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FILED

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(14)

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

8 Attorney for Plaintiff  
9 INCASE DESIGNS, INC.

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

EDL

12 INCASE DESIGNS, INC.  
13 Plaintiff,  
14 v.  
15 MARWARE, INC,  
16 Defendant.

C Case No. 13 0604

COMPLAINT FOR PATENT  
INFRINGEMENT

DEMAND FOR JURY TRIAL

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18 Plaintiff Incase Designs, Inc. ("Plaintiff" or "Incase") complains as follows:

19 NATURE OF ACTION

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

22 JURISDICTION AND VENUE

23 2. The Court has subject matter jurisdiction of this action under 28 U.S.C. §1331 and  
24 §1338(a) in that it arises under the United States Patent Laws.

25 3. Defendant Marware, Inc. ("Defendant") is subject to this Court's specific and  
26 general personal jurisdiction because Defendant conducts extensive business in this Judicial  
27 District, has committed the acts complained of in this Judicial District, and has caused injury to  
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1 Plaintiff within this Judicial District by virtue of the acts of patent infringement that are described  
2 herein.

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

6 **THE PARTIES**

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

9 6. Upon information and belief, Defendant is a Florida corporation with its principal  
10 place of business at 2402 Hollywood Blvd., Hollywood, Florida 33020. Defendant has been  
11 selling and offering to sell infringing tablet covers within the United States, and within this  
12 District, all without consent from Plaintiff. Defendant's infringing products include, but are not  
13 necessarily limited to, its Vibe and EcoVue lines.

14 **FIRST CLAIM FOR RELIEF**

15 **(Infringement of the '991 Patent)**

16 7. Plaintiff incorporates by reference and realleges each of the allegations set forth  
17 above.

18 8. On November 20, 2012, U.S. Patent No. 8,312,991 B2 (the '991Patent), entitled  
19 Case for Electronic Tablet, was issued for the invention of a novel case for consumer electronics  
20 and the methods for the manufacture of same. Plaintiff has owned this patent throughout the  
21 period of Defendant's infringing acts and still owns this patent.

22 9. Defendant has infringed and is still infringing the '991 Patent by making, selling,  
23 and using tablet covers that embody the patented invention, and Defendant will continue to do so  
24 unless enjoined by this court.

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

7. For such other relief as the Court deems proper.

Dated: February 12, 2013

Respectfully submitted,

/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 12, 2013

Respectfully submitted,

/s/ Brian E. Mitchell  
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