

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

TOOLS AVIATION, LLC,

Plaintiff,

v.

DIGITAL PAVILION ELECTRONICS
LLC, EAST BROOKLYN LABS LLC,
and FIREMALL LLC,

Defendants.

JURY TRIAL DEMANDED

Case No: 1:20-cv-2651

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Tools Aviation, LLC, by and through its attorneys, hereby alleges-for its Complaint against Defendants Digital Pavilion Electronics LLC, East Brooklyn Labs LLC, and Firemall LLC, on personal knowledge as to its own activities and on information and belief as to all other matters, as follows:

THE PARTIES

1. Plaintiff Tools Aviation, LLC (hereinafter “Tools Aviation”) is a limited liability company organized and existing under the laws of Illinois, with its principal place of business at 101 Theodore, Unit A Oswego, IL 60543.

2. On information and belief, Defendant Digital Pavilion Electronics LLC (hereinafter “Digital Pavilion”) is a limited liability company organized and existing under the laws of the State of New York with its principal place of business located at 1014 Stanley Ave, Brooklyn, New York 11208.
3. On information and belief, Digital Pavilion is in the business of offering for sale, selling and distributing battery chargers including a battery caddy, and battery caddies separately.
4. Digital Pavilion sells the “RadCad Battery Charger and Caddy for AA Rechargeable Batteries” and sells separately, “East Brooklyn Labs Durable AA Battery Storage” on the Amazon website or “Battery Caddy” on other websites.
5. On information and belief, Defendant East Brooklyn Labs LLC (hereinafter “East Brooklyn”) is a limited liability company organized and existing under the laws of the State of New York with its principal place of business located at 1014 Stanley Ave, Brooklyn, New York 11208.
6. On information and belief, East Brooklyn is in the business of offering for sale, selling and distributing battery chargers including a battery caddy, and battery caddies separately.
7. East Brooklyn sells the “RadCad Battery Charger and Caddy for AA Rechargeable Batteries”, and sells separately “East Brooklyn Labs Durable AA Battery Storage” on the Amazon website or “Battery Caddy” on other websites.
8. On information and belief, Defendant Firemall LLC (hereinafter “Firemall”) is a limited liability company organized and existing under the laws of the State of New York with its principal place of business located at 1522 56th Street, Brooklyn, New York 11219.
9. On information and belief, Firemall is in the business of offering for sale, selling and distributing battery chargers including a battery caddy, and battery caddies separately.

10. Firemall sells the “RadCad Battery Charger and Caddy for AA Rechargeable Batteries” and sells separately, “East Brooklyn Labs Durable AA Battery Storage” on the Amazon website or “East Brooklyn Labs Battery Caddy” on the Firemall website.

NATURE OF THE ACTION

11. This is a civil action for infringement of United States Patent No. 7,287,648, United States Patent No. 8,267,252, and United States Patent No. 9,022,218 (collectively the “patents-in-suit”) under the patent laws of the United States, 35 USC §1 *et seq.*

JURISDICTION AND VENUE

12. This is an action for patent infringement, under the Patent Laws of the United States of America, 35 U.S.C. §271 *et seq.* This Court has subject matter jurisdiction under 28 U.S.C. §1331 and §1338(a).

13. This Court has personal jurisdiction over Digital Pavilion because, among other things, Digital Pavilion is a New York company, has its principal place of business in New York, and conducts business in the Eastern District of New York.

14. This Court has personal jurisdiction over East Brooklyn because, among other things, East Brooklyn is a New York company, has its principal place of business in New York, and conducts business in the Eastern District of New York.

15. This Court has personal jurisdiction over Firemall because, among other things, Firemall is a New York company, has its principal place of business in New York, and conducts business in the Eastern District of New York.

16. Venue is proper within this judicial district under 28 U.S.C. §1391(b) and (c) and 28 U.S.C. §1400(b) because Digital Pavilion, East Brooklyn, and Firemall all reside in the Eastern District of New York; and/or Digital Pavilion, East Brooklyn, and Firemall have committed acts of infringement in the Eastern District of New York and Digital Pavilion, East Brooklyn, and Firemall have regular and established places of business within the Eastern District of New York.

THE PATENTS IN SUIT

17. On October 30, 2007, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 7,287,648 (“the ‘648 Patent”), entitled “Battery Holder and Dispenser” to Tools Aviation. Tools Aviation is the owner by assignment of the ‘648 Patent and has standing to sue for infringement of the ‘648 Patent. A true and correct copy of the ‘648 Patent is attached hereto as Exhibit 1. The ‘648 Patent is valid and subsisting since it was issued.

18. On September 18, 2012, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 8,267,252 (“the ‘252 Patent”), entitled “Battery Holder and Dispensing Package” to Tools Aviation. Tools Aviation is the owner by assignment of the ‘252 Patent and has standing to sue for infringement of the ‘252 Patent. A true and correct copy of the ‘252 Patent is attached hereto as Exhibit 2. The ‘252 Patent is valid and subsisting since it was issued.

19. On May 5, 2015, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 9,022,218 (“the ‘218 Patent”), entitled “Battery Holder and Dispensing Package” to Tools Aviation. Tools Aviation is the owner by assignment of the ‘218 Patent and has standing to sue for infringement of the ‘218 Patent. A true and correct copy of the ‘218 Patent is attached hereto as Exhibit 3. The ‘218 Patent is valid and subsisting since it was issued.

FACTUAL BACKGROUND

20. Plaintiff brings this patent infringement action to protect their valuable patented technology relating to battery holding and dispensing apparatus, also known as battery caddies.

21. Tools Aviation makes and sells battery caddies under the trademarks Storacell® and Powerpax® (hereinafter “Storacell®”).

22. The Storacell® battery caddy was first intended to be used by pilots for storing and dispensing batteries from the pilot’s flight bag during emergencies. However, the Storacell® also provides convenient and compact battery storage to be used in homes, cars, offices and shops. The Storacell® is popular with photographers and others who use batteries, especially AA sized batteries. The compact arrangement and ergonomic shaping of the Storacell® allows for easy handling and one-handed holding and dispensing of a selected battery.

23. The Storacell® battery caddies have been a commercially successful product line for the Plaintiff.

24. In addition to the ‘648 Patent, the ‘252 Patent and the ‘218 Patent, Tools Aviation owns corresponding issued patents in Germany, France, UK, Japan and Canada.

25. Sometime before October 16, 2019 Digital Pavilion, East Brooklyn and Firemall began selling “RadCad Battery Charger and Caddy for AA Rechargeable Batteries” (hereinafter the “RadCad”) and “East Brooklyn Labs Durable AA Battery Storage” (hereinafter the “RadCad caddy”) online on at least the Amazon website. On Amazon, the RadCad caddy is currently being sold as a component of the RadCad (Exhibit 4) and as a separate item. (Exhibit 5).

26. A true and accurate screen capture of the Amazon webpage of Digital Pavilion, East Brooklyn and Firemall at <https://www.amazon.com/East-Brooklyn-Labs-Rechargeable->

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