

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN**

DISPLAY PACK, INC.,  
a Michigan corporation,

Case No.

Plaintiff,

Hon.

v.

SPECULATIVE PRODUCT DESIGN, LLC,  
d/b/a SPECK PRODUCTS,  
a California limited liability company,

**COMPLAINT AND DEMAND FOR  
JURY TRIAL**

Defendant.

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Plaintiff Display Pack, Inc. states its Complaint against Defendant Speculative Product Design, LLC, d/b/a Speck Products as follows:

**The Parties**

1. Plaintiff Display Pack, Inc. (“Display Pack”) is a Michigan corporation having its principal place of business in Grand Rapids, Michigan. Display Pack is a manufacturer and seller of, among other things, clamshell packaging for a variety of products including cell phones and consumer electronics.

2. Upon information and belief, Defendant Speculative Product Design, LLC, d/b/a Speck Products (“Speck”) is a California limited liability company with a principal place of business at 303 Bryant Street, Mountain View, California 94041. Speck is a manufacturer and seller of, among other things, protective cases for consumer electronics such as its “CandyShell” case for iPad minis and cases for iPhones.

### **Jurisdiction and Venue**

3. This is an action for patent infringement under the Patent Act, 35 U.S.C. § 101 *et seq.*

4. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a), as this action arises under the patent laws of the United States.

5. Upon information and belief, Speck makes, sells, and offers for sale protective cases for consumer electronics throughout the United States and has systematic and continuous dealings within this District.

6. Venue is proper in this District under 28 U.S.C. §§ 1391 and 1400.

### **Allegations and Claim for Relief**

7. For many years, Display Pack has continuously engaged in the development, manufacture, and sale of a wide variety of products used for packaging, including clamshell packaging. As a result, Display Pack has become one of the leading sources of clamshell packaging products. The product at issue in this litigation is clamshell packaging used by Speck.

8. Display Pack has taken steps over the years to protect its innovative products, including clamshell packaging. In particular, Display Pack is and has been the sole owner by assignment of all right, title, and interest to United States Patent 7,931,148 B2 titled “Double Hinge Display Package And Method of Use” issued April 26, 2011 (hereinafter referred to as

“the ‘148 Patent”) (**Exhibit 1**) and United States Patent 8,496,111 B2 titled “Double Hinge Display Package And Method of Use” issued July 30, 2013 (hereinafter referred to as “the ‘111 Patent”) (**Exhibit 2**). Display Pack has filed a Request for Certificate of Correction relating to the ‘111 Patent (**Exhibit 3**).

9. Display Pack is entitled to sue for past, present, and future infringement of the ‘148 Patent and the ‘111 Patent.

10. Speck is in the business of manufacturing or having manufactured, offering to sell, selling or importing into the United States protective cases for consumer electronics, including cases for iPad minis and iPhones.

11. Speck has, without authority or license from Display Pack, made, used, offered to sell, sold or imported into the United States clamshell packaging for its products that infringe the ‘148 Patent and/or the ‘111 Patent. The infringing packaging includes, but is not limited to, the packaging used for the CandyShell cases for the iPad mini (“the CandyShell Packaging”) and packaging used for iPhone cases (“the iPhone Case Packaging”).

**COUNT I –**  
**Use or Manufacture of CandyShell Packaging that Infringes**  
**the ‘148 Patent and/or the ‘111 Patent**

12. Display Pack incorporates by reference all preceding paragraphs.

13. Speck has been and still is making, using, offering to sell, selling or importing into the United States clamshell packaging, including, but not limited to the CandyShell Packaging that infringes the ‘148 Patent and/or the ‘111 Patent in violation of 35 U.S.C. § 271(a).

14. Speck has been and still is actively inducing others to infringe the ‘148 Patent and/or the ‘111 Patent in violation of 35 U.S.C. § 271(b).

15. Speck's continued infringement of the '148 Patent and/or the '111 Patent has damaged and will continue to damage Display Pack.

16. By reason of Speck's infringement of the '148 Patent and/or the '111 Patent, Display Pack has been irreparably harmed, and unless and until Speck is enjoined by this Court, Display Pack will continue to suffer irreparable damage and injury for which it has no adequate remedy at law.

**COUNT II–**  
**Use or Manufacture of iPhone Case Packaging that Infringes**  
**the '148 Patent and/or the '111 Patent**

17. Display Pack incorporates by reference all preceding paragraphs.

18. Speck has been and still is making, using, offering to sell, selling or importing into the United States clamshell packaging, including, but not limited to the iPhone Case Packaging that infringes the '148 Patent and/or the '111 Patent in violation of 35 U.S.C. § 271(a).

19. Speck has been and still is actively inducing others to infringe the '148 Patent and/or the '111 Patent in violation of 35 U.S.C. § 271(b).

20. Speck's continued infringement of the '148 Patent and/or the '111 Patent has damaged and will continue to damage Display Pack.

21. By reason of Speck's infringement of the '148 Patent and/or the '111 Patent, Display Pack has been irreparably harmed, and unless and until Speck is enjoined by this Court, Display Pack will continue to suffer irreparable damage and injury for which it has no adequate remedy at law.

**WHEREFORE**, Display Pack respectfully requests the following relief:

- A. Judgment that Speck has infringed and actively induced others to infringe the ‘148 Patent and/or the ‘111 Patent;
- B. A permanent injunction enjoining Speck, its officers, employees, agents, and all others acting in concert with it or participating with it from further infringement and/or inducement of infringement of the ‘148 Patent and/or the ‘111 Patent;
- C. An award of damages adequate to compensate Display Pack for Speck’s infringement, but in no event less than a reasonable royalty under 35 U.S.C. § 284;
- D. Enter an order awarding Display Pack interest on the damages awarded and its costs pursuant to 35 U.S.C. § 284;
- E. Enter an order finding that this is an exceptional case and award Display Pack its reasonable costs, expenses, and reasonable attorneys’ fees pursuant to 35 U.S.C. § 285; and,
- F. Award such other relief as the Court may deem appropriate and just under the circumstances.

**DEMAND FOR JURY TRIAL**

Display Pack demands a trial by jury.

Dated: September 18, 2013

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