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6 Attorneys for Plaintiff  
7 Timely Inventions, LLC

8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA

10  
11 TIMELY INVENTIONS, LLC, a  
12 Delaware Limited Liability Company,

13 Plaintiff,

14 vs.

15 GRACE DIGITAL, INC., a California  
16 corporation,

17 Defendant.

Case No. 2:17-cv-08172

**COMPLAINT FOR PATENT  
INFRINGEMENT**

**DEMAND FOR JURY TRIAL**

18 Plaintiff Timely Inventions, LLC (“Timely” or “Plaintiff”) through its  
19 undersigned counsel, brings this action against Defendant Grace Digital, Inc.  
20 (“Defendant”). In support of the Complaint, Plaintiff alleges as follows:

21 **JURISDICTION**

22 1. This is an action for patent infringement in violation of the patent  
23 laws of the United States, 35 U.S.C. § 271, *et seq.* This Court has exclusive  
24 subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338(a).

25 2. This Court has personal jurisdiction over Defendant. Defendant is  
26 incorporated within, and has conducted and does conduct business within, the  
27 State of California. Defendant, directly or through subsidiaries or intermediaries,  
28 including distributors, retailers, and others, ships, distributes, offers for sale and

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1 sells its products in the United States, the State of California, and the Central  
2 District of California. Defendant, directly and through subsidiaries or  
3 intermediaries, including distributors, retailers and others, has purposefully and  
4 voluntarily placed one or more of its infringing products, as described below, into  
5 the stream of commerce in the Central District of California. On information and  
6 belief, these infringing products have been and continued to be purchased and  
7 used by businesses, including major retail outlets, in the Central District of  
8 California. Defendant has committed acts of patent infringement within the State  
9 of California and, more particularly, within the Central District of California.

10 3. Venue is proper under 28 U.S.C. § 1391(b).

11 **THE PARTIES**

12 4. Plaintiff is a limited liability company organized and existing under  
13 the laws of the State of Delaware having a principal place of business in Dover,  
14 Delaware.

15 5. On information and belief, Defendant is a California corporation  
16 having a principal place of business in San Diego, California.

17 **FACTUAL BACKGROUND AND NATURE OF ACTION**

18 6. United States Patent No. 7,861,865 (“the ‘865 Patent”) is titled  
19 “PACKAGING ASSEMBLY,” and was issued by the United States Patent and  
20 Trademark Office on January 4, 2011. A true and correct copy of the ‘865 Patent  
21 is attached as Exhibit A.

22 7. Timely owns by assignment the entire right, title, and interest in and  
23 to the ‘865 Patent. As the owner of the entire right, title, and interest in and to the  
24 ‘865 Patent, Timely possesses the right to sue and to recover for infringement of  
25 the ‘865 Patent.

26 8. Defendant has infringed and continues to infringe one or more  
27 claims of the ‘865 Patent by engaging in acts that constitute infringement under  
28 35 U.S.C. § 271 *et seq.*

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1 treble damages under 35 U.S.C. § 284 and an award of its reasonable attorneys'  
2 fees and costs for the maintenance of this action under 35 U.S.C. § 285.

3 17. As a result of Defendant's past and on-going infringement of the  
4 '865 Patent, Timely has suffered, and continues to suffers, monetary damages.

5 **PRAYER FOR RELIEF**

6 WHEREFORE, Plaintiff demands judgment against Defendant as follows:

7 1. That this Court adjudge and declare:

8 a. That it has jurisdiction of the parties and of the subject matter  
9 of this action;

10 b. That the '865 Patent is valid and owned by Plaintiff;

11 c. That Defendant has committed acts of patent infringement by  
12 its manufacture, importation, use, offer for sale and/or sale of the Accused  
13 Products;

14 2. That Defendant's infringement is willful;

15 3. That Defendant and all affiliates, subsidiaries, officers, employees,  
16 agents, representatives, licensees, successors, assigns, and all those acting in  
17 concert with, or for or on behalf of Defendant, be enjoined from further infringing  
18 the '865 Patent.

19 4. That Defendant be required by mandatory injunction to deliver up to  
20 Timely for destruction any and all of the Accused Products in Defendant's  
21 possession, custody or control, as well as any promotional literature and  
22 packaging which display the Accused Products;

23 5. That Plaintiff be awarded damages covered by the acts of patent  
24 infringement of Defendant in an amount not less than a reasonable royalty  
25 pursuant to 25 U.S.C. § 284 or in an amount equal to Defendant's profits pursuant  
26 to 35 U.S.C. § 289, whichever is greater and that such damages be trebled in  
27 accordance with the provisions of 35 U.S.C. § 284;

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6. That Defendant pay Plaintiff prejudgment interest on all infringement damages;

7. That Plaintiff recover their costs in this action, including attorneys' fees; and

8. That Plaintiff has such other or further relief as the Court may deem just and proper.

Dated: November 8, 2017

Respectfully submitted,

LEWIS ROCA ROTHGERBER  
CHRISTIE LLP

By/s/Art Hasan  
\_\_\_\_\_  
Art Hasan  
Anne Wang

Attorneys for Plaintiff  
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**DEMAND FOR JURY TRIAL**

Plaintiff Timely Inventions, LLC, pursuant to Federal Rule of Civil Procedure 38, hereby demands a trial by jury of all issues so triable.

Dated: November 8, 2017

Respectfully submitted,

LEWIS ROCA ROTHGERBER  
CHRISTIE LLP

By/s/Art Hasan \_\_\_\_\_  
Art Hasan  
Anne Wang

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