

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

2013 FEB 19 P 4:23

CLERK US DISTRICT COURT
ALEXANDRIA, VIRGINIA

TECHNOLOGY ADVANCEMENT GROUP, INC.,
a Virginia corporation
22355 TAG Way
Dulles, Virginia 20166

Plaintiff,

v.

Civil Action No. 2:13cv89

IVYSKIN, LLC,
a New Jersey limited liability company
240 South Main Street
Hackensack, New Jersey 07606

JURY TRIAL DEMANDED

Serve: Mehdi Panahi, Registered Agent
240 South Main Street
Hackensack, New Jersey 07606

Defendant.

COMPLAINT

Plaintiff Technology Advancement Group, Inc. (hereinafter "TAG") hereby states its Complaint against Defendant IvySkin, LLC (hereinafter "IvySkin"), and alleges the following:

THE PARTIES

1. Plaintiff TAG is a corporation organized and existing under the laws of the Commonwealth of Virginia and has its principal place of business in Dulles, Virginia.
2. Defendant IvySkin is a limited liability company organized and existing under the laws of the State of New Jersey and has a principal place of business in Hackensack, New Jersey.

NATURE OF THE CASE

3. This is an action for infringement of the United States Patent No. 7,522,412 B2, the United States Patent No. 7,843,686 B2, and the United States Patent No. 7,339,783 B2. True and correct copies of these patents are attached hereto as **Exhibits A, B and C**, respectively. This action arises under the Patent Laws of the United States, including, but not limited to, 35 U.S.C. §§ 1 *et seq.*

JURISDICTION AND VENUE

4. This Court has jurisdiction over the subject matter hereof under the provisions of 28 U.S.C. §§1331 and 1338(a). Venue in this judicial district is proper pursuant to 28 U.S.C. §§1391(b)-(c) and 1400(b), and Local Civil Rule 3(C) of this Court.

5. Upon information and belief, IvySkin has and/or does sell and/or offers to sell infringing products and services in this judicial district. Specifically, IvySkin has and/or does sell and/or offers to sell protective cases for portable computing devices including at least the following cases: Wrangler[®] for iPhone, Denali[®] for iPhone, and SmartCase[®] for iPhone and iPad (the “Infringing Cases”).

6. IvySkin is subject to personal jurisdiction in this district.

BACKGROUND

7. TAG owns United States Patent No. 7,522,412 B2 titled “System for Protecting a Portable Computing Device” (“the ’412 Patent”), which was duly and legally issued on April 21, 2009. TAG is the owner of all rights to the ’412 Patent, and of all rights to sue and recover damages for infringement thereof. A copy of the ’412 Patent is attached as **Exhibit A**.

8. TAG owns United States Patent No. 7,843,686 B2 titled “System for Protecting a Portable Computing Device” (“the ’686 Patent”), which was duly and legally issued on

November 30, 2010. TAG is the owner of all rights to the '686 Patent, and of all rights to sue and recover damages for infringement thereof. A copy of the '686 Patent is attached as **Exhibit B**.

9. TAG owns United States Patent No. 7,339,783 B2 titled "System for Protecting a Portable Computing Device" ("the '783 Patent"), which was duly and legally issued on May 4, 2008. TAG is the owner of all rights to the '783 Patent, and of all rights to sue and recover damages for infringement thereof. A copy of the '783 Patent is attached as **Exhibit C**.

10. TAG is a veteran-owned small business and is a leader in providing IT solutions for the defense industry, including computing devices and cases for computing devices for rugged environments. TAG has invested heavily in developing, acquiring, and protecting its intellectual property in the area of systems for protecting portable computing devices.

11. Upon information and belief, IvySkin is in the business of making, using, selling, offering for sale and/or importing protective cases for portable computing devices that infringe upon at least one of the claims of the '412 Patent, including, for example, the Infringing Cases.

12. Upon information and belief, IvySkin is in the business of making, using, selling, offering for sale and/or importing protective cases for portable computing devices that infringe upon at least one of the claims of the '686 Patent, including, for example, the Infringing Cases.

13. Upon information and belief, IvySkin is in the business of making, using, selling, offering for sale and/or importing protective cases for portable computing devices that infringe upon at least one of the claims of the '783 Patent, including, for example, the Infringing Cases.

COUNT I
DIRECT INFRINGEMENT OF THE '412 PATENT

14. TAG realleges and incorporates by reference paragraphs 1-13 of this complaint.

15. IvySkin, without TAG's authorization, is infringing upon at least one of the claims of the '412 Patent by making, using, selling, offering for sale and/or importing protective cases for portable computing devices covered by the '412 Patent including, for example, at least one of the Infringing Cases.

16. IvySkin's infringement of the '412 Patent is without license.

17. TAG has been damaged by IvySkin's acts of infringement.

18. On information and belief, unless restrained and enjoined by this Court, IvySkin will continue its acts of infringement and the resulting damages to TAG will be substantial, continuing, and irreparable.

COUNT II
DIRECT INFRINGEMENT OF THE '686 PATENT

19. TAG realleges and incorporates by reference paragraphs 1-18 of this complaint.

20. IvySkin, without TAG's authorization, is infringing upon at least one of the claims of the '686 Patent by making, using, selling, offering for sale and/or importing protective cases for portable computing cases covered by the '686 Patent including, for example, at least one of the Infringing Cases.

21. IvySkin's infringement of the '686 Patent is without license.

22. TAG has been damaged by IvySkin's acts of infringement.

23. On information and belief, unless restrained and enjoined by this Court, IvySkin will continue its acts of infringement and the resulting damages to TAG will be substantial, continuing, and irreparable.

COUNT III
DIRECT INFRINGEMENT OF THE '783 PATENT

24. TAG realleges and incorporates by reference paragraphs 1-23 of this complaint.

25. IvySkin, without TAG's authorization, is infringing upon at least one of the claims of the '783 Patent by making, using, selling, offering for sale and/or importing protective cases for portable computing cases covered by the '783 Patent including, for example, at least one of the Infringing Cases.

26. IvySkin's infringement of the '783 Patent is without license.

27. TAG has been damaged by IvySkin's acts of infringement.

28. On information and belief, unless restrained and enjoined by this Court, IvySkin will continue its acts of infringement and the resulting damages to TAG will be substantial, continuing, and irreparable.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff TAG prays that judgment be entered in its favor and against the Defendant IvySkin, as follows:

A. That the Infringing Cases be declared infringing products under 35 U.S.C. § 271.

B. That IvySkin and its officers, directors, employees, agents, licensees, servants, successors, subsidiaries, assigns and any and all persons acting in privity or in concert with them, be preliminarily and permanently enjoined and restrained, under 35 U.S.C. § 283, from infringing, contributing to infringement by others or inducing others to infringe the '412 Patent, including, without limitation, the sale, offer to sell, use, importation, advertising, transfer, disposal or promotion of IvySkin's infringing protective cases for portable computing devices, or the aiding and abetting of any other persons' performance of these acts.

C. That damages pursuant to 35 U.S.C. § 284, together with prejudgment interest and costs, be awarded TAG against IvySkin in an amount to be determined at trial and an amount adequate to compensate TAG for IvySkin's infringement of the '412 Patent.

D. That IvySkin and its officers, directors, employees, agents, licensees, servants, successors, subsidiaries, assigns and any and all persons acting in privity or in concert with them, be preliminarily and permanently enjoined and restrained, under 35 U.S.C. § 283, from infringing, contributing to infringement by others or inducing others to infringe the '686 Patent, including, without limitation, the sale, offer to sell, use, importation, advertising, transfer, disposal or promotion of IvySkin's infringing protective cases for portable computing devices, or the aiding and abetting of any other persons' performance of these acts.

E. That damages pursuant to 35 U.S.C. § 284, together with prejudgment interest and costs, be awarded TAG against IvySkin in an amount to be determined at trial and an amount adequate to compensate TAG for IvySkin's infringement of the '686 Patent.

F. That IvySkin and its officers, directors, employees, agents, licensees, servants, successors, subsidiaries, assigns and any and all persons acting in privity or in concert with them, be preliminarily and permanently enjoined and restrained, under 35 U.S.C. § 283, from infringing, contributing to infringement by others or inducing others to infringe the '783 Patent, including, without limitation, the sale, offer to sell, use, importation, advertising, transfer, disposal or promotion of IvySkin's infringing protective cases for portable computing devices, or the aiding and abetting of any other persons' performance of these acts.

G. That damages pursuant to 35 U.S.C. § 284, together with prejudgment interest and costs, be awarded TAG against IvySkin in an amount to be determined at trial and an amount adequate to compensate TAG for IvySkin's infringement of the '783 Patent.

H. That the patent damages be increased to three times the amount awarded, as provided for under 35 U.S.C. § 284.

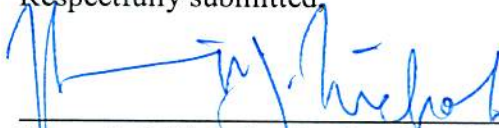
I. That the Court declare this to be an exceptional case and award TAG its attorneys fees pursuant to 35 U.S.C. § 285.

JURY DEMAND

TAG hereby demands a trial by jury for all issues so triable.

Dated: February 19, 2013

Respectfully submitted,



Kenneth J. Nichols (Va. Bar No. 71320)

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