

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

**JEFFERSON STREET HOLDINGS
INTELLECTUAL PROPERTY LLC,**

Plaintiff,

v.

TECH 21 UK LIMITED,

Defendant.

CIVIL ACTION NO: 5:18-cv-806-JKP

JURY TRIAL DEMANDED

SECOND AMENDED COMPLAINT

This is an action for patent infringement in which Jefferson Street Holdings Intellectual Property LLC (“Plaintiff”) makes the following allegations against Tech 21 UK Limited (“Defendant”):

PARTIES

1. Jefferson Street Holdings Intellectual Property LLC is a Pennsylvania limited liability company with a principle place of business located at 1229 Laurel Oak Lane, York, PA 17403.

2. On information and belief, Defendant Tech 21 UK Limited (“Defendant”) is a company registered in the United Kingdom as registration number 5630013, and has a registered office at Syd’s Quay, Eel Pie Island, Twickenham, TW1 3DY, United Kingdom.

JURISDICTION AND VENUE

3. This is an action for infringement of a United States patent arising under **35 U.S.C. §§ 271(a), 281, and 284** - 85. This Court has subject matter jurisdiction over this action under **28 U.S.C. §1331** and §1338(a).

4. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(c)(3). Upon information and belief, Defendant is not a resident of the United States and does business as Tech 21 including operating the internet based stored accessible at <http://www.tech21.com/shop/>.

5. Defendant is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to Defendant's substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this district.

U.S. PATENT NO. 9,480,319

6. On November 1, 2016, United States Patent No. 9,480,319 (the "'319 Patent") was duly and legally issued by the United States Patent and Trademark Office for an invention titled "Protective Case for Portable Electronic Device." A true and correct copy of the '319 Patent is attached hereto as Exhibit A.

7. Plaintiff is the owner by Assignment of the '319 Patent, with all rights in and to the '319 Patent.

8. Upon information and belief, to the extent any marking was required by 35 U.S.C. § 287 with regards to the '319 Patent, Plaintiff has complied with such requirements.

U.S. PATENT NO. 10,327,524

9. On June 25, 2019, United States Patent No. 10,327,524 (the "'524 Patent") was duly and legally issued by the United States Patent and Trademark Office for an invention titled "Protective Case for Portable Electronic Device." A true and correct copy of the '524 Patent is attached hereto as Exhibit B.

10. Plaintiff is the owner by Assignment of the '524 Patent, with all rights in and to the '524 Patent.

11. Upon information and belief, to the extent any marking was required by 35 U.S.C. § 287 with regards to the '524 Patent, Plaintiff has complied with such requirements.

FACTUAL BACKGROUND

12. On November 2, 2018, Plaintiff filed its amended complaint against Defendant, asserting infringement of claims 8, 9, 12, 13, 14, 15, 18, and 19 of the '319 Patent.

13. On June 7, 2019, counsel for Plaintiff notified counsel for Defendant of the '524 Patent's allowance and that the Accused Instrumentalities infringed at least claim 1 of the '524 Patent and provided notice that Plaintiff intended to file an amended complaint alleging willful infringement. Counsel for Plaintiff attached copies of the notice of allowance as well as the allowed claims.

14. On July 17, 2019, Plaintiff sent a letter to counsel for Defendant via email notifying them the issuance of the '524 Patent and that Plaintiff intended to assert additional claims from that patent.

15. On July 18, 2019, Plaintiff sent a via email a copy of the '524 Patent.

COUNT I **INFRINGEMENT OF U.S. PATENT NO. 9,480,319**

16. Defendant directly or through its intermediaries has been and is now infringing claims 12, 14, 15, 18, and 19 of the '319 Patent in the State of Texas, in this Judicial District, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, importing, providing, selling and/or offering for sale products and/or systems, for example, the products below:

Mobile Device	Case Name
Samsung Galaxy S9 Plus	Evo Check
	Pure Clear
	Evo Max
	Evo Luxe
	Evo Wallet
	Evo Tactical
Samsung Galaxy S9	Evo Check
	Pure Clear
	Evo Max
	Evo Luxe
	Evo Wallet
	Evo Tactical
Samsung Galaxy S8 Plus	Evo Check
	Pure Clear
	Evo Wallet
	Evo Tactical
	Evo Check Lace
Samsung Galaxy S8	Evo Check
	Pure Clear
	Evo Wallet
	Evo Tactical
	Evo Check Lace
	Evo Check Active
Samsung Galaxy Note8	Evo Check
	Pure Clear
	Evo Tactical
Samsung Galaxy S7 Edge	Evo Wallet
	Evo Frame
Samsung Galaxy S6 Edge Plus	Evo Frame

(the “Accused Instrumentalities”), covered by one or more claims of the ’319 Patent to the injury of Plaintiff. Defendant is directly infringing, literally infringing, and/or infringing the ’319 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the ’319 Patent pursuant to 35 U.S.C. § 271(a).

17. Defendant directly or through its intermediaries, makes, uses, imports, sells, and/or offers for sale products and/or systems, *i.e.*, the Accused Instrumentalities, that infringe claim 12 of the '319 Patent. The Accused Instrumentalities meet the limitations of claim 8 in that they are cases for an electronic device including a first panel having a large centralized opening (*e.g.*, opening for the rear camera) and four edge panels to envelop at least a portion of an electronic device (*e.g.*, walls to envelope a smartphone), the four edge panels comprising different heights (*e.g.*, the sides, top, and bottom walls are different heights), wherein a first pair of edge panels comprises a first height substantially similar to the height of the edges of an electronic device, and wherein at least a portion of a second pair of edge panels comprises a second height less than the first height (*e.g.*, the side walls are shorter than the top and bottom walls). Furthermore, the difference in height between the second height and the first height exposes at least a portion of a screen associated with the electronic device (*e.g.*, the height of the side walls is lowered to expose a portion of the screen). *See* Exhibit A-1, Figs. 1-11.

18. The Accused instrumentalities infringe claim 14 of the '319 Patent. They are cases for an electronic device including a first panel having a large, centrally positioned opening and at least four edge panels (*e.g.*, opening for the rear camera); a first, second, third and fourth corner at each intersection of the at least four edge panels (*e.g.*, they have four corners at each intersection of walls); at least two of the four edge panels comprising a first height (*e.g.*, the top and bottom walls of the same height); the first, second, third and fourth corner comprising a second height substantially equivalent to the first height (*e.g.*, the corners are the same height as the top and bottom walls); and wherein at least a portion of the other two of the four edge panels comprises a third height less than the first height and the second height (*e.g.*, the center of the side walls are of a shorter height). *See* Exhibit A-1, Figs. 1-11.

19. The Accused instrumentalities infringe claim 15 of the '319 Patent. They meet the limitations of claim 14, and further, wherein the difference in height along the other two of the four edge panels defines a taper (*e.g.*, the top and bottom walls taper down to the height of the side walls). *See* Exhibit A-1, Figs. 1-11.

20. The Accused instrumentalities infringe claim 18 of the '319 Patent. They meet the limitations of claim 14, and further, wherein the third height being less than the first and second height exposes at least a portion of a screen associated with the device (*e.g.*, the lower height of the side walls exposes a portion of the screen). *See* Exhibit A-1, Figs. 1-11.

21. The Accused instrumentalities infringe claim 19 of the '319 Patent. They meet the limitations of claim 14, and further, wherein at least one resilient layer disposed over at least a portion of the first panel of the case (*e.g.*, a soft resilient layer over a hard material). *See* Exhibit A-1, Figs. 1-11.

22. As a result of Defendant's infringement of the '319 Patent, Plaintiff has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the court.

COUNT II
INFRINGEMENT OF U.S. PATENT NO. 10,327,524

23. Defendant directly or through its intermediaries has been and is now infringing claims 1, 2, 3, 7, 8, 9, 10, 22, 23, 24, 25, 26, 28, 30, 31, 32, 35, 36, 37, 38, 40, 41, and 42 of the '524 Patent in the State of Texas, in this Judicial District, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, importing, providing, selling and/or offering for sale products and/or systems, for example, the Accused Instrumentalities, covered by one or more claims of the '524 Patent to the injury of Plaintiff.

Defendant is directly infringing, literally infringing, and/or infringing the '524 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the '524 Patent pursuant to 35 U.S.C. § 271(a).

24. Defendant directly or through its intermediaries, makes, uses, imports, sells, and/or offers for sale products and/or systems, *i.e.*, the Accused Instrumentalities, that infringe claim 1 of the '524 Patent. The Accused Instrumentalities are a case for an electronic device, comprising: a first panel, two short edge panels each having matching heights, and two long edge panels each having matching heights different than the heights of the two short edge panels, wherein the two long edge panels have a length greater than the two short edge panels, and wherein the two short edge panels and two long edge panels extend from the first panel (*e.g.*, they include two long and short panels with matching heights that extend from the back panel); each of the two short edge panels have a first height and each of the two long edge panels have a second height, wherein the second height is less than the first height (*e.g.*, the height of the short panels is greater than the height of the long panels); an edge corner located at each intersection of the short and long edge panels, wherein the edge corners have a third height and include transitions to the second height of the long edge panels, and wherein the maximum height of each of the transitions is not greater than the third height of the edge corners and the minimum height of each of the transitions is not less than the second height of the long edge panels (*e.g.*, a corner at each intersection which transitions from the height of the long panels to the height of the short panels); wherein the two short edge panels have only one height that continuously spans the entire distance between the corners; and wherein the two long edge panels have only one height that continuously spans the entire distance between the transitions of the edge corners ((*e.g.*, the long and short panels have a continuous height between the corners). *See* Ex. B-1, Figs. 1-19.

25. The Accused instrumentalities infringe claim 2 of the '524 Patent. They meet the limitations of claim 1, and further, wherein the transitions to the second height of the long edge panels defines one of a taper or a step (*e.g.*, the corner tapers down to the height of the long edge). *See* Ex. B-1, Figs. 1-19.

26. The Accused instrumentalities infringe claim 3 of the '524 Patent. They meet the limitations of claim 1, and further, wherein the third height of the edge corners is the same as the first height of the two short edge panels, and wherein the transitions to the height of the long edge panels are defined by one of a taper or step (*e.g.*, the corner tapers from the height of the short edge to the long edge). *See* Ex. B-1, Figs. 1-19.

27. The Accused instrumentalities infringe claim 7 of the '524 Patent. They meet the limitations of claim 3, and further, wherein the heights of the two long edge panels are symmetrical about the long axis of the case. *See* Ex. B-1, Figs. 1-19.

28. The Accused instrumentalities infringe claim 8 of the '524 Patent. They meet the limitations of claim 7, and further, wherein the heights of the two short edge panels are symmetrical about the short axis of the case. *See* Ex. B-1, Figs. 1-19.

29. The Accused instrumentalities infringe claim 9 of the '524 Patent. They meet the limitations of claim 3, and further, wherein at least one of the short edge panels or long edge panels further comprise one or more openings to uncover an element of an electronic device (*e.g.*, they include a port for power connectors). *See* Ex. B-1, Figs. 1-19.

30. The Accused instrumentalities infringe claim 10 of the '524 Patent. They meet the limitations of claim 9, and further, wherein at least one of the short edge panels or long edge panels further comprise one or more tabs that are aligned with one or more buttons associated with the electronic device (*e.g.*, they include tabs for volume controls). *See* Ex. B-1, Figs. 1-19.

31. The Accused instrumentalities infringe claim 22 of the '524 Patent. They meet the limitations of claim 1, and further, wherein the heights of the two long edge panels are symmetrical about the long axis of the case. *See* Ex. B-1, Figs. 1-19.

32. The Accused instrumentalities infringe claim 23 of the '524 Patent. They meet the limitations of claim 1, and further, wherein the heights of the two short edge panels are symmetrical about the short axis of the case. *See* Ex. B-1, Figs. 1-19.

33. The Accused instrumentalities infringe claim 24 of the '524 Patent. They meet the limitations of claim 22, and further, wherein the heights of the two short edge panels are symmetrical about the short axis of the case. *See* Ex. B-1, Figs. 1-19.

34. The Accused instrumentalities infringe claim 25 of the '524 Patent. They meet the limitations of claim 1, and further, wherein at least one of the short edge panels or long edge panels further comprise one or more openings to uncover an element of an electronic device (*e.g.*, the include ports for power connectors). *See* Ex. B-1, Figs. 1-19.

35. The Accused instrumentalities infringe claim 26 of the '524 Patent. They meet the limitations of claim 1, and further, wherein at least one of the short edge panels or long edge panels further comprise one or more tabs that are aligned with one or more buttons associated with the electronic device (*e.g.*, they include tabs for volume controls) . *See* Ex. B-1, Figs. 1-19.

36. The Accused instrumentalities infringe claim 28 of the '524 Patent. They are cases for an electronic device, comprising: a first panel having a plurality of turned edges extending from the first panel (*e.g.*, a back panel); the plurality of turned edges comprising upper and lower edges and a first and a second side edges; the upper edge intersecting with both a first end of the first side edge and a first end of the second side edge defining a first and second corner; the lower edge intersecting with a second end of the first side edge and a second end of the second side edge

defining a third and fourth corner (*e.g.*, each upper edge intersects with each side edge at a first and second end defining four corners); the upper and lower edges having a first, continuous height spanning the entire distance between the first and second corner and third and fourth corner, respectively (the two upper and lower edges have only one height between the corners); wherein a change in height from the first and second corners to the first and second side edges is defined by a first transition, and another change in height from the first and second side edges to the third and fourth corners is defined by a second transition, and wherein the first and second transitions are defined by one of a taper or a step (*e.g.*, a first transition between the first and second corners to the first and second side edges and a second transition between the third and fourth corners to the first and second side edges); wherein the first and second side edges have a second, continuous height spanning the entire distance between the first and second transitions; and wherein the second height of the first and second edges is less than the first height of the upper and lower edges. *See* Ex. B-1, Figs. 1-19.

37. The Accused instrumentalities infringe claim 30 of the '524 Patent. They meet the limitations of claim 28, and further, wherein the heights of the first and second side edges are symmetrical about the long axis of the case. *See* Ex. B-1, Figs. 1-19.

38. The Accused instrumentalities infringe claim 31 of the '524 Patent. They meet the limitations of claim 30, and further, wherein the heights of the upper and lower edges are symmetrical about the short axis of the case. *See* Ex. B-1, Figs. 1-19.

39. The Accused instrumentalities infringe claim 32 of the '524 Patent. They meet the limitations of claim 28, and further, wherein the first, second, third and fourth corners each have a height the same as the first height of the upper and lower edges (*e.g.*, the corners are at the same height as the upper and lower edges). *See* Ex. B-1, Figs. 1-19.

40. The Accused instrumentalities infringe claim 35 of the '524 Patent. They meet the limitations of claim 30, and further, wherein one or more of the upper and lower edges or the first or second side edges comprise an opening to uncover one or more elements of an electronic device (*e.g.*, they include a port for a power connector). *See* Ex. B-1, Figs. 1-19.

41. The Accused instrumentalities infringe claim 36 of the '524 Patent. They meet the limitations of claim 30, and further, wherein the first and second side edges do not have any other change in height other than the transitions to the second height. *See* Ex. B-1, Figs. 1-19.

42. The Accused instrumentalities infringe claim 37 of the '524 Patent. They meet the limitations of claim 35, and further, wherein at least one of the upper or lower edges or one of the first and second side edges comprise one or more tabs that are aligned with one or more buttons associated with the electronic device (*e.g.*, they include tabs for volume controls). *See* Ex. B-1, Figs. 1-19.

43. The Accused instrumentalities infringe claim 38 of the '524 Patent. They meet the limitations of claim 31, and further, wherein the first, second, third and fourth corners each have a height the same as the first height of the upper and lower edges. *See* Ex. B-1, Figs. 1-19.

44. The Accused instrumentalities infringe claim 40 of the '524 Patent. They meet the limitations of claim 31, and further, wherein one or more of the upper and lower edges or the first or second side edges comprise an opening to uncover one or more elements of an electronic device (*e.g.*, they include ports for power connectors). *See* Ex. B-1, Figs. 1-19.

45. The Accused instrumentalities infringe claim 41 of the '524 Patent. They meet the limitations of claim 31, and further, wherein the first and second side edges do not have any other change in height other than the transitions to the second height. *See* Ex. B-1, Figs. 1-19.

46. The Accused instrumentalities infringe claim 42 of the '524 Patent. They meet the limitations of claim 36, and further, wherein at least one of the upper or lower edges or one of the first and second side edges comprise one or more tabs that are aligned with one or more buttons associated with an electronic device (*e.g.*, they include tabs for volume controls). *See* Ex. B-1, Figs. 1-19.

47. As a result of Defendant's infringement of the '524 Patent, Plaintiff has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the court.

COUNT III **WILLFUL INFRINGEMENT**

48. Defendant has willfully infringed the '319 and '524 Patents in connection with the Accused Instrumentalities.

49. Defendant's conduct in making, using, selling, and/or importing the Accused Instrumentalities directly infringes multiple claims of the '319 and '524 Patents pursuant to 35 U.S.C. § 271(a).

50. Defendant had knowledge of the '319 and '524 Patents and of the fact that the Accused Instrumentalities were made or adapted for use in infringement of the '319 and '524 Patents.

51. Defendant's infringement is egregious as it continues to make, use, sell, offer for sale and/or import the Accused Instrumentalities despite having knowledge of the infringement. Accordingly, Defendant's infringement is and has been willful, wanton, malicious, bad-faith, deliberate, consciously wrongful, and flagrant. Thus, Plaintiff sues for willful infringement of the '319 and '524 Patents.

52. As a result of Defendant's willful infringement of the '319 and '524 Patents, Plaintiff has suffered monetary damages and is entitled to a money judgment in an amount three times the compensatory damages, in accordance with 35 U.S.C. § 284.

JURY DEMAND

Plaintiff hereby requests a trial by jury on all issues so triable by right.

PRAYER FOR RELIEF

Plaintiff requests that the Court find in their favor and against Defendant, and that the Court grant Plaintiff the following relief:

- a. Judgment that one or more claims of the '319 and '524 Patents have been infringed, either literally and/or under the doctrine of equivalents, by Defendant;
- b. Judgment that Defendant accounts for and pay to Plaintiff all damages and costs incurred by Plaintiff, caused by Defendant's infringing activities and other conduct complained of herein;
- c. Judgment that Defendant has willfully infringed the '319 and '524 Patents;
- d. That Plaintiff be granted pre-judgment and post-judgment interest on the damages caused by Defendant's infringing activities and other conduct complained of herein;
- e. That this Court declare this an exceptional case and award Plaintiff reasonable attorneys' fees and costs in accordance with 35 U.S.C. § 285; and
- f. That Plaintiff be granted such other and further relief as the Court may deem just and proper under the circumstances.

DATED September 17, 2019.

Respectfully submitted,

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**ATTORNEYS FOR PLAINTIFF
JEFFERSON STREET HOLDINGS
INTELLECTUAL PROPERTY LLC**

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of September, 2019, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Western District of Texas, San Antonio Division, using the electronic case filing system of the court. The electronic case filing system sent a “Notice of Electronic Filing” to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

/s/ Stevenson Moore
Stevenson Moore