

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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YEOSHUA SORIAS and	:	
ZILICON ACCESSORIES LLC,	:	14 Civ. 2897 (WFK) (SMG)
Plaintiffs,	:	
	:	JURY TRIAL DEMANDED
-against-	:	
	:	FOURTH AMENDED
NATIONAL CELLULAR USA, INC.,	:	COMPLAINT FOR PATENT
MARK GROSSMAN, ZEEV GROSSMAN,	:	INFRINGEMENT, TRADE
DAVID GROSSMAN, YISHAI Z. PLINER,	:	SECRETS VIOLATION,
LLOYD GLADSTONE, PRONG, LLC,	:	BREACH OF CONTRACT,
and DOES 1 through 10,	:	AND RESCISSION
Defendants.	:	
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FOURTH AMENDED COMPLAINT

Yeoshua Sorias (“**Sorias**”) and Zilicon Accessories, LLC (“**Zilicon**”) (collectively, the “**Plaintiffs**”), by and through their undersigned counsel, Sam P. Israel, P.C., as and for their Fourth Amended Complaint against defendants National Cellular USA, Inc. (“**NC**”), Mark Grossman, Zeev Grossman, and David Grossman (collectively the “**Grossmans**”), Yishai Z. Pliner (“**Pliner**”), Lloyd Gladstone (“**Gladstone**”), Prong, LLC (“**Prong**”) (altogether, the “**Defendants**”)¹ allege as follows:

THE NATURE OF THE ACTION

1. This is an action for patent infringement, trade secrets violation, breach of a valid and enforceable licensing agreement and unjust enrichment.

2. With his mobile phone integrated charger, Sorias stood to revolutionize the industry for cell phone accessories. Sorias having designed and created the first charger case to render standard wire-based chargers obsolete, cell phone users who formerly needed to carry boxy, wire-based charger units to plug into phones, then electrical outlets, can now deploy one

¹ The Grossmans and NC are collectively referred to herein as the “**NC Defendants**”; Pliner, Gladstone and Prong are collectively referred to herein as the “**Prong Defendants**.”

small, lightweight device to charge their phones, and even protect them from damage associated with daily use. This combined phone case/ charger unit is uniquely designed with a distinctive look, thinness, and efficiency, and has the extra feature of chargeability that previously did not exist.

3. While the idea of a mobile phone charger was neither novel nor even currently unique, before Sorias' invention, none had solved the problem of bulk inherent in integrating alternating-current ("A/C") electrical plugs into a cell phone case with portability and user convenience. Sorias' innovative design features specially-made electrical components in a unique arrangement to achieve a slim profile not previously thought possible, complemented by the A/C prongs folding horizontally, away from each other and flush with the back of the case, in a way that does not add much thickness to the cell phone case.

4. The intellectual property attendant to this achievement is subject to broad protection, including utility and design patents. Yet, its innovative design has led to imitation by competitors, including by defendant Prong. As alleged in further detail below, through the NC Defendants' breach of an aborted license conferred by Plaintiffs, and the NC Defendants' violation of a non-disclosure agreement, Prong obtained Sorias' trade secret and confidential information and used it to design and manufacture a charger that looks and functions exactly like the charger described in Sorias' patents. In fact, the Prong Defendants at all relevant times were aware of the prosecution of Sorias' patent, and Prong's principal, Pliner, even approached Sorias on at least one occasion with an offer to obtain a license or outright purchase the pending patent from Sorias. Although the Plaintiffs rejected Pliner's offers, the Prong Defendants introduced into the market a charger that directly infringes at least one of the claims of Sorias' now fully-registered patents (the "**Prong Charger**").

5. The Plaintiffs seek to arrest the Prong Defendants' unlawful manufacturing, marketing, offering to sell, and selling of the Prong Charger, as well as recover damages attendant to Prong's unauthorized and infringing activities.

6. Further, beyond their breaches of the governing license agreement, the NC Defendants also intentionally or recklessly disclosed trade secret and confidential information in derogation of their non-disclosure obligations, thereby leaking the information indirectly to Prong and causing Plaintiffs to suffer damages, as further explained below.

THE PARTIES

7. Plaintiff Sorias is an individual residing in Kings County, New York.

8. Plaintiff Zilicon Accessories, LLC is a New York limited liability company, with a principal place of business located at 1222 Avenue M, Brooklyn, New York, 11230 in which Sorias is a principal and officer.

9. Upon information and belief, defendant National Cellular USA Inc. (NC), is a New York corporation engaged in the production, marketing of cell phone accessories, with its principle place of business located at 5620 First Avenue, Brooklyn, New York.

10. Upon information and belief, defendant Mark Grossman is an individual residing in New York, New York, as well as a principal and officer of NC.

11. Upon information and belief, defendant Zeev Grossman is an individual residing in New York, New York, as well as a principal and officer of NC.

12. Upon information and belief, defendant David Grossman is an individual residing in New York, New York, as well as a principal and officer of NC.

13. Upon information and belief, 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 NC.

14. Upon information and belief, defendant Prong, LLC (n/k/a Prong, Inc.) is a Delaware limited liability company headquartered and doing business in New York, with its principal place of business located at 1123 Broadway, Suite 700, New York, New York 10010. Prong produces, markets, and sells cell phone cases with integrated A/C charging plugs to U.S. consumers throughout the country and abroad.

15. Upon information and belief, defendant Yishai Z. Pliner is an individual residing in New York, New York, as well as a principal and officer of Prong.

16. Upon information and belief, defendant Lloyd Gladstone is an individual residing in New York, New York, as well as a principal and officer of Prong.

17. Upon information and belief, Pliner and Gladstone jointly run the affairs and make all of the key decisions relative to the business of Prong.

JURISDICTION AND VENUE

18. This Court has personal jurisdiction over each of the Defendants by reason of their residence in this District, their transaction of business in this District, and their commission of infringing or injurious acts within this District.

19. This Court has subject matter jurisdiction under 28 U.S.C. §1331 (federal question), 28 U.S.C. §1338(a) (any Act of Congress relating to patents or trademarks), 28 U.S.C. §1338(b) (any claim of unfair competition joined with claims arising under patent laws), and 28 U.S.C. §1367 (supplemental jurisdiction).

20. Venue is proper in this Court pursuant to 28 U.S.C. §1391 and §1400 because the Defendants transact business within this district and offer for sale and/or sell in this district products that infringe Sorias' patents. Additionally, venue is proper because Sorias and the individual defendants all reside in this district, and because Zilicon's principal place of business is in this district.

FACTS

SORIAS' PATENTS AND PROTECTED TRADE SECRETS

21. Sorias is an inventor and patent owner of various electronic devices and accessories. He is a founder, principal, and officer of Zilicon Accessories, LLC—a company that engages in designing and manufacturing innovative wireless and electronic devices. Sorias invents, manufactures, and sells his creations, often in conjunction with Zilicon, which has an exclusive license to manufacture and distribute several of his inventions, including the device described in Sorias' patents at issue in this action.

22. Many of Sorias' inventions include technical elements and accessories associated with mobile electronic devices, such as battery chargers that are implemented as functional covers for mobile devices. Sorias has protected his innovative designs and technologies by legally securing his intellectual property rights, including by applying for and being awarded a number of U.S. patents.

23. Having worked for over six years as the purchasing manager at a leading distributor of cell phones and accessories, in 2010 Sorias invented the *Detachably Integrated*

Battery Charger For Mobile Cell Phones And Like Devices, a thin cell phone case that doubles as a charger. Sorias' creation comprises a charger that can be kept attached to the backside of the phone as a case, with A/C prongs folding in and out in opposite directions, and merging horizontally onto the back of the charger, flush with the case. Its compactness and portability make Sorias' charger look and feel like a regular cell phone cover, but with the added benefit of the A/C prongs such that the cell phone can easily be plugged into an outlet and charged without the need to utilize a standard, separate charging device.

24. Sorias thus created the first practical and carryable mobile phone case with an integrated A/C charger. Other, later-revealed patent applications showed charger designs for other electronic devices with *parallel* A/C prong units that would detach or pivot in and out vertically (thus substantially adding to the thickness of the case); none existed as envisioned by Sorias—to wit, a protective cell phone case with an integrated wall charger, having the regular thinness of a normal cell phone case case, by virtue of both the unique arrangement of specially-made electrical components and the A/C prongs folding in and out horizontally (thus adding almost no additional thickness to the case).

25. The patent for Sorias' *Detachably Integrated Battery Charger For Mobile Cell Phones And Like Devices* was granted by the United States Patent and Trademark Office (the “USPTO”) on April 29, 2014. See **Exhibit A** (U.S. Patent No. 8,712,486 [the “**486 Patent**”]).

26. The ‘486 Patent derives from a provisional patent application, No. 61/432,050, filed by Sorias on January 12, 2011 (the “**Provisional Application**”). See **Exhibit B**. Thus, the ‘486 Patent claims priority to the Provisional Application.

27. Sorias is a named inventor on and owns all rights, title, and interest in and to the ‘486 Patent.

28. Zilicon currently holds an exclusive license to manufacture and sell the invention described in the ‘486 Patent.

29. Because no such device existed when Sorias filed his patent application, he had taken considerable measures to protect the secrecy of the invention. For instance, Sorias did not reveal any information about the device and maintained in a private location all of the paperwork and drawings pertaining to it, including the patent application materials. When Sorias began his

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