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6 Attorneys for Plaintiff  
7 INCASE DESIGNS, CORP.

8 UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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11 INCASE DESIGNS, CORP.  
12 Plaintiff,  
13 v.  
14 MOPHIE, INC.,  
15 Defendant.

Case No. **CV 13 3356**

**COMPLAINT FOR PATENT  
INFRINGEMENT**  
  
**DEMAND FOR JURY TRIAL**

**JCS**

**FILED**  
2013 JUL 18 P 2:56  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
*(Handwritten signatures and initials)*

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18 Plaintiff Incase Designs, Corp. ("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 Mophie, 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 California corporation with its  
10 principal place of business at 760 S. Kalamazoo Street, Paw Paw, Michigan 49079. Defendant  
11 has been selling and offering to sell infringing tablet covers and battery pack cases within the  
12 United States, and within this District, all without consent from Plaintiff. Defendant's infringing  
13 products are smartphone cases with flash glare reducing camera rings, which include, but are not  
14 limited to, Mophie Juice Pack line of smartphone cases.

15 **FIRST CLAIM FOR RELIEF**

16 **(Infringement of the '701 Patent)**

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

19 8. On June 4, 2013, U.S. Patent No. 8,457,701 (the '701 Patent), entitled Case for  
20 Portable Electronic Device, was issued for the invention of a novel case for consumer electronics  
21 and the methods for the manufacture of same. Plaintiff has owned this patent throughout the  
22 period of Defendant's infringing acts and still owns this patent.

23 9. Defendant has infringed and is still infringing the '701 Patent by making, selling,  
24 and using tablet covers that embody the patented invention, and Defendant will continue to do so  
25 unless enjoined by this court.

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**SECOND CLAIM FOR RELIEF**  
**(Infringement of the '604 Patent)**

10. Plaintiff incorporates by reference and realleges each of the allegations set forth in paragraphs 1-6 above.

11. On May 14, 2013, U.S. Patent No. 8,442,604 (the '604 Patent), entitled Camera Ring for Smartphone Case to Reduce Flash Glare, was issued for the invention of a novel camera ring for consumer electronics with flash cameras and the methods for the manufacture of same. Plaintiff has owned this patent throughout the period of Defendant's infringing acts and still owns this patent.

12. Defendant has infringed and is still infringing the '604 Patent by making, selling, and using battery pack cases that embody the patented invention, and Defendant will continue to do so unless enjoined by this court.

**PRAYER FOR RELIEF**

Therefore, Plaintiff prays for judgment:

- 1. That Defendant has infringed the '701 and '604 Patents;
- 2. That Plaintiff be awarded damages from patent infringement according to proof and ordering that such damages be multiplied up to treble their amount;
- 3. Preliminarily and permanently enjoining Defendant and all others acting in concert with Defendant from making, using, selling, or offering to sell the infringing tablet covers, battery pack cases, or any other product that infringes the '701 and '604 Patents without permission or license from Plaintiff;
- 4. That the Court declare this to be an exceptional case pursuant to 35 U.S.C. §285, and award reasonable attorney's fees;
- 5. That Plaintiff be awarded its costs of suit, and pre- and post-judgment interest on any money judgment;

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

Dated: July 18, 2013

Respectfully submitted,

/s/ Brian E. Mitchell  
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Marcel F. De Armas  
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Attorneys for Plaintiff  
INCASE DESIGNS, CORP.

**JURY DEMAND**

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

Dated: July 18, 2013

Respectfully submitted,

/s/ Brian E. Mitchell  
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