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1 2 3 4 5 6 7	MITCHELL + COMPANY Brian E. Mitchell (SBN 190095) 4 Embarcadero Center, Suite 1400 San Francisco, California 94111 Tel: 415-766-3514 Fax: 415-402-0058 brian.mitchell@mcolawoffices.com Attorney for Plaintiff INCASE DESIGNS, INC.			
8	UNITED STATES DISTRICT COURT			
9	FOR THE NORTHERN DISTRICT OF CALIFORNIA			
10				
11	INCASE DESIGNS, INC.			
12	Plaintiff,	Case No.: 3:13-cv-00611		
13	V.	FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT		
14	CASE-MATE, INC.; CASE-MATE US HOLDINGS LLC;			
15	CASE-MATE INTERNATIONAL TRADING COMPANY;	DEMAND FOR JURY TRIAL		
16	CASE-MATE INTERNATIONAL CO.; CASE-MATE US TRADING LLC			
17	Defendants.			
18				
19				
20	Plaintiff Incase Designs, Inc. ("Plaintiff"	·		
21	NATURE OF ACTION			
22	1. This action arises under the Pate	ent Laws of the United States, 35 U.S.C. §§100, et		
23	seq.			
24	JURISDICTION AND VENUE			
25	2. The Court has subject matter jurisdiction of this action under 28 U.S.C. §1331 and			
26	§1338(a) in that it arises under the United States Patent Laws.			
27	3. Defendants Case-Mate Inc., Case-Mate US Holdings LLC, Case-Mate International			
28	Trading Company, Case-Mate International Co., and Case-Mate US Trading LLC (collectively			
	FIRST AMENDED COMPLAINT			
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"Defendants") are subject to this Court's specific and general personal jurisdiction because
 Defendants conduct extensive business in this Judicial District, have committed the acts
 complained of in this Judicial District, and have caused injury to Plaintiff within this Judicial
 District by virtue of the acts of patent infringement that are described herein.

4. Venue is proper in this Judicial District pursuant to 28 U.S.C. §§1391(b), (c) and
1400(b). Defendants are transacting, doing and/or soliciting business and committing acts of
patent infringement in this Judicial District and elsewhere in the United States.

8

THE PARTIES

9 5. Incase is a global leader in the design, development, manufacture, and sale of
10 carrying cases, bags, and covers for consumer electronics.

6. Upon information and belief, Defendants are Georgia corporations with the
principal place of business 2048 Weems Road, Tucker, Georgia 30084. Defendants have been
selling and offering to sell infringing tablet covers within the United States, and within this
District, all without consent from Plaintiff. Defendants' infringing products include, but are not
necessarily limited to, the Venture line.

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FIRST CLAIM FOR RELIEF

(Infringement of the '008 Patent)

187. Plaintiff incorporates by reference and realleges each of the allegations set forth19 above.

8. On December 11, 2012, U.S. Patent No. 8,328,008 (the '008 Patent), entitled Case
for Electronic Tablet, was issued for the invention of a novel case for consumer electronics and the
methods for the manufacture of same. Plaintiff has owned this patent throughout the period of
Defendants' infringing acts and still owns this patent.

9. On February 14, 2013, Plaintiff provided Defendant with actual notice of the '008
Patent and its infringement of same. Defendant is aware of the '008 Patent, yet it knowingly and
actively induces consumers to use its infringing Venture covers within the United States. Thus,
Defendant actively induces infringement of the '008 Patent in violation of 35 U.S.C. § 271(b).

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10. 1 Since February 14, 2013, if not earlier, Defendant's patent infringement has been 2 committed willfully with full knowledge of the '008 Patent.

3 11. Defendants have infringed and are still infringing the '008 Patent by making, selling, and using tablet covers that embody the patented invention, and Defendants will continue 4 5 to do so unless enjoined by this court.

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PRAYER FOR RELIEF

Therefore, Plaintiff prays for judgment:

1. That Defendants have infringed the '008 Patent;

9 2. That Plaintiff be awarded damages from patent infringement according to proof and 10 ordering that such damages be multiplied up to treble their amount;

11 3. Preliminarily and permanently enjoining Defendants and all others acting in 12 concert with Defendants from making, using, selling, or offering to sell the infringing tablet covers 13 or any other product that infringes the '008 Patent without permission or license from Plaintiff;

4. 14 That Defendants be ordered to deliver up to Plaintiff all products infringing the 15 '008 Patent within its ownership, possession, or control for destruction by Plaintiff or, in the 16 alternative, that the Court award a compulsory royalty for the current and future sale of such 17 goods;

18 5. That the Court declare this to be an exceptional case pursuant to 35 U.S.C. §285, 19 and award reasonable attorney's fees;

6. 20 That the Court increase damages up to three times the amount found or assessed by 21 the Court in Plaintiff's favor and against Defendant for its willful and deliberate infringement of the '008 Patents. 22

7. 23 That Plaintiff be awarded its costs of suit, and pre- and post-judgment interest on 24 any money judgment;

8. 25 For such other relief as the Court deems proper. 26 27 28

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1 2	Dated: February 25, 2013		Respectfully submitted, <u>/s/ Brian E. Mitchell</u> Brian E. Mitchell
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8			INCASE DESIGNS, INC.
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			FIRST AMENDED COMPLAINT 4

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1		JURY DEMAND	
2	Plaintiff demands a jury trial on all claims as to which it has a right to a jury.		
3			
4	Dated: February 25, 2013	Respectfully submitted,	
5		<u>/s/ Brian E. Mitchell</u> Brian E. Mitchell MITCHELL + COMPANY	
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10		Attorney for Plaintiff INCASE DESIGNS, INC.	
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