

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. _____

CASE LOGIC, INC.,
a Colorado corporation,

Plaintiff,

v.

TUCANO USA, INC.,
a California corporation,

GUNN HOLDINGS LLC,
an Arizona limited liability company, and

TUCANO SRL,
a foreign limited liability company

Defendants.

COMPLAINT WITH JURY DEMAND

Case Logic, Inc. ("Case Logic"), for its Complaint against Tucano USA, Inc., Gunn Holdings LLC, and Tucano SRL (collectively "Defendants"), alleges as follows:

I. THE PARTIES

1. Case Logic is a Colorado corporation, having its principal place of business at 6303 Dry Creek Parkway, Longmont, Colorado 80503.

2. Defendant Tucano USA, Inc. is a California corporation, having a place of business at 156 Chambers Street, Suite 6, New York, New York 10013.

3. Defendant Gunn Holdings LLC is an Arizona limited liability company, having a place of business at 4817 E. Hamblin Drive, Phoenix, Arizona 85054.

4. Defendant Tucano SRL is a foreign limited liability company having a place of business at Via Lucio Giulio Columella 36, Milan 20128, Italy.

II. JURISDICTION AND VENUE

5. This action arises under 35 U.S.C. § 271 of the patent laws of the United States.

6. This Court has subject matter jurisdiction over all asserted claims under 28 U.S.C. §§ 1331, 1332 (as the amount in controversy exceeds \$75,000) and 1338.

7. This Court has personal jurisdiction over Defendants as Case Logic's claims arise from Defendants' transactions of business in this judicial district, as Case Logic's claims arise from Defendants' commission of tortious acts in this judicial district, and as Case Logic is being damaged in this judicial district by Defendants' tortious conduct.

8. Venue is proper in the United States District Court for the District of Colorado pursuant to 28 U.S.C. §§ 1331 and 1400(b).

III. GENERAL ALLEGATIONS

9. Case Logic is engaged in the business of, among other things, designing, developing, manufacturing, distributing, marketing and selling life-style oriented accessories. Case Logic's products include storage and organization solutions and accessories for audio, computer, photo/video (including compact discs ("CD") and digital video discs ("DVD"), collectively "discs"), wireless electronics, cellular accessories, automotive, home, travel, health and mobility markets. Case Logic sells its products throughout Colorado, the United States, and the world.

A. Case Logic's '320 Patent

10. Case Logic is the owner by assignment of U.S. Patent No. 6,186,320, issued on February 13, 2001 in the name of inventor Terrence M. Drew, and entitled "Double-Sided Sleeve with a Single Sheet of Non-Woven Material for Holding Compact Discs" ("the '320 Patent"). The '320 Patent claims, among other things, an inventive, useful, novel and non-obvious double-

sided storage sleeve for holding a first disc in a first pocket and a second disc in a second pocket, having a single sheet of non-woven material positioned between the two. A true and correct copy of the '320 Patent is attached as Exhibit 1 and is incorporated by reference.

B. Case Logic's '207 Patent

11. Case Logic is the owner by assignment of U.S. Patent No. 6,325,207, issued on December 4, 2001 in the name of inventor Terrence M. Drew, and entitled "Double Sided Sleeve with a Single Sheet Non-Woven Material for Holding Compact Discs" ("the '207 Patent"). The '207 Patent claims, among other things, an inventive, useful, novel and non-obvious double-sided sleeve for storing discs and associated graphics, and utilizing a single sheet of non-woven material positioned between the playing surfaces of the disc and the graphics. A true and correct copy of the '207 Patent is attached as Exhibit 2 and is incorporated by reference.

C. Case Logic's '587 Patent

12. Case Logic is the owner by assignment of U.S. Patent No. 6,698,587, issued on March 2, 2004 in the name of inventors James Allen Bergh, Mark E. Phillips, and Terrence Martin Drew, and entitled "Double Sided Sleeve with a Single Sheet Non-Woven Material for Holding Compact Discs" ("the '587 Patent"). The '587 Patent claims, among other things, an inventive, useful, novel and non-obvious double-sided storage sleeve for holding at least one disc, and utilizing a single sheet of non-woven material positioned opposite the playing surface of the disc to provide a non-scratching, protective surface. A true and correct copy of the '587 Patent is attached as Exhibit 3 and is incorporated by reference.

D. Case Logic's '140 Patent

13. Case Logic is the owner by assignment of U.S. Patent No. 6,926,140, issued on August 9, 2005 in the name of inventors James Allen Bergh, Mark E. Phillips, and Terrence Martin Drew, and entitled "Double Sided Sleeve with a Single Sheet Non-Woven Material for Holding Compact Discs" ("the '140 Patent"). The '140 Patent claims, among other

things, an inventive, useful, novel and non-obvious double-sided storage sleeve for holding at least one disc and associated graphics, and utilizing a single sheet of non-woven material positioned between the two. A true and correct copy of the '140 Patent is attached as Exhibit 4 and is incorporated by reference.

E. Defendant's Infringing Conduct

14. Upon information and belief, Defendants have made, caused to be made, and have used, offered for sale, and/or sold in Colorado and elsewhere one or more CD and/or DVD storage sleeve products incorporating one or more of the inventions disclosed and claimed in Case Logic's '320, '207, '587 and '140 Patents. As such, Defendants have infringed, either literally or under the doctrine of equivalents, Case Logic's '320, '207, '587 and '140 Patents.

15. Case Logic has put Defendants on actual notice of the '320, '207, '587 and '140 Patents. True and correct copies of letters from Case Logic to Defendants concerning the '320, '207, '587 and '140 Patents are attached as Exhibit 5 and incorporated by reference.

16. Upon information and belief, Defendants have acted in willful and wanton disregard of Case Logic's rights in and to the '320, '207, '587 and '140 Patents.

IV. FIRST CLAIM FOR RELIEF
(Infringement of the '320 Patent)

17. Case Logic incorporates paragraphs 1 through 16 as though fully set forth herein.

18. This cause of action arises under the patent laws of the United States, 35 U.S.C. §§ 1 *et seq.*

19. Defendants have been and are now willfully infringing Case Logic's '320 Patent by manufacturing, using, distributing, importing, offering for sale and/or selling, by actively inducing others to manufacture, distribute, import, use and/or sell, and/or by contributing to the manufacture, distribution, use, importation, offer for sale and/or sale of one or more double-sided storage sleeve products.

20. Defendants have both actual and constructive notice of the '320 Patent.

21. As a result of Defendants' wrongful actions, Case Logic has suffered commercial harm.

22. Case Logic has been and continues to be harmed irreparably by Defendants' infringing actions and has no adequate remedy at law.

V. SECOND CLAIM FOR RELIEF
(Infringement of the '207 Patent)

23. Case Logic incorporates paragraphs 1 through 22 as though fully set forth herein.

24. This cause of action arises under the patent laws of the United States, 35 U.S.C. §§ 1 *et seq.*

25. Defendants have been and are now willfully infringing Case Logic's '207 Patent by manufacturing, using, distributing, importing, offering for sale and/or selling, by actively inducing others to manufacture, distribute, import, use and/or sell, and/or by contributing to the manufacture, distribution, use, importation, offer for sale and/or sale of one or more double-sided storage sleeve products.

26. Defendants have both actual and constructive notice of the '207 Patent.

27. As a result of Defendants' wrongful actions, Case Logic has suffered commercial harm.

28. Case Logic has been and continues to be harmed irreparably by Defendants' infringing actions and has no adequate remedy at law.

VI. THIRD CLAIM FOR RELIEF
(Infringement of the '587 Patent)

29. Case Logic incorporates paragraphs 1 through 28 as though fully set forth herein.

30. This cause of action arises under the patent laws of the United States, 35 U.S.C. §§ 1 *et seq.*

31. Defendants have been and are now willfully infringing Case Logic's '587 Patent by manufacturing, using, distributing, importing, offering for sale and/or selling, by actively inducing others to manufacture, distribute, import, use and/or sell, and/or by contributing to the manufacture, distribution, use, importation, offer for sale and/or sale of one or more double-sided storage sleeve products.

32. Defendants have both actual and constructive notice of the '587 Patent.

33. As a result of Defendants' wrongful actions, Case Logic has suffered commercial harm.

34. Case Logic has been and continues to be harmed irreparably by Defendants' infringing actions and has no adequate remedy at law.

VII. FOURTH CLAIM FOR RELIEF
(Infringement of the '140 Patent)

35. Case Logic incorporates paragraphs 1 through 34 as though fully set forth herein.

36. This cause of action arises under the patent laws of the United States, 35 U.S.C. §§ 1 *et seq.*

37. Defendants have been and are now willfully infringing Case Logic's '140 Patent by manufacturing, using, distributing, importing, offering for sale and/or selling, by actively inducing others to manufacture, distribute, import, use and/or sell, and/or by contributing to the manufacture, distribution, use, importation, offer for sale and/or sale of one or more double-sided storage sleeve products.

38. Defendants have both actual and constructive notice of the '140 Patent.

39. As a result of Defendants' wrongful actions, Case Logic has suffered commercial harm.

40. Case Logic has been and continues to be harmed irreparably by Defendants' infringing actions and has no adequate remedy at law.

VIII. PRAYER FOR RELIEF

WHEREFORE, Case Logic prays for judgment in its favor and against Defendants as follows:

A. That Defendants, their agents, servants, officers, directors, employees, attorneys, privies, representatives, successors, assigns and parent and subsidiary corporations or other related entities, and any and all persons in active concert or participation with any of them, be preliminarily and permanently enjoined from:

1. Any further infringement of Case Logic's U.S. Patent Nos. 6,186,320, 6,325,207, 6,698,587 and/or 6,926,140;
2. Manufacturing, importing, marketing or selling any product or material containing or utilizing Case Logic's intellectual property; or
3. Any other conduct constituting infringement of Case Logic's intellectual property;

B. That Defendants be ordered to deliver up to Case Logic for destruction, or certify destruction of, all of Defendants' products that infringe Case Logic's U.S. Patent Nos. 6,186,320, 6,325,207, 6,698,587 and/or 6,926,140;

C. That Defendants be ordered to file with the Court, and serve upon Case Logic, within thirty (30) calendar days after the entry of an injunction, a report, in writing and under oath, setting forth in detail, the manner and form in which Defendants have complied with any ordered injunction;

D. That Case Logic be awarded damages in an amount to be determined at trial for all of Defendants' infringing activities, including the award of Case Logic's damages and lost profits, and Defendants' profits, all from the date of first infringement;

E. That Case Logic be awarded treble actual damages and attorney's fees;

F. That Case Logic be awarded punitive damages;

- G. That Case Logic be awarded pre- and post-judgment interest;
- H. That Case Logic be awarded costs and expenses, including expert witness fees;
- and
- I. That Case Logic be awarded any other preliminary or permanent relief that the Court deems appropriate.

IX. JURY DEMAND

Case Logic demands a jury trial on all issues so triable.

Respectfully submitted,

Dated: January 19, 2007

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