

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

_____)	
Thomas Harvey)	
1603 West Lake Drive)	
Novi, Michigan 48377)	
)	Civil Action No.
Plaintiff)	
v.)	2:07cv327
)	
APPLE, INC.)	
1 Infinite Loop, M/S 3-PAT)	
Cupertino, CA 95401-2084)	
)	
Defendant)	
_____)	

COMPLAINT FOR PATENT INFRINGEMENT
AND INJUNCTIVE RELIEF

Plaintiff, Thomas Harvey, complains of Defendant, Apple Inc., as follows:

JURISDICTION AND VENUE

1. This is an action for patent infringement under Title 35 United States Code.
2. This Court has jurisdiction of this action under 28 U.S.C. §§ 1331, 1338(a).
3. Plaintiff, Harvey is an individual resident in Novi, Michigan, and is the inventor, patentee and owner of United States Letters Patent 6,753,671 and 6,762,584, for illuminated rechargers.
4. Defendant Apple is, upon information and belief, a corporation existing under the law of the state of California. Apple is engaged in making, using and selling illuminated rechargers as taught and claimed in the '671 and '584 patents in suit and is offering for sale and selling or licensing products covered under the claims of the '671 and '584 patents in suit. Apple does substantial business in Texas and has sold infringing product in the State of Texas, in this Judicial District. Jurisdiction and Venue are proper in this District as to Defendant Apple under

28 U.S.C. §1391(b) and §1400(a).

GENERAL ALLEGATIONS

5. Thomas Harvey, invented a power adaptor with an illuminated connector end. Mr. Harvey filed a patent application on April 17, 2001, for the protection of his invention. The patent application was subsequently examined by the United States Patent and Trademark Office, and issued on June 22, 2004 as the 6,753,671 patent entitled RECHARGER FOR USE WITH A PORTABLE ELECTRONIC DEVICE AND WHICH INCLUDES A PROXIMALLY LOCATED LIGHT EMITTING DEVICE, and issued on July 13, 2004 as the 6,762,584 patent, entitled RECHARGER FOR USE WITH A PORTABLE ELECTRONIC DEVICE AND WHICH INCLUDES A CONNECTOR TERMINUS FOR COMMUNICATING DIRECTLY WITH RECHARGEABLE BATTERIES CONTAINED WITHIN THE DEVICE.

6. Both the '671 and the '584 patents were issued after careful examination by the United States Patent and Trademark Office, which determined the Harvey invention to be new, useful and unobvious.

7. The '671 patent has sixteen claims, including exemplary claim 1, which reads as follows:

1. An improved recharger for a portable electronic device that includes a rechargeable battery having a power storage capacity, said battery being coupled with said device, a power source adapter that conditions source power for use by said device and said rechargeable battery, and a connector terminus in electrical communication with said power source adapter that couples to the rechargeable battery, said connector terminus being small in mass relative to the device such that the overall mass of the device remains substantially the same when the terminus is coupled to the device and wherein the improvement lies in:
 - a light emitting device affixed to said connector terminus and which is evident at least about an outer peripheral location of said connector terminus.

8. The '584 patent has twenty four claims, including exemplary claim 1, which reads as follows:

1. A portable electronic device recharger comprising:
 - a rechargeable battery having a power storage capacity, said battery being housed within a compartment associated with said device;
 - a power source adapter that conditions source power for delivery to said rechargeable battery;
 - a connector terminus in electrical communication with said power adapter, via an electrical conductor cord, said terminus electrically communicating with said rechargeable battery located with said device compartment; and
 - a light emitting device affixed to at least one of said connector terminus and said rechargeable battery.

9. Apple manufactures and sells a device referred to as the "Apple Portable Power Adaptor." The power adaptor, in combination with an Apple notebook computer, has all of the elements of the claims of the '671 and '584 patents, including: a portable electronic device recharger, a rechargeable battery, a battery compartment, a power adapter, an illuminated connector terminus.

10. Defendant, Apple has been contacted and notified of Plaintiff's rights in the '671 and the '584 patents. Defendants have refused to license or cease infringement.

COUNT I
PATENT INFRINGEMENT 6,753,671

11. Plaintiff realleges each and every allegation set forth above and incorporates them herein by reference.

12. Plaintiff owns and has at all times owned and has had standing to sue for infringement of United States Letters Patent 6,753,671 which was duly and legally issued on June 22, 2004.

13. The '671 patent properly names Thomas Harvey as inventor, is entitled "RECHARGER FOR USE WITH A PORTABLE ELECTRONIC DEVICE AND WHICH

INCLUDES A PROXIMALLY LOCATED LIGHT EMITTING DEVICE" and includes

independent Claims 1, 7 and 12. Exemplary claim 1 reads as follows:

1. An improved recharger for a portable electronic device that includes a rechargeable battery having a power storage capacity, said battery being coupled with said device, a power source adapter that conditions source power for use by said device and said rechargeable battery, and a connector terminus in electrical communication with said power source adapter that couples to the rechargeable battery, said connector terminus being small in mass relative to the device such that the overall mass of the device remains substantially the same when the terminus is coupled to the device and wherein the improvement lies in:
a light emitting device affixed to said connector terminus and which is evident at least about an outer peripheral location of said connector terminus.

14. Upon information and belief, Defendant Apple has infringed and continues to infringe the claims of the '671 patent.

15. Upon information and belief, Defendant Apple has infringed and continues to infringe at least claims 1, 3, 5, 6, 7, 9, 10, 11, 12, 14, 15 and 16.

16. Upon information and belief, Defendant Apple has infringed and continues to infringe the claims of the '671 patent by manufacturing or causing to be manufactured, distributing, using, selling and/or licensing products which infringe the claims of the '671 patent. Apple's infringement is a literal infringement of the claims and an equivalent infringement of the claims.

17. Plaintiff is entitled to recover from the Defendant Apple the damages sustained as a result of Defendant's infringing acts.

18. Defendant Apple has been notified of Plaintiff's rights in the '671 patent and of Plaintiff's intent to enforce those rights. Defendant has, with full knowledge of those rights, wilfully proceeded to infringe in disregard of Plaintiff's rights.

COUNT II
PATENT INFRINGEMENT 6,762,584

19. Plaintiff realleges each and every allegation set forth above and incorporates them herein by reference.

20. Plaintiff owns and has at all times owned and has had standing to sue for infringement of United States Letters Patent 6,762,584 which was duly and legally issued on July 13, 2004.

21. The '584 patent properly names Thomas Harvey as inventor, is entitled "RECHARGER FOR USE WITH A PORTABLE ELECTRONIC DEVICE AND WHICH INCLUDES A CONNECTOR TERMINUS FOR COMMUNICATING DIRECTLY WITH RECHARGEABLE BATTERIES CONTAINED WITHIN THE DEVICE." and includes independent Claims 1, 14, 16 and 17. Exemplary claim 1 reads as follows:

1. A portable electronic device recharger comprising:
 - a rechargeable battery having a power storage capacity, said battery being housed within a compartment associated with said device;
 - a power source adapter that conditions source power for delivery to said rechargeable battery;
 - a connector terminus in electrical communication with said power adapter, via an electrical conductor cord, said terminus electrically communicating with said rechargeable battery located with said device compartment; and
 - a light emitting device affixed to at least one of said connector terminus and said rechargeable battery.

22. Upon information and belief, Defendant Apple has infringed and continues to infringe the apparatus claims of the '584 patent.

23. Upon information and belief, Defendant Apple has infringed and continues to infringe at least claims 1, 11, 12 and 13, of the '584 patent.

24. Upon information and belief, Defendant Apple has infringed and continues to infringe the claims of the '584 patent by manufacturing or causing to be manufactured,

distributing, using, selling and/or licensing products which infringe the claims of the '584 patent. Apple's infringement is a literal infringement of the claims and an equivalent infringement of the claims.

25. Plaintiff is entitled to recover from the Defendant Apple the damages sustained as a result of Defendant's infringing acts.

26. Defendant Apple has been notified of Plaintiff's rights in the '584 patent and of Plaintiff's intent to enforce those rights. Defendant has, with full knowledge of those rights, wilfully proceeded to infringe in disregard of Plaintiff's rights.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgement against Defendant as follows:

27. That Defendant be held to have infringed the '671 and/or '584 patents and be held to have willfully infringed.

28. That Defendant, its directors, officers, agents, servants, employees and all other persons in active concert or privity or in participation with it, be enjoined from directly or indirectly infringing Plaintiff's patent.

29. That Defendant be enjoined to deliver upon oath, to be impounded during the pendency of this action, and delivered to Plaintiff pursuant to judgement herein, any and all devices shown by the evidence to infringe Plaintiff's patent.

30. That Defendant be required to file with the Court and to serve on Plaintiff, within 30 days after service of the Court's order as herein prayed, a report in writing under oath setting forth in detail the manner and form in which Defendant has complied with the Court's order.

31. That judgement be entered for Plaintiff against Defendant, for Plaintiff's actual damages according to proof, and for any additional profits attributable to infringements of

