

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**Sharpe Innovations, Inc.,**

Plaintiff,

v.

**TracFone Wireless, Inc.; CVS Health  
Corporation; Amazon.com, Inc.,**

Defendants.

Case No. \_\_\_\_\_

Patent Case

Jury Trial Demanded

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff, Sharpe Innovations, Inc. (“Sharpe”), through its attorney, Isaac Rabicoff, complains of TracFone Wireless, Inc. (“TracFone”), CVS Health Corporation (“CVS”) and Amazon.com, Inc. (“Amazon”) (collectively “Defendants”) and alleges the following:

**PARTIES**

1. Plaintiff Sharpe Innovations, Inc. is a corporation organized and existing under the laws of North Carolina that maintains its principal place of business at 1300 Westwood Village Lane, Suite 403, Midlothian, VA 23114.
2. Defendant TracFone Wireless, Inc. is a corporation organized and existing under the laws of Delaware that maintains its principal place of business at 9700 N.W. 112th Avenue, Miami, FL 33178.
3. Defendant CVS Health Corporation is a corporation organized and existing under the laws of Delaware that maintains its principal place of business at One CVS Drive, Woonsocket, Rhode Island 02895.
4. Defendant Amazon.com, Inc. is a corporation organized and existing under the laws of Delaware that maintains its principal place of business at 410 Terry

Ave N, Seattle, WA 98109.

### **JURISDICTION**

5. This is an action for patent infringement arises under the patent laws of the United States, Title 35 of the United States Code.

6. This Court has exclusive subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

7. This Court has personal jurisdiction over Defendants because they have engaged in systematic and continuous business activities in the Northern District of Illinois. Specifically, Defendants have established places of business and provides their full range of services to residents in this District. As described below, Defendants have committed acts of patent infringement giving rise to this action within this District.

### **VENUE**

8. Venue is proper in this District under 28 U.S.C. §§ 1391(b)-(d) and 1400(b) because Defendant Tracfone has committed acts of patent infringement in this District, and has a regular and established place of business in this District. Additionally, Defendant TracFone provides its full range of products and services to residents in this District. Defendant CVS has also committed acts of patent infringement in this District, and has a regular and established place of business in this District. Defendant Amazon has also committed acts of patent infringement in this District, and has a regular and established place of business in this District. Sharpe has also suffered harm in this District.

### **PATENTS-IN-SUIT**

9. Sharpe is the assignee of all right, title and interest in United States Patent Nos. 8,337,239 (the “239 Patent”) and 8,573,986 (the “986 Patent”), collectively

the “Patents-in-Suit”, including all rights to enforce and prosecute actions for infringement and to collect damages for all relevant times against infringers of the Patents-in-Suit. Accordingly, Sharpe possesses the exclusive right and standing to prosecute the present action for infringement of the Patents-in-Suit by Defendants.

**The ‘239 Patent**

10. On December 25, 2012, the United States Patent and Trademark Office issued the ‘239 Patent. The ‘239 Patent is titled “Hardened micro SIM adaptor.” The application leading to the ‘239 Patent was filed on December 9, 2010 and claims priority from a provisional application filed on July 30, 2010. A true and correct copy of the ‘239 Patent is attached hereto as Exhibit A and incorporated herein by reference.

11. The ‘239 Patent is valid and enforceable.

12. The invention in the ‘239 Patent relates to a SIM card adaptor system allowing use of a smaller SIM card in an electronic device with an adaptor body and cutout region. Ex. A at 4:51-60. The SIM card adaptor system is also heat-resistant, and can be used multiple times by a SIM-enabled device. *Id.* at 1:15-18.

13. The inventor Cameron Holmes recognized that SIM cards evolved, and that several devices are only capable of having regular or mini SIM cards. *Id.* at 1:21-26. Some users may want to put a micro SIM card into a device that can only accept regular or mini SIM cards, and prevent heat damage that would otherwise cause the circuits to malfunction. *Id.* at 1:30-32; 1:49-54. The invention is therefore directed to an improved SIM card adaptor system that allows phones with mini SIM cards to have micro SIM cards and avoid heat damage. *Id.* at 1:59-62.

**The ‘986 Patent**

14. On November 5, 2013, the United States Patent and Trademark Office

issued the '986 Patent. The '986 Patent is titled "SIM card adaptor." The application leading to the '986 Patent is a continuation-in-part of the application that issued as the '239 Patent and was filed on November 13, 2012. A true and correct copy of the '986 Patent is attached hereto as Exhibit B and incorporated herein by reference.

15. Sharpe Innovations, Inc. is the assignee of all right, title and interest in the '986 Patent, including all rights to enforce and prosecute actions for infringement and to collect damages for all relevant times against infringers of the '986 Patent. Accordingly, Plaintiff possesses the exclusive right and standing to prosecute the present action for infringement of the '986 Patent by Defendants.

16. The '986 Patent is valid and enforceable.

17. The '986 Patent is related to the '239 Patent and, therefore, also relates to a SIM card adaptor system allowing use of a smaller SIM card in an electronic device with an adaptor body and cutout region. Ex. B at 1:15-20.

### **FACTS**

18. Cameron Holmes is the inventor of the SIM card adaptor technologies illustrated in the '239 Patent and the '986 Patent. He is also the Founder and one of the Owners of Sharpe Innovations, Inc., a Virginia-based technology company that make SIM card adaptors that maintain their shape, even up to temperatures of 250 degrees Fahrenheit. The company is currently woman and family owned. It also sells and manufactures SIM adapters, which can be purchased at Sharpe's website:

<http://www.sharpeinnovations.com/purchasing>.

19. Sharpe's SIM cards are made for any cellular device, including phones, tablets, hotspots, and computers. It markets its SIM cards through a series of blog posts, and tutorial videos that were posted on YouTube. Further, on its website,

Sharpe invited its users to see the patents it obtained for its Micro and Nano Sim Card Adapters.

**COUNT I: INFRINGEMENT OF THE ‘239 PATENT**

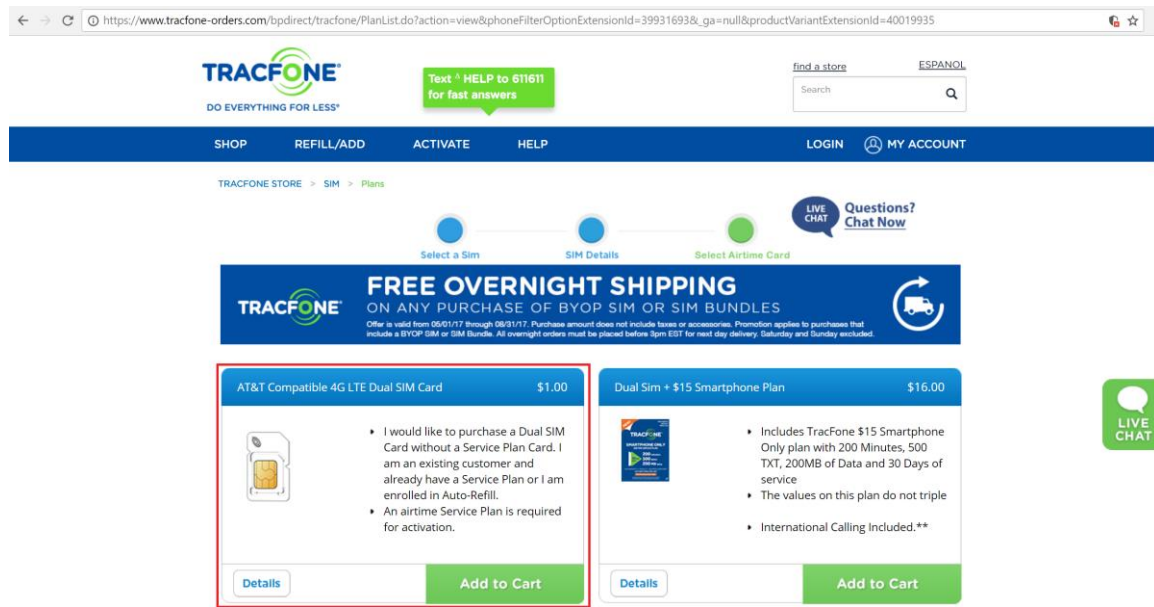
20. Sharpe incorporates the above paragraphs herein by reference.

21. **Direct Infringement.** Defendants have been and continue to directly infringe at least claim 1 of the ‘239 Patent in this District and elsewhere in the United States, by providing a SIM card, for example, that has an adaptor allowing use of a micro SIM card in a device using mini SIM cards.

22. Defendants sell, offer for sale in the United States, and import SIM cards that have adaptors allowing use of a micro SIM card in a device using mini SIM cards.

23. Defendants’ Dual SIM Card (“Dual SIM”) has an adaptor body having a cutout region defined by walls in the adaptor that are shared to receive micro SIM cards. For example, Defendants sell the Dual SIM with a Micro SIM adapter that has an adaptor body with a cutout region that receives micro SIM cards. *See* <https://www.tracfone.com/activation/coveragecheck?lang=en>.

24. Defendants’ Dual SIM has a floor on the cutout region for supporting the micro SIM card. For example, the Dual SIM has a floor in the cutout region that provides space allowing the micro SIM card to be placed. *See* <https://www.tracfone.com/activation/coveragecheck?lang=en>.



*Figure 1. The cutout region's floor supporting the micro SIM card.*

25. Defendants' Dual SIM has an adaptor body made of plastic and/or nylon, carbon fiber, aluminum or similar materials capable of withstanding heat levels up to at least 250 degrees Fahrenheit without degradation. For example, Defendants sell a Dual SIM made of, plastic or similar materials capable of withstanding heat levels up to at least 250 degrees Fahrenheit without degradation. See <https://www.tracfone.com/activation/coveragecheck?lang=en>.

26. **Induced Infringement.** Defendants have also actively induced, and continue to induce, the infringement of at least claim 1 of the '239 Patent by actively inducing its customers, including merchants and end-users to use Defendants' Dual SIM in an infringing manner as described above. Upon information and belief, Defendants have specifically intended that its customers use its Dual SIM that infringes at least claim 1 of the '239 Patent by, at a minimum, providing access to, support for, training and instructions for its Dual SIM to its customers to enable them to infringe at least claim 1 of the '239 Patent, as described above. Even where performance of the steps required to infringe at least claim 1 of the '239 Patent is

accomplished by Defendants and Defendants' customer jointly, Defendants' actions have solely caused all of the steps to be performed.

27. Sharpe is entitled to recover damages adequate to compensate it for such infringement in an amount no less than a reasonable royalty under 35 U.S.C. § 284.

28. Sharpe will continue to be injured, and thereby caused irreparable harm, unless and until this Court enters an injunction prohibiting further infringement.

#### COUNT II: INFRINGEMENT OF THE '986 PATENT

29. Sharpe incorporates the above paragraphs herein by reference.

30. **Direct Infringement.** Defendants have been and continue to directly infringe at least claim 1 of the '986 Patent in this District and elsewhere in the United States, by providing a SIM card, for example that have adaptors allowing use of a micro SIM card in a device using mini SIM cards.

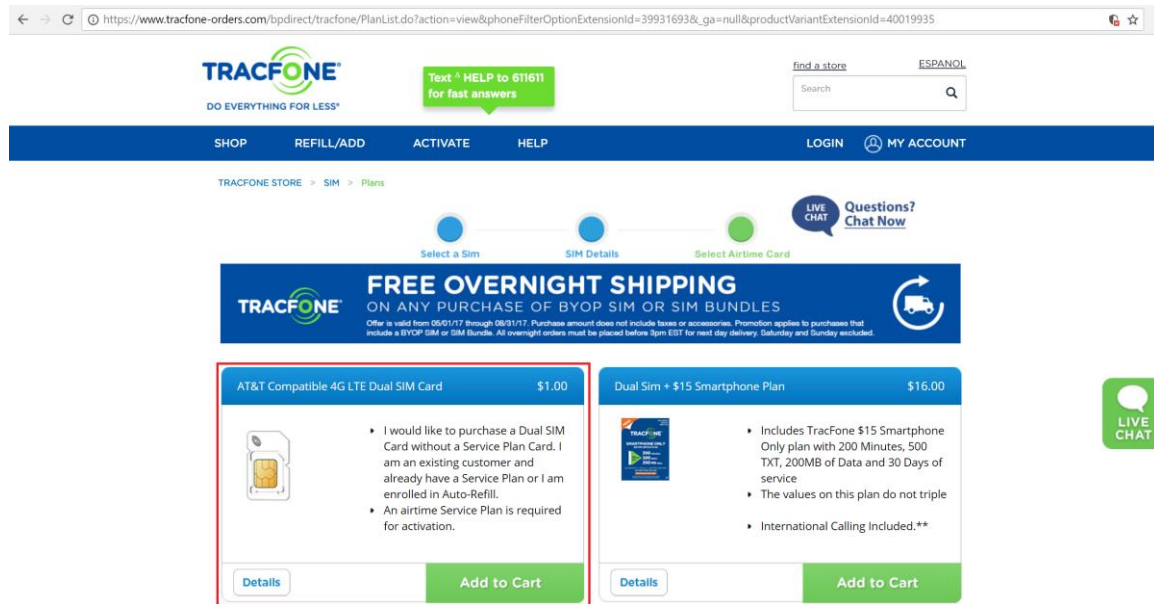
31. Defendants sell, offer for sale in the United States, and import SIM cards that have adaptors allowing use of a micro SIM card in a device using mini SIM cards.

32. Defendants' Dual SIM Card ("Dual SIM") has an adaptor body having a cutout region defined by walls in the adaptor that are shared to receive micro SIM cards. For example, Defendants sell a Dual SIM with a Micro SIM adapter that has an adaptor body with a cutout region that receives micro SIM cards. *See*

<https://www.tracfone.com/activation/coveragecheck?lang=en>.

33. Defendants' Dual SIM has a floor on the cutout region for supporting the micro SIM card. For example, the Dual SIM has a floor in the cutout region that provides space allowing the micro SIM card to be placed. *See*

<https://www.tracfone.com/activation/coveragecheck?lang=en>.



*Figure 2. The cutout region's floor supporting the micro SIM card.*

34. Defendants' Dual SIM has an adaptor body made of plastic and/or nylon, carbon fiber, aluminum or similar materials capable of withstanding heat levels up to at least 250 degrees Fahrenheit without degradation. For example, Defendants sell a Dual SIM made of, plastic or similar materials capable of withstanding heat levels up to at least 250 degrees Fahrenheit without degradation.

See <https://www.tracfone.com/activation/coveragecheck?lang=en>.

35. **Induced Infringement.** Defendants have also actively induced, and continue to induce, the infringement of at least claim 1 of the '986 Patent by actively inducing its customers, including merchants and end-users to use Defendants' Dual SIM in an infringing manner as described above. Upon information and belief, Defendants have specifically intended that its customers use its Dual SIM that infringes at least claim 1 of the '986 Patent by, at a minimum, providing access to, support for, training and instructions for its Dual SIM to its customers to enable them to infringe at least claim 1 of the '986 Patent, as described above. Even where



performance of the steps required to infringe at least claim 1 of the '986 Patent is accomplished by Defendants and Defendants' customer jointly, Defendants' actions have solely caused all of the steps to be performed.

**JURY DEMAND**

36. Under Rule 38(b) of the Federal Rules of Civil Procedure, Sharpe respectfully requests a trial by jury on all issues so triable.

**PRAYER FOR RELIEF**

WHEREFORE, Sharpe asks this Court to enter judgment against Defendants, granting the following relief:

- A. A declaration that Defendants infringed the Patents-in-Suit;
- B. An award of damages to compensate Sharpe for Defendants' direct infringement of the Patents-in-Suit;
- C. An order that Defendants and their officers, directors, agents, servants, employees, successors, assigns, and all persons in active concert or participation with them, be preliminarily and permanently enjoined from infringing the Patents-in-Suit under 35 U.S.C. § 283;
- D. An award of damages, including trebling of all damages, sufficient to remedy Defendants' willful infringement of the Patents-in-Suit under 35 U.S.C. § 284;
- E. A declaration that this case is exceptional, and an award to Sharpe of reasonable attorneys' fees, expenses and costs under 35 U.S.C. § 285;
- F. An award of prejudgment and post-judgment interest; and
- G. Such other and relief as this Court or jury may deem proper and just.

Respectfully submitted,

/s/ Isaac Rabicoff  
Counsel for Plaintiff

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