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Attorneys for Plaintiff

FILED
2009 MAR 13 PM 12:20
CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES
BY

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

WESTERN DIVISION

MAGNADYNE CORPORATION, a California corporation,

Plaintiff,

vs.

BEST BUY CO. INC., a Minnesota corporation,

Defendant.

Case No. CV09-01763 PJW

COMPLAINT FOR PATENT INFRINGEMENT AND JURY DEMAND

Plaintiff, Magnadyne Corporation, alleges against defendant, Best Buy Co. Inc., the following:

I. THE PARTIES

1. Jurisdiction is based on 28 U.S.C. § 1338.

2. Plaintiff, Magnadyne Corporation ("Magnadyne"), is a California corporation having a principal place of business at 1111 W. Victoria Street, Compton, California 90220.

3. On information and belief, defendant, Best Buy Co. Inc. ("Best Buy"), has a principal place of business at 7601 Penn Avenue South, Richfield, Minnesota 55423.

4. Defendant, on information and belief, at all times pertinent hereto is doing business in the Central District of California, Western Division and has committed acts of infringement and has a regular and established place of business.

5. Venue is based upon 28 U.S.C. § 1400(b).

6. This action arises under Title 35 of the United States Code.

II. PATENT INFRINGEMENT UNDER 35 U.S.C. § 271

7. On June 6, 2006, U.S. Design Patent No. D522,457 ("the '457" patent") was duly and legally issued to Magnadyne Corporation for an invention entitled "Charging Unit." (Exhibit A - U.S. Design Patent No. D522,457.)

8. Magnadyne is the owner of record by assignment and has the right to bring suit under the '457 patent.

9. Magnadyne is a manufacturer and seller, *inter alia*, of cell phone accessories, including cell phone chargers.

10. Defendant, Best Buy, sells cell phone chargers, at least some of which are identified by defendant's trademark "Rocketfish." (Exhibit B-photographs of the Rocketfish product.)

11. Defendant, Best Buy, is infringing the '457 patent by selling such charging units.

12. Defendant, Best Buy, has been, and still is, infringing, actively inducing others to infringe, and contributorily infringing the '457 patent throughout the country.

13. On information and belief, defendant's infringement has been willful. Defendant was advised of the existence of Magnadyne's patent rights and continued in their sale of the Rocketfish product.

14. On information and belief, Magnadyne expects that future evidentiary support for these infringement allegations will be shown upon further examination and after a reasonable opportunity for further investigation and discovery.

15. Magnadyne has been, and will continue to be, irreparably harmed by defendant's infringing conduct unless defendant is enjoined by this Court.

III. DEMAND FOR RELIEF

WHEREFORE, Magnadyne asks the Court to:

A. adjudge that defendant has infringed the '457 patent;

B. enter a preliminary and permanent injunction to enjoin defendant from infringing the '457 patent pursuant to 35 U.S.C. §283;

C. award Magnadyne damages against defendant adequate to compensate Magnadyne for the infringement of the '457 patent pursuant to 35 U.S.C. §284;

D. award to Magnadyne defendant's total profit pursuant to 35 U.S.C. §289;

E. find that defendant's infringement is deliberate and willful, and that the damages awarded to Magnadyne be trebled pursuant to 35 U.S.C. §284;

F. award Magnadyne reasonable attorney fees in accordance with 35 U.S.C. § 285;

G. award Magnadyne interest and costs; and

H. award Magnadyne such other relief as is just.

IV. JURY DEMAND

Magnadyne demands a trial by jury for all issues so triable in this matter.

Respectfully submitted,

BROOKS KUSHMAN P.C.

By: _____

MARK B. MIZRAHI (SBN 179384)
KEVIN J. HEINL (MI Bar No. P32219)

Attorneys for Plaintiff
MAGNADYNE CORPORATION

Dated: March 13, 2009

EXHIBIT A

US00D522457S

(12) United States Design Patent

Riede

(10) Patent No.: US D522,457 S
(45) Date of Patent: ** Jun. 6, 2006

(54) CHARGING UNIT

(75) Inventor: Steven Riede, Long Beach, CA (US)

(73) Assignee: Magnadyne Corporation, Compton, CA (US)

(**) Term: 14 Years

(21) Appl. No.: 29/224,522

(22) Filed: Mar. 3, 2005

(51) LOC (8) Cl. 13-03
(52) U.S. Cl. D13/144
(58) Field of Classification Search D13/107, D13/133, 144, 184, 168; D14/155, 188, 299, D14/358; D10/121; 439/300, 620, 638, 668–669, 439/675, 825, 851; 320/110–112, 114; 363/146
See application file for complete search history.

(56) References Cited

U.S. PATENT DOCUMENTS

D349,096	S	*	7/1994	Hyvonen	D13/107
D362,230	S	*	9/1995	Yokozawa	D13/144
D362,657	S	*	9/1995	Tomikawa et al.	D13/144
D392,617	S	*	3/1998	Yokozawa	D13/144
D400,176	S	*	10/1998	Jones	D13/144
D400,177	S	*	10/1998	Jones	D13/144
D401,222	S	*	11/1998	LeBlanc	D13/144
D406,261	S	*	3/1999	Kettula et al.	D13/144
D409,568	S	*	5/1999	Lindahl	D13/144
D442,543	S	*	5/2001	Krumenacker et al.	D13/107
D481,358	S	*	10/2003	Hsiao	D13/144
D490,058	S	*	5/2004	Mkhitarian	D13/144
D507,532	S	*	7/2005	Kajiwara et al.	D13/144

* cited by examiner

Primary Examiner—Alan P. Douglas
Assistant Examiner—Rosemary K. Tarcza

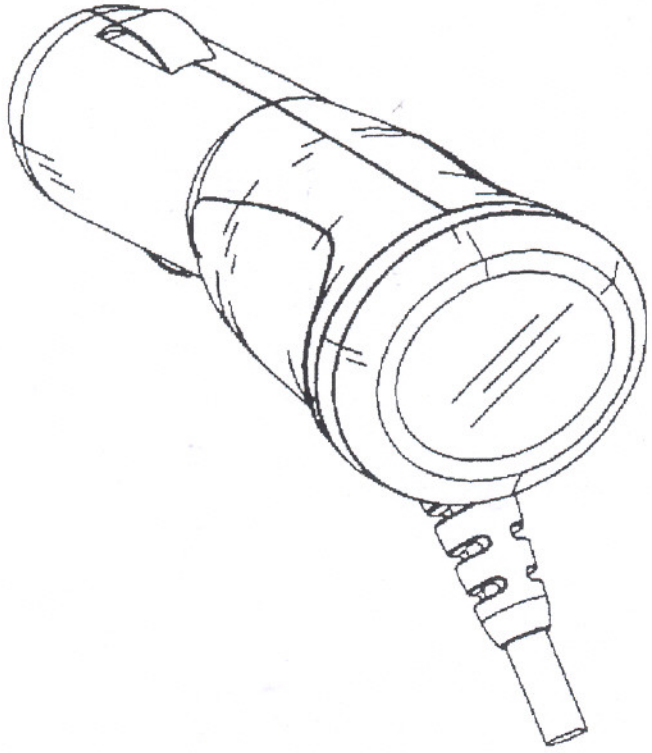
(57) CLAIM

The ornamental design for a charging unit, as shown and described.

DESCRIPTION

FIG. 1 is a perspective view of a charging unit;
FIG. 2 is a top elevational view thereof;
FIG. 3 is a side elevational view thereof;
FIG. 4 is a front elevational view thereof;
FIG. 5 is a bottom elevational view thereof; and,
FIG. 6 is a back elevational view thereof.
The broken lines in the drawings are understood to be for illustrative purposes only and form no part of the claimed design.

1 Claim, 3 Drawing Sheets



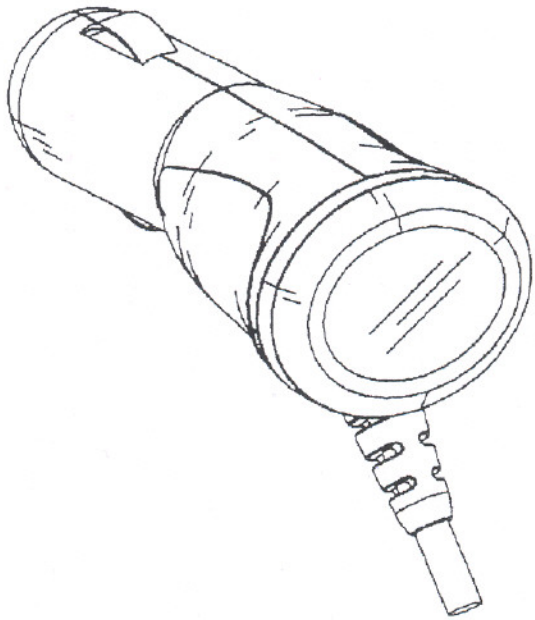


Figure 1

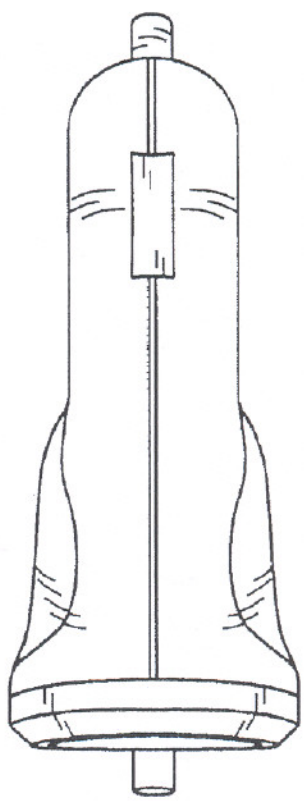


Figure 2

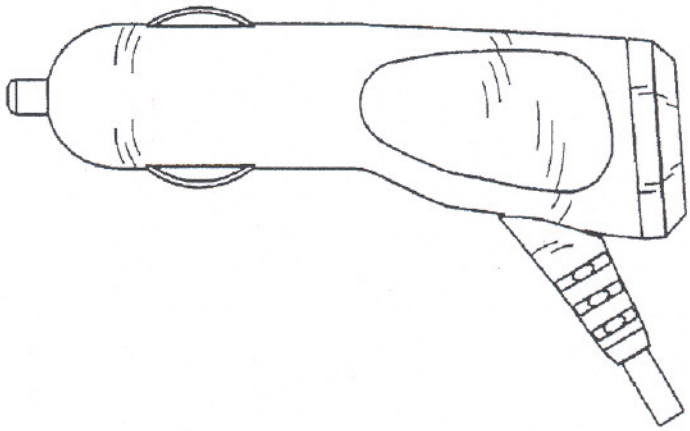


Figure 3

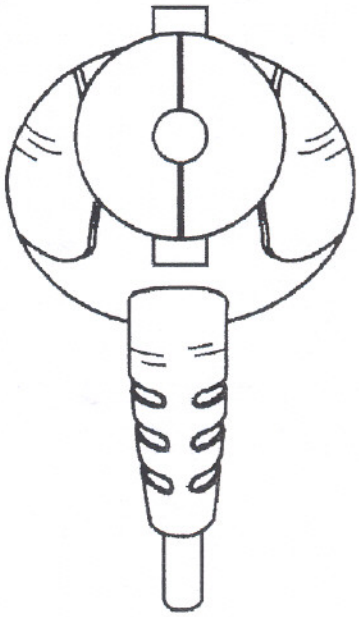


Figure 4

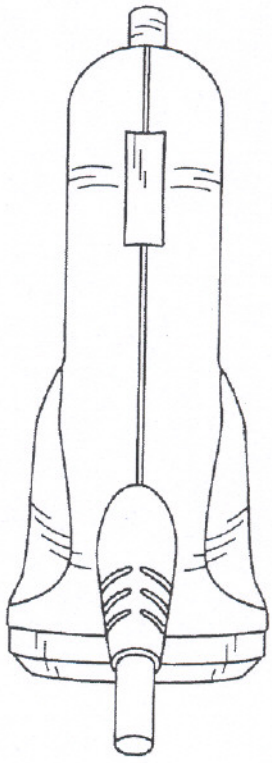


Figure 5

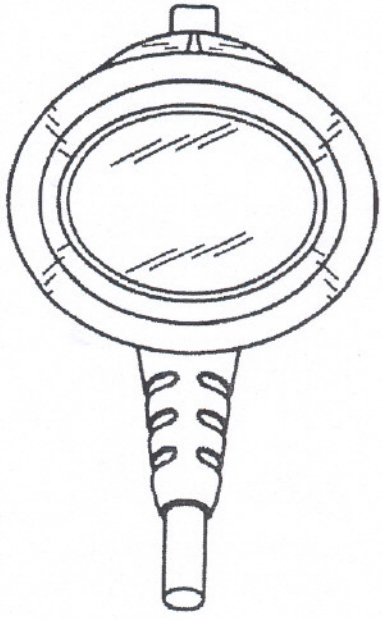


Figure 6

EXHIBIT B



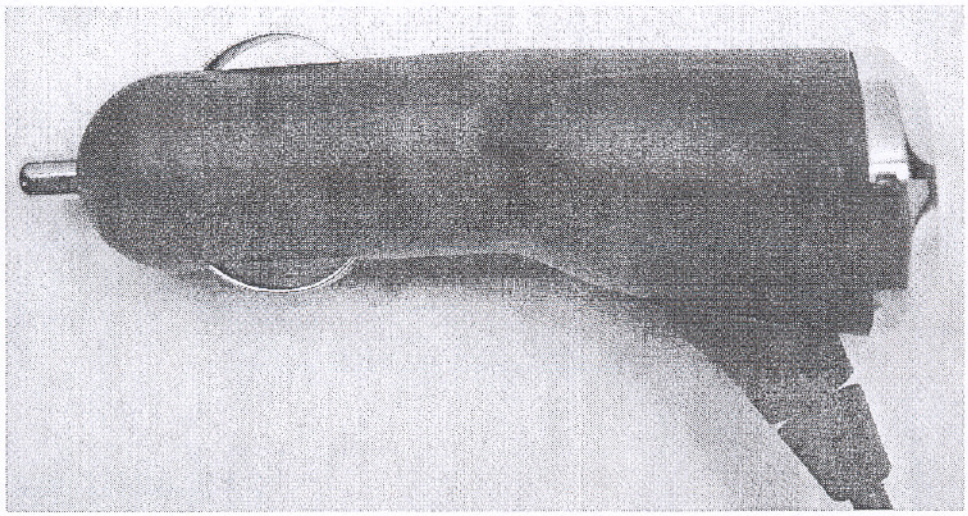


EXHIBIT B

Mark B. Mizrahi (SBN 179,384)
Brooks Kushman P.C.
Howard Hughes Center
6100 Center Drive, Suite 630
Los Angeles, CA 90045
(310) 348-8200

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Magnadyne Corporation,
a California corporation

PLAINTIFF(S)

v.

Best Buy Co. Inc.,
a Minnesota corporation

DEFENDANT(S).

CASE NUMBER

CV09-01763 PJW

SUMMONS

TO: DEFENDANT(S): Best Buy Co. Inc.

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☑ complaint ☐ _____ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Mark B. Mizrahi, whose address is Howard Hughes Center, 6100 Center Drive, Suite 630, Los Angeles, CA 90045. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

MAR 13 2009

Dated: _____

By: _____
Deputy Clerk

(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself ☐)
Magnadyne Corporation

DEFENDANTS
Best Buy Co. Inc.

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)
Mark B. Mizrahi (SBN 179,384)
Brooks Kushman P.C., Howard Hughes Center, 6100 Center Drive, Suite 630, Los Angeles, CA 90045 (310)348-8200

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.)

☐ 1 U.S. Government Plaintiff ☑ 3 Federal Question (U.S. Government Not a Party)
☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated or Principal Place of Business in this State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated and Principal Place of Business in Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. ORIGIN (Place an X in one box only.)

☑ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify): ☐ 6 Multi-District Litigation ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: **JURY DEMAND:** ☑ Yes ☐ No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: ☐ Yes ☑ No ☐ **MONEY DEMANDED IN COMPLAINT:** $_____

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
Patent infringement of U.S. Design Patent No. D522,457

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES
☐ 400 State Reapportionment
☐ 410 Antitrust
☐ 430 Banks and Banking
☐ 450 Commerce/ICC Rates/etc.
☐ 460 Deportation
☐ 470 Racketeer Influenced and Corrupt Organizations
☐ 480 Consumer Credit
☐ 490 Cable/Sat TV
☐ 810 Selective Service
☐ 850 Securities/Commodities/ Exchange
☐ 875 Customer Challenge 12 USC 3410
☐ 890 Other Statutory Actions
☐ 891 Agricultural Act
☐ 892 Economic Stabilization Act
☐ 893 Environmental Matters
☐ 894 Energy Allocation Act
☐ 895 Freedom of Info. Act
☐ 900 Appeal of Fee Determination Under Equal Access to Justice
☐ 950 Constitutionality of State Statutes

CONTRACT
☐ 110 Insurance
☐ 120 Marine
☐ 130 Miller Act
☐ 140 Negotiable Instrument
☐ 150 Recovery of Overpayment & Enforcement of Judgment
☐ 151 Medicare Act
☐ 152 Recovery of Defaulted Student Loan (Excl. Veterans)
☐ 153 Recovery of Overpayment of Veteran's Benefits
☐ 160 Stockholders' Suits
☐ 190 Other Contract
☐ 195 Contract Product Liability
☐ 196 Franchise

REAL PROPERTY
☐ 210 Land Condemnation
☐ 220 Foreclosure
☐ 230 Rent Lease & Ejectment
☐ 240 Torts to Land
☐ 245 Tort Product Liability
☐ 290 All Other Real Property

TORTS
PERSONAL INJURY
☐ 310 Airplane
☐ 315 Airplane Product Liability
☐ 320 Assault, Libel & Slander
☐ 330 Fed. Employers' Liability
☐ 340 Marine
☐ 345 Marine Product Liability
☐ 350 Motor Vehicle
☐ 355 Motor Vehicle Product Liability
☐ 360 Other Personal Injury
☐ 362 Personal Injury-Med Malpractice
☐ 365 Personal Injury-Product Liability
☐ 368 Asbestos Personal Injury Product Liability

IMMIGRATION
☐ 462 Naturalization Application
☐ 463 Habeas Corpus-Alien Detainee
☐ 465 Other Immigration Actions

TORTS
PERSONAL PROPERTY
☐ 370 Other Fraud
☐ 371 Truth in Lending
☐ 380 Other Personal Property Damage
☐ 385 Property Damage Product Liability

BANKRUPTCY
☐ 422 Appeal 28 USC 158
☐ 423 Withdrawal 28 USC 157

CIVIL RIGHTS
☐ 441 Voting
☐ 442 Employment
☐ 443 Housing/Accommodations
☐ 444 Welfare
☐ 445 American with Disabilities - Employment
☐ 446 American with Disabilities - Other
☐ 440 Other Civil Rights

PRISONER PETITIONS
☐ 510 Motions to Vacate Sentence Habeas Corpus
☐ 530 General
☐ 535 Death Penalty
☐ 540 Mandamus/ Other
☐ 550 Civil Rights
☐ 555 Prison Condition

FORFEITURE / PENALTY
☐ 610 Agriculture
☐ 620 Other Food & Drug
☐ 625 Drug Related Seizure of Property 21 USC 881
☐ 630 Liquor Laws
☐ 640 R.R. & Truck
☐ 650 Airline Regs
☐ 660 Occupational Safety /Health
☐ 690 Other

LABOR
☐ 710 Fair Labor Standards Act
☐ 720 Labor/Mgmt. Relations
☐ 730 Labor/Mgmt. Reporting & Disclosure Act
☐ 740 Railway Labor Act
☐ 790 Other Labor Litigation
☐ 791 Empl. Ret. Inc. Security Act

PROPERTY RIGHTS
☐ 820 Copyrights
☑ 830 Patent
☐ 840 Trademark

SOCIAL SECURITY
☐ 861 HIA (1395ff)
☐ 862 Black Lung (923)
☐ 863 DIWC/DIWW (405(g))
☐ 864 SSID Title XVI
☐ 865 RSI (405(g))

FEDERAL TAX SUITS
☐ 870 Taxes (U.S. Plaintiff or Defendant)
☐ 871 IRS-Third Party 26 USC 7609

CV09-01763

FOR OFFICE USE ONLY: Case Number: _____

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☑ No ☐ Yes
If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☑ No ☐ Yes
If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:
(Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.
☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	Minnesota

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

* **Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties**
Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER): _____ Date March 13, 2009

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))