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Attorneys for Plaintiff,

14 ***SPIGEN KOREA CO., LTD.***

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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

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18 SPIGEN KOREA CO., LTD., a Republic
of Korea corporation,

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Plaintiff,

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v.

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23 ULTRAPROOF, INC., a California
corporation; ULTRAPROOF, INC., a
24 Nevada corporation; LIJUN LIU, an
individual; MINGFENG LI, an
25 individual; DOES 1 through 10, inclusive,

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Defendants.

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Case No: 2:17-cv-01161-DOC-DFM

**COMPLAINT FOR PATENT
INFRINGEMENT**

JURY TRIAL DEMANDED

1 Plaintiff SPIGEN KOREA CO., LTD. (hereinafter “SPIGEN” or “Plaintiff”),
2 for its complaint for patent infringement against Defendants ULTRAPROOF, INC.,
3 and ULTRAPROOF, INC. (hereinafter, collectively, “Defendants”), alleges as
4 follows:

5 **JURISDICTION AND VENUE**

6 1. This is an action for patent infringement arising under the patent laws of
7 the United States, Title 35, United States Code.

8 2. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331
9 and 1338(a).

10 3. This Court has personal jurisdiction over all the Defendants by virtue of
11 their transacting, doing, and soliciting business in this District, and because a
12 substantial part of the relevant events occurred in this District.

13 4. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b),
14 1391(c), 1391(d), and 1400(b).

15 **PARTIES**

16 5. Plaintiff, SPIGEN KOREA CO., LTD. (“SPIGEN” or “Plaintiff), is a
17 corporation organized and existing under the laws of Republic of Korea, with its
18 principal place of business at 371-37 Kasandong, STX V-Tower #1709, Geumcheon-
19 gu, Seoul, Republic Of Korea.

20 6. Plaintiff is informed and believes, and thereon alleges, that defendant
21 ULTRAPROOF, INC. (“ULTRAPROOF CA”), is a corporation organized and
22 existing under the laws of the State of California, with its principal place of business
23 at 3395 S. Jones Boulevard, #324, Las Vegas, Nevada 89146 .

24 7. Plaintiff is informed and believes, and thereon alleges that defendant
25 ULTRAPROOF, INC. (“ULTRAPROOF NV”), is a corporation organized and
26 existing under the laws of the state of Nevada, with its principal place of business at
27 3395 S. Jones Boulevard, #324, Las Vegas, Nevada 89146.

28 8. Upon information and belief, ULTRAPROOF CA and ULTRAPROOF

1 NV are the actually the same entity. Jianshen Guo is the agent for service of process
2 for ULTRAPROOF CA and the president, secretary, treasurer, and director of
3 ULTRAPROOF NV.

4 9. Upon information and belief, Defendants are working together to make,
5 use, sell or offer to sell in the United States, or import into the United States,
6 products that are covered by the claims of SPIGEN's design patents.

7 10. Plaintiff is unaware of the true names and capacities, whether
8 individual, corporate, or otherwise, of the Defendants named herein as Does 1
9 through 10, inclusive, but is informed and believes, and thereon alleges, that each of
10 the fictitiously named defendants engaged in, or is in some manner responsible for,
11 the wrongful conduct alleged herein. Plaintiff therefore sues these defendants by
12 such fictitious names and will amend this complaint to state their true names and
13 capacities when such names have been discovered.

14 **THE SPIGEN DESIGN PATENTS**

15 11. Since 2004, SPIGEN has engaged in the development, manufacture, and
16 sale of accessories for personal electronic devices, such as cell phones and smart
17 phones.

18 12. SPIGEN has taken extensive measures to protect its innovative designs.
19 In particular, SPIGEN owns various United States design patents relating to its smart
20 phone cover designs. Relevant to this dispute, SPIGEN is the owner of all right, title,
21 and interest to each of the United States design patents identified below in Table 1
22 (the "Spigen Design Patents") since the date each patent duly and legally issued to
23 SPIGEN. A copy of each Spigen Design Patent is attached to this Complaint.

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Table 1: Spigen Design Patents		
U.S. Design Patent Number	Issue Date	Complaint Exhibit
D771,607 ('607 Patent)	November 15, 2016	A
D753,099 ('099 Patent)	April 5, 2016	B
D775,620 ('620 Patent)	January 3, 2017	C
D776,648 ('648 Patent)	January 17, 2017	D

DEFENDANTS' INFRINGING ACTIVITIES

13. Upon information and belief, Defendants have been and/or are directly infringing and/or are inducing infringement of Spigen Design Patents by, without SPIGEN'S permission, among other things, making, using, offering to sell or selling in the United States, or importing into the United States, products that are covered by the claims of Spigen Design Patents, including, by way of example and not limitation, the Trianium Protak Series for iPhone 6/6S, the Trianium Duranium Series for iPhone 6/6S and iPhone 7 Plus, and the Trianium Protanium Series for iPhone 6/6s, iPhone 7, and iPhone 7 Plus ("Accused Products"). *See* Exhibit E.

14. According to the Trianium website, Ultraproof is the only authorized seller, distributor, and marketer of Trianium products in the United States.

15. Upon information and belief, Defendants directly infringe the Spigen Design Patents by making, using, selling, offering to sell, and/or importing, by way of example and not limitation, the Accused Products.

16. Charts 1-4 below demonstrate, by way of example and not limitation, Defendants' infringement by comparing images of the Accused Products with figures from the Spigen Design Patents.

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Chart 1: Images Depicting Infringement of Spigen Design Patent D771,607 by Defendants	
D771,607	Accused Product
<p>FIG. 2</p> 	
<p>FIG. 3</p> 	
<p>FIG. 5</p> 	

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<p align="center">Chart 2: Images Depicting Infringement of Spigen Design Patent D753,099 by Defendants</p>	
<p align="center">D753,099</p>	<p align="center">Accused Product</p>
<p align="center">FIG. 2</p> 	
<p align="center">FIG. 3</p> 	
<p align="center">FIG. 4</p> 	

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Chart 3: Images Depicting Infringement of Spigen Design Patent D775,620 by Defendants	
D775,620	Accused Product
 <p>FIG. 3</p>	
 <p>FIG. 5</p>	

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Chart 4: Images Depicting Infringement of Spigen Design Patent D776,648 by Defendants	
D776,648	Accused Product
<p>FIG. 1</p> 	
<p>FIG. 3</p> 	
<p>FIG. 5</p> 	

17. Accordingly, the Accused Products infringe claims of the Spigen Design Patents.

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COUNT 1: PATENT INFRINGEMENT

18. SPIGEN re-alleges each and every allegation set forth in paragraphs 1 through 17 above, inclusive, and incorporates them by reference herein.

19. Defendants have made, used, sold, offered to sell, and/or imported into the United States, and are still making, using, selling or offering to sell, and/or importing into the United States, smart phone cases having designs that infringe the Spigen Design Patents without SPIGEN's permission.

20. Defendants have profited through infringement of the Spigen Design Patents. As a result of Defendants' unlawful infringement of the Spigen Design Patents, SPIGEN has suffered and will continue to suffer damages. SPIGEN is entitled to recover from Defendants the damages suffered by SPIGEN as a result of Defendants' unlawful acts.

21. On information and belief, Defendants intend to continue their unlawful infringing activity, and SPIGEN continues to and will continue to suffer irreparable harm — for which there is no adequate remedy at law — from such unlawful infringing activity unless Defendants are enjoined by this Court.

PRAYER FOR RELIEF

WHEREFORE, in consideration of the foregoing, SPIGEN prays for relief as follows:

- 1. For a judgment declaring that Defendants have infringed the Spigen Design Patents;
- 2. For a judgment awarding SPIGEN compensatory damages as a result of Defendants' infringement of the Spigen Design Patents, together with interest and costs, and in no event less than a reasonable royalty;
- 3. For a judgment declaring that this case is exceptional and awarding SPIGEN its expenses, costs, and attorney's fees in accordance with 35 U.S.C. §§ 284 and 285 and Rule 54(d) of the Federal Rules of Civil Procedure;
- 4. For a grant of a permanent injunction pursuant to 35 U.S.C. § 283,

1 enjoining the Defendants from further acts of infringement; and

2 5. For such other and further relief as the Court deems just and proper.

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JURY DEMAND

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6 Plaintiff hereby demands a trial by jury on all issues so triable.

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9 Dated: October 2, 2017

Respectfully submitted,

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By: /s/ Heedong Chae_____

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Heedong Chae

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Karen Kim

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EAST WEST LAW GROUP

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Richard Kim

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LAW OFFICES OF RICHARD KIM

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Attorneys for Plaintiff,

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KOREA SPIGEN CO., LTD.

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PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and am not a party to the within action. My business address is 660 S. Figueroa St., Suite 1200, Los Angeles, California 90017. I caused the foregoing document(s) described as Second Amended Complaint for Patent Infringement to be served as follows:

[X] (By Electronic Transfer to the CM/ECF System) In accordance with Federal Rules of Civil Procedure 5(d)(3), Local Rule 5-4, and the U.S. District Court of the Central District’s General Order governing electronic filing, I uploaded via electronic transfer a true and correct copy scanned into an electronic filed in Adobe “pdf” format of the above-listed documents to the United States District Court Central District of California’s Case Management and Electronic Case Filing (CM/ECF) system on this date. It is my understanding that by transmitting these documents to the CM/ECF system, they will be served on all parties of record according to the preferences chosen by those parties within the CM/ECF system.

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I declare under penalty of perjury under the laws of the United States of America that the above is true and correct.

Executed on October 2, 2017, at Los Angeles, California.

/s/ Heedong Chae
Heedong Chae