

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

YEOSHUA SORIAS and)
ZILICON ACCESSORIES LLC)
) Civil Action No. 14-cv-2897
Plaintiffs,)
)
v.) COMPLAINT FOR PATENT
) INFRINGEMENT, MAJOR BREACH
NATIONAL CELLULAR USA, INC.) AND REQUEST FOR RECISSION OF
MARK GROSSMAN, ZEEV) AGREEMENT AND, ALTERNATIVELY,
GROSSMAN, DAVID GROSSMAN) FOR DECLARATION OF NO
and DOEs 1 through 10,) AGREEMENT BREACH
)
Defendants.)
_____)

COMPLAINT

Yeoshua Sorias ("Sorias") and Zilicon Accessories, LLC ("Zilicon"), collectively, "Plaintiffs", by and through their attorneys, complaining of the Defendants National Cellular USA, Inc. ("National Cellular"), Mark Grossman, Zeev Grossman and David Grossman (collectively "the Grossmans"), all collectively "the Defendants", allege upon knowledge as to themselves and their own actions, and upon information and belief as to all other matters alleged below, as follows.

NATURE OF ACTION

1. This is an action for patent infringement, breach of and request for rescission of an agreement and, alternatively, for a declaratory judgment of no breach of agreement by Plaintiffs.

THE PARTIES

2. Plaintiff Sorias is a resident of the County of Kings, State of New York.

3. Plaintiff Zilicon is a limited liability company of New York, in which Sorias is a principal and officer.

4. National Cellular is a domestic corporation engaged in the production, marketing of cell phone accessories with its principle place of business located at 620 First Avenue, Brooklyn, New York.

5. Mark Grossman is principal and officer of National Cellular.

6. Zeev Grossman is a principal and officer of National Cellular.

7. David Grossman is a principal and officer of National Cellular.

8. Mark Grossman, Zeev Grossman and David Grossman are brothers and jointly run all the affairs and make all of the key decisions relative to the business of National Cellular.

JURISDICTION AND VENUE

9. This Court has personal jurisdiction over the Defendants by reason of their residence status in this District, their transaction of business in this District, and their commission of tortious acts within this District.

10. Subject matter jurisdiction is conferred upon this Court pursuant to 28 U.S.C. §1331 and §1338(a). Venue is proper in this Court, pursuant to 28 U.S.C. §1391 and §1400.

FACTS

The Sorias Patents and the Defendants' Infringement Thereof

11. Sorias is a named inventor and owns all rights, title and interest in and to the just issued U.S. patent no. 8,712,486 ("the '486 Patent") directed to an invention entitled Detachably Integrated Battery Charger For Mobile Cell Phones And Like Devices. See **Exhibit A** attached hereto.

12. The invention in the '486 Patent is primarily directed to a mobile phone charger that can be kept attached to the backside of the phone, with AC prongs folding in opposite directions flatly onto the back of the charger, so the phone with its charger can easily fit in one's pocket.

13. The invention in the '486 Patent was made in 2010. The '486 Patent claims priority to provisional patent application no. 61/432,050 filed on January 12, 2011 ("the '050 Patent Application"). See **Exhibit B** attached hereto.

14. On information and belief, National Cellular has invested great sums over the past two years and, with the intimate involvement of the Grossman brothers, has produced a telephone charger that is uniquely configured to be attached to the backside of the telephone and which has AC prongs that fold in opposite directions flatly onto the back of the charger (the "NC Charger"). The NC Charger reads on many of the patent claims of the '486 Patent.

15. On information and belief, National Cellular continues to be engaged in the making, using, selling and offering to sell the NC Charger to various entities in the United States.

16. On information and belief, National Cellular and its principals have been actively monitoring the patent activities of Sorias and are fully aware of the issuance of the

'486 Patent and despite requests to cease and desist from selling the NC Charger and/or to negotiate with Sorias to purchase their molds, equipment and other information related to the NC Charger, National Cellular has refused to do so, insisting that it has a right to continue to offer to sell and sell the NC Chargers to the United States marketplace.

17. The Defendants' activities complained of herein constitute willful and knowing infringement upon the '486 Patent.

18. On information and belief, the NC Charger has been deemed by many to be an exceptional product. Tim Cook, the president of Apple Corporation ("Apple"), has himself seen the NC Charger and expressed his amazement with it. The favorable impression of the marketplace about the NC Charger product is entirely due to its incorporation of the teachings and its utilization of the unique disclosures and concepts in the '486 Patent.

19. The Grossmans and National Cellular have been aware of the contents and disclosure provided by the '486 Patent since at least January 13, 2011.

20. Sorias is also a named inventor and owns all rights, title and interest in and to U.S. Patent No. 8,712,482 ("the '482 Patent"). See **Exhibit C** attached hereto.

21. The application for the '482 Patent was filed July 12, 2012. The '482 Patent builds upon and adds additional functionality and improvements to the teachings of Sorias' first, '486 Patent. An important feature provided by the '482 Patent is a "cover structure" which conceals the AC prongs in their stowed position.

22. Certain features and functionality, including the "cover structure", which is disclosed in the '482 Patent were invented sometime after January 2, 2012.

23. On information and belief, during negotiations between National Cellular and Apple to market the NC Charger, an earlier version of the NC Charger was inspected and the Apple people commented that it would be useful to add to the NC Charger a "cover structure" to conceal the AC prongs in the stowed position.

24. On information and belief, National Cellular thereafter retained a designer and successfully constructed such cover structure which is included in the NC Charger being presently offered for sale to the marketplace.

25. At various times during meetings between the Parties hereto, National Cellular was informed by the Plaintiffs that the cover feature in the NC Charger is the subject of a separate patent application being prosecuted by Sorias and its incorporation in the NC Charger is outside the scope of any Agreement between the parties hereto and that its sale will constitute willful and knowing infringement of Sorias' patent rights.

26. National Cellular and its principals ignored Plaintiffs' demands and insisted that they have a right to make the NC Charger with the cover structure.

27. The Defendants' activities complained of herein constitute willful and knowing infringement upon Sorias' '482 Patent.

28. The continued marketing by Defendants of the NC Charger is a brazen and willful infringement on at least several of the patent claims of the '482 Patent and the continued infringement thereof, if not enjoined, has caused and is causing the Plaintiffs herein irreparable harm.

The December 2011 Sorias and National Cellular Agreement

29. On January 13, 2011, the day after he filed the '050 Patent Application, Sorias met with Mark Grossman and others at National Cellular, and discussed forming a

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