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8 Attorney for Plaintiff
9 INCASE DESIGNS, INC.

10 UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA

12 INCASE DESIGNS, INC.

13 Plaintiff,

14 v.

15 CASE-MATE, INC.;
16 CASE-MATE US HOLDINGS LLC;
17 CASE-MATE INTERNATIONAL TRADING
18 COMPANY;
19 CASE-MATE INTERNATIONAL CO.;
20 CASE-MATE US TRADING LLC

21 Defendants.

Case No.: 3:13-cv-00611

**FIRST AMENDED COMPLAINT FOR
PATENT INFRINGEMENT**

DEMAND FOR JURY TRIAL

22 Plaintiff Incase Designs, Inc. (“Plaintiff” or “Incase”) complains as follows:

23 **NATURE OF ACTION**

24 1. This action arises under the Patent Laws of the United States, 35 U.S.C. §§100, *et*
25 *seq.*

26 **JURISDICTION AND VENUE**

27 2. The Court has subject matter jurisdiction of this action under 28 U.S.C. §1331 and
28 §1338(a) in that it arises under the United States Patent Laws.

3. Defendants Case-Mate Inc., Case-Mate US Holdings LLC, Case-Mate International
Trading Company, Case-Mate International Co., and Case-Mate US Trading LLC (collectively

1 “Defendants”) are subject to this Court’s specific and general personal jurisdiction because
2 Defendants conduct extensive business in this Judicial District, have committed the acts
3 complained of in this Judicial District, and have caused injury to Plaintiff within this Judicial
4 District by virtue of the acts of patent infringement that are described herein.

5 4. Venue is proper in this Judicial District pursuant to 28 U.S.C. §§1391(b), (c) and
6 1400(b). Defendants are transacting, doing and/or soliciting business and committing acts of
7 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.

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

16 **FIRST CLAIM FOR RELIEF**

17 **(Infringement of the ‘008 Patent)**

18 7. Plaintiff incorporates by reference and realleges each of the allegations set forth
19 above.

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

24 9. On February 14, 2013, Plaintiff provided Defendant with actual notice of the ‘008
25 Patent and its infringement of same. Defendant is aware of the ‘008 Patent, yet it knowingly and
26 actively induces consumers to use its infringing Venture covers within the United States. Thus,
27 Defendant actively induces infringement of the ‘008 Patent in violation of 35 U.S.C. § 271(b).
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1 Dated: February 25, 2013

Respectfully submitted,

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/s/ Brian E. Mitchell
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INCASE DESIGNS, INC.

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JURY DEMAND

Plaintiff demands a jury trial on all claims as to which it has a right to a jury.

Dated: February 25, 2013

Respectfully submitted,

/s/ Brian E. Mitchell
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