

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. \_\_\_\_\_

CASE LOGIC, INC.,  
a Colorado corporation,

Plaintiff,

v.

L&P IMPORT, INC.,  
a California corporation,

Defendant.

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**COMPLAINT WITH JURY DEMAND**

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Case Logic, Inc. (“Case Logic”), for its Complaint against L&P Import, Inc. (“Defendant”), 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 is a California corporation, having a principal place of business at 435 S. Molino Street, Los Angeles, California 90013.

**II. JURISDICTION AND VENUE**

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

4. 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.

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

6. Venue is proper in the United States District Court for the District of Colorado pursuant to 28 U.S.C. §§ 1391 and 1400(b).

### **III. GENERAL ALLEGATIONS**

7. 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")), wireless electronics, cellular accessories, home and automotive markets. Case Logic sells its products throughout Colorado, the United States, and the world.

#### **A. Case Logic's '320 Patent**

8. 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 CD in a first pocket and a second CD in a second pocket, and having a single sheet of non-woven material positioned between the two. The '320 Patent also claims a double-sided storage sheet with at least two pockets per side with

non-woven material positioned in between. A true and correct copy of the '320 Patent is attached as Exhibit 1 and is incorporated by reference in its entirety.

**B. Case Logic's '207 Patent**

9. 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 storage sleeve for holding/storing CDs or DVDs, whereby two opposing pockets are separated by a flexible single sheet of a non-woven material. A true and correct copy of the '207 Patent is attached as Exhibit 2 and is incorporated by reference in its entirety.

**C. Defendant's Infringing Conduct**

10. Upon information and belief, Defendant has made, caused to be made, and has used, offered for sale, and/or sold in Colorado and elsewhere, multiple CD storage products under the tradename "CD Land," incorporating one or more of the inventions disclosed and claimed in Case Logic's '320 and '207 Patents (collectively referred to herein as "CD Land Multi-CD Holder Products"). As such, the CD Land Multi-CD Holder Products infringe, either literally and/or under the doctrine of equivalents, Case Logic's '320 and '207 Patents. Photographs of examples of several CD Land Multi-CD Holder Products are attached hereto as Exhibit 3, and are incorporated by reference in their entirety.

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

11. Case Logic incorporates paragraphs 1 through 10 as though fully set forth herein.

12. Defendant has been and is now infringing Case Logic's '320 Patent by manufacturing, using, distributing, offering for sale and/or selling, by actively inducing others to manufacture, distribute, use and/or sell, and/or by contributing to the manufacture, distribution, use, offer for sale and/or sale of its CD Land Multi-CD Holder Products.

13. Prior hereto, Defendant had constructive and actual notice of the '320 Patent, as well as actual notice of its infringing conduct. Upon information and belief, Defendant's infringing conduct is in willful and wanton disregard of Case Logic's patent rights.

14. As a result of Defendant's wrongful actions, Case Logic has suffered commercial harm.

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

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

16. Case Logic incorporates paragraphs 1 through 15 as though fully set forth herein.

17. Defendant has been and is now infringing Case Logic's '207 Patent by manufacturing, using, distributing, offering for sale and/or selling, by actively inducing others to manufacture, distribute, use and/or sell, and/or by contributing to the manufacture, distribution, use, offer for sale and/or sale of the CD Land Multi-CD Holder Products.

18. Prior hereto, Defendant had constructive and actual notice of the '207 Patent, as well as actual notice of its infringing conduct. Upon information and belief, Defendant's infringing conduct is in willful and wanton disregard of Case Logic's patent rights.

19. As a result of Defendant's wrongful actions, Case Logic has suffered commercial harm.

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

**VI. PRAYER FOR RELIEF**

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

A. That Defendant, its 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 and/or 6,325,207;

2. Manufacturing, marketing or selling any product or material containing or utilizing Case Logic's intellectual property, including any infringing CD Land Multi-CD Holder Products; and

3. Any other conduct constituting infringement of Case Logic's intellectual property;

B. That Defendant be ordered to deliver up to Case Logic for destruction, or certify destruction of, all of Defendant's products that infringe Case Logic's U.S. Patent Nos. 6,186,320 and/or 6,325,207, including all remaining stock of the CD Land Multi-CD Holder Products, within Defendant's possession, custody or control;

C. That Defendant 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 Defendant has complied with any ordered injunction;

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

E. That Case Logic be awarded treble damages by reason of the willful, wanton, and deliberate nature of Defendant's infringement, pursuant to 35 U.S.C. § 284;

F. That Case Logic be awarded its attorneys' fees, as this is, upon information and belief, an exceptional case under 35 U.S.C. § 285;

G. That Case Logic be awarded pre- and post-judgment interest;

H. That Case Logic be awarded costs and expenses, including all expert witness fees;  
and

I. That Case Logic be awarded any other relief that the Court deems appropriate and just.

#### **VIII. JURY DEMAND**

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

Respectfully submitted,

Dated: July 19, 2005

By: /s Benjamin B. Lieb

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