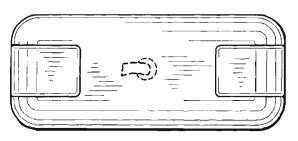
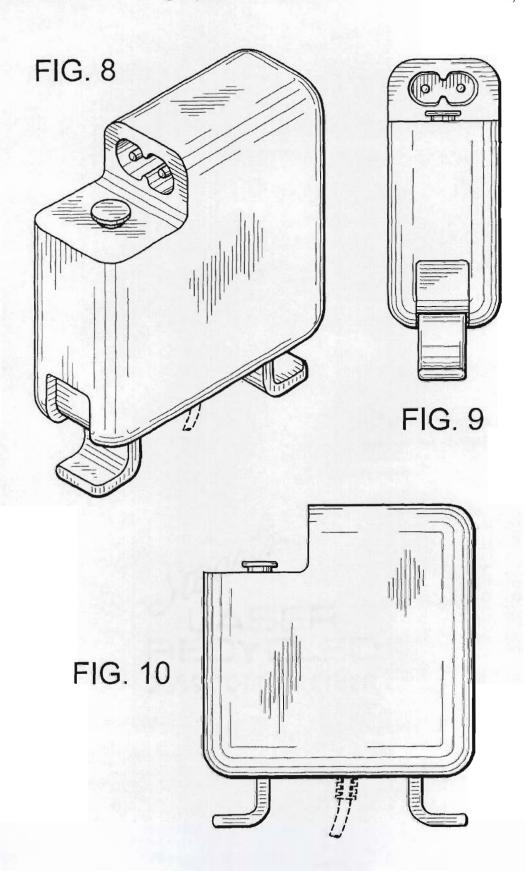


FIG. 7

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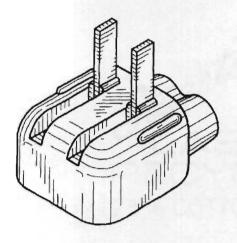


FIG. 11

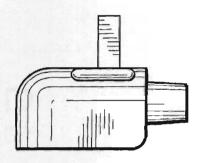


FIG. 12

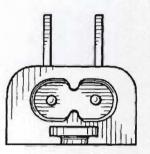


FIG. 13

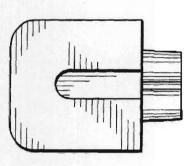


FIG. 14