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7 Attorneys for Plaintiff
INCASE DESIGNS, CORP
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9 UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA
11

12 INCASE DESIGNS, CORP

13 Plaintiff,

14 v.

15 MOPHIE, INC.,

16 Defendant.

Case No.: 3:13-cv-04314

**FIRST AMENDED COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

17
18
19 Plaintiff Incase Designs, Corp (“Plaintiff” or “Incase”) complains as follows:

20 **NATURE OF ACTION**

21 1. This action arises under the Patent Laws of the United States, 35 U.S.C. §§100, *et*
22 *seq.*

23 **JURISDICTION AND VENUE**

24 2. The Court has subject matter jurisdiction of this action under 28 U.S.C. §1331 and
25 §1338(a) in that it arises under the United States Patent Laws.

26 3. Defendant Mophie, Inc. (“Defendant”) is subject to this Court’s specific and
27 general personal jurisdiction because Defendant conducts extensive business in this Judicial
28 District, has committed the acts complained of in this Judicial District, and has caused injury to

1 Plaintiff within this Judicial District by virtue of the acts of patent infringement that are described
2 herein.

3 4. Venue is proper in this Judicial District pursuant to 28 U.S.C. §§ 1391(b), (c), and
4 1400(b). Defendant is transacting, doing, and/or soliciting business and committing acts of patent
5 infringement in this Judicial District and elsewhere in the United States.

6 **THE PARTIES**

7 5. Incase is a global leader in the design, development, manufacture, and sale of
8 carrying cases, bags, and covers for consumer electronics.

9 6. Upon information and belief, Defendant is a California corporation with its
10 principal place of business at 2850 Redhill Avenue, Suite 128, Santa Ana, California 92705.

11 7. Defendant has been selling and offering to sell infringing battery pack cases within
12 the United States, and within this District, all without consent from Plaintiff. Defendant's
13 infringing products include, but are not necessarily limited to, the Mophie Juice Pack, the Mophie
14 Juice Pack Plus, the Mophie Juice Pack PRO, the Mophie Juice Pack PRO Outdoor Edition, the
15 Mophie Juice Pack Plus Outdoor Edition, the Mophie Juice Pack Air, and the Mophie Juice Pack
16 Helium.

17 **FIRST CLAIM FOR RELIEF**

18 **(Infringement of the '833 Patent)**

19 8. Plaintiff incorporates by reference and realleges each of the allegations set forth
20 above.

21 9. On September 10, 2013, U.S. Patent No. 8,531,833 (the '833 Patent), entitled
22 Portable Electronic Device Case with Battery, was issued for the invention of a novel case for
23 consumer electronics and the methods for the manufacture of same. Plaintiff has owned this
24 patent throughout the period of Defendant's infringing acts and still owns this patent.

25 10. On or before August 26, 2013, Plaintiff provided Defendant with actual notice of
26 the '833 Patent and its infringement of same. Defendant is aware of the '833 Patent, yet it induces
27 consumers to use its infringing Juice Pack, Juice Pack Plus, Juice Pack Plus Outdoor Edition,
28

1 Juice Pack PRO, Juice Pack PRO Outdoor Edition, Juice Pack Air, and Juice Pack Helium within
2 the United States. Thus, Defendant actively infringes the ‘833 Patent in violation of 35 U.S.C. §
3 271(b).

4 11. Defendant has infringed and is still infringing the ‘833 Patent by making, selling,
5 and using battery pack cases that embody the patented invention, and Defendant will continue to
6 do so unless enjoined by this court.

7 **PRAYER FOR RELIEF**

8 Therefore, Plaintiff prays for judgment:

- 9 1. That Defendant has infringed the ‘833 Patent;
- 10 2. That Plaintiff be awarded damages from patent infringement according to proof;
- 11 3. Preliminarily and permanently enjoining Defendant and all others acting in concert
12 with Defendant from making, using, selling, or offering to sell the infringing battery pack cases or
13 any other product that infringes the ‘833 Patent without permission or license from Plaintiff;
- 14 4. That Defendant be ordered to deliver up to Plaintiff all products infringing the ‘833
15 Patent within its ownership, possession, or control for destruction by Plaintiff or, in the alternative,
16 that the Court award a compulsory royalty for the current and future sale of such goods;
- 17 5. That the Court declare this to be an exceptional case pursuant to 35 U.S.C. §285,
18 and award reasonable attorney’s fees;
- 19 6. That Plaintiff be awarded its costs of suit, and pre- and post-judgment interest on
20 any money judgment;
- 21 7. For such other relief as the Court deems proper.

22
23 Dated: November 7, 2013

Respectfully submitted,

24 */s/ Brian E. Mitchell*

25 Brian E. Mitchell

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