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9 Targus Group International, Inc.

10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**
12 **SOUTHERN DIVISION**

14 TARGUS GROUP INTERNATIONAL,
15 INC., a Delaware corporation,

16 Plaintiff,

17 v.

18 M-EDGE ACCESSORIES, LLC, a
19 Maryland limited liability company;

20 Defendant.
21

Case No.

**COMPLAINT FOR PATENT
INFRINGEMENT
PERMANENT INJUNCTION AND
DAMAGES**

DEMAND FOR JURY TRIAL

1 Plaintiff Targus Group International, Inc. (“Targus”) hereby complains and alleges
2 against Defendant M-Edge Accessories, LLC (“M-Edge”) as follows:

3 **PARTIES**

4 1. Plaintiff Targus is a Delaware corporation with its principal offices located at
5 1211 N. Miller Street, Anaheim, California 92806.

6 2. On information and belief, Defendant M-Edge is a limited liability company
7 with a principal place of business at 1360 Blair Drive, Suite M, Odenton, MD 21113.

8 **NATURE OF THE ACTION**

9 3. This is an action for patent infringement arising under the Patent Laws of the
10 United States 35 U.S.C. §§ 1 *et seq.*, including 35 U.S.C. § 271.

11 4. On information and belief, Defendant has infringed and continues to infringe,
12 contribute to the infringement of, and/or actively induce others to infringe Plaintiff’s U.S.
13 Patent Nos. 8,746,449 (the “449 patent”) and 8,783,458 (the “458 patent”).

14 **JURISDICTION AND VENUE**

15 5. This Court has subject matter jurisdiction over this action pursuant to 28
16 U.S.C. §§ 1331 and 1338.

17 6. This Court has personal jurisdiction over Defendant because, on information
18 and belief, Defendant does and has done substantial business in this judicial District,
19 including: (i) committing acts of patent infringement and/or contributing to or inducing acts
20 of patent infringement by others in this judicial District and elsewhere in this State; (ii)
21 regularly conducting business in this State and judicial District; (iii) directing advertising to
22 or soliciting business from persons residing in this State and judicial District; and (iv)
23 engaging in other persistent courses of conduct, and/or deriving substantial revenue from
24 products and/or services provided to persons in this District and State.

25 7. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391 and 1400(b).

26 **FACTUAL BACKGROUND**

27 8. For more than two decades, the Targus group of companies has been
28 recognized worldwide as an innovative creator and distributor of quality mobile computing

1 bags, cases, and accessories. Targus has developed and introduced a highly successful line
2 of cases and accessories for use with the popular mobile computing devices offered by
3 Apple, Inc. under the iPad® brand, and other mobile computing devices offered by other
4 major suppliers such as Samsung and Amazon.

5 9. Targus has sought protection for its technological innovations, which has
6 resulted in the issuance of the asserted ‘449 and ‘458 patents.

7 10. The ‘449 Patent issued on June 10, 2014, and is titled “Portable Electronic
8 Device Case Accessories and Related Systems and Methods.” Targus is the owner by
9 assignment of the ‘449 Patent. A true and correct copy of the ‘449 Patent is attached hereto
10 as Exhibit A.

11 11. The ‘458 Patent issued on July 22, 2014, and is titled “Portable Electronic
12 Device Case Accessories and Related Systems and Methods.” Targus is the owner by
13 assignment of the ‘458 Patent. A true and correct copy of the ‘458 Patent is attached hereto
14 as Exhibit B.

15 12. According to Defendant’s website, Defendant designs “tablet cases, e-reader
16 cases, smartphone cases, and accessories that fit your lifestyle.”

17 13. One of Defendant’s products is described and marketed as the “Stealth 360°.”
18 Defendant offers the Stealth 360° in two universal models for 7” and 10” tablets. The
19 Stealth 360° is an exemplary product that infringes on both the ‘449 and ‘458 Patents.

20 14. Another one of Defendant’s products is described and marketed as the
21 “Latitude 360°.” The Latitude 360° comes in specific models for different size tablets,
22 specifically, iPad mini, iPad, Kindle 4, Kindle Fire HD 7”, Kindle Fire 8.9”, Kindle
23 Paperwhite, Kindle Touch, Kobo Touch, Nook Touch, and Nook Touch with GlowLight.
24 The Latitude 360° is another exemplary product that infringes on both the ‘449 and ‘458
25 Patents.

26 15. Another one of Defendant’s products is described and marketed as the “Incline
27 360°.” The Incline 360° is available in models for various sized tablets, specifically,
28 Galaxy 10.1, iPad mini, Kindle Fire HD 7”, Kindle Fire 8.9”, Kobo Arc, Nexus 10, Nook

1 HD, and Nook HD+. The Incline 360° is another exemplary product that infringes on both
2 the ‘449 and ‘458 Patents.

3 16. Another one of Defendant’s products is described and marketed as the “Trip
4 360.” The Trip 360° is available in models for various sized tablets and e-readers,
5 specifically, iPad, iPad mini, Kindle 4, Kindle Fire, Kindle Fire HD 7”, Kindle Fire 8.9”,
6 Kindle Paperwhite, Kindle Touch, Kobo Touch, Nexus 7, Nook Color, Nook Tablet, and
7 Reader PRS-T1. The Trip 360° is another exemplary product that infringes on both the
8 ‘449 and ‘458 Patents.

9 17. Another one of Defendant’s products is described and marketed as the
10 “Hampton 360°.” The Hampton 360° is available in models for Kindle Fire and Kindle
11 Fire HD 7”. The Hampton 360° is another exemplary product that infringes on both the
12 ‘449 and ‘458 Patents.

13 18. Another one of Defendant’s products is described and marketed as the “Sport
14 360°.” The Sport 360° appears to only be available for Kindle Fire 7” tablets, and although
15 it does not appear on Defendant’s website, it is still listed for sale with certain retailers. The
16 Sport 360° is another exemplary product that infringes on both the ‘449 and ‘458 Patents

17 19. Another one of Defendant’s products is described and marketed as the
18 “Universal Case 8” Tablets.” The Universal 8” is another exemplary product that infringes
19 on both the ‘449 and ‘458 Patents

20 20. On information and belief, Defendant acquired various of Targus’s products
21 for the express purpose of designing its own copycat products.

22 **COUNT ONE**

23 **(Infringement of the ‘449 Patent against All Defendants – 35 U.S.C. §§ 271 *et seq.*)**

24 21. Plaintiff realleges and incorporates by reference paragraphs 1-20, as though
25 fully set forth herein.

26 22. On information and belief, Defendant has had actual knowledge of the ‘449
27 Patent, which although recently issued is on information and belief known to have been
28

1 both pending and issued by Defendant, a company that itself is according to its website
2 purportedly seeking patents in the exact space as Targus.

3 23. On information and belief, Defendant's Stealth 360° infringes the '449 Patent.

4 24. On information and belief, Defendant's Latitude 360° infringes the '449
5 Patent.

6 25. On information and belief, Defendant's Incline 360° infringes the '449 Patent.

7 26. On information and belief, Defendant's Trip 360° infringes the '449 Patent.

8 27. On information and belief, Defendant's Hampton 360° infringes the '449
9 Patent.

10 28. On information and belief, Defendant's Sport 360° infringes the '449 Patent.

11 29. On information and belief, Defendant's Universal Case 8" infringes the '449
12 Patent.

13 30. Defendant has directly infringed and continue to directly infringe one or more
14 claims of the '449 Patent, including at least Claim 1 of that patent, by developing, making,
15 using, offering to sell, selling and/or importing, in this District, elsewhere in the United
16 States, and internationally, at least the Stealth 360°, Latitude 360°, Incline 360°, Trip 360°,
17 Hampton 360°, Sport 360°, Universal Case 8", and other similar products that infringe the
18 '449 patent.

19 31. Defendant has contributed to the infringement of and continue to
20 contributorily infringe one or more claims of the '449 Patent, including at least Claim 1, by
21 developing, making, using, offering to sell, selling and/or importing, in this District,
22 elsewhere in the United States, and internationally the Stealth 360°, Latitude 360°, Incline
23 360°, Trip 360°, Hampton 360°, Universal Case 8", and Sport 360°. In particular, since
24 this patent has issued, Defendant has developed, made, used, offered to sell, sold and/or
25 imported the above-referenced products with knowledge of the '449 patent and its
26 applicability to the products. In addition, the above-referenced products have no
27 substantial use other than to be used by Defendant's customers in a manner that infringes
28 the '449 patent.

1 32. On information and belief, Defendant has induced infringement of and
2 continues to induce infringement one or more claims of the '449 Patent by developing,
3 making, using, offering to sell, selling and/or importing, in this District and elsewhere in
4 the United States, the Stealth 360°, Latitude 360°, Incline 360°, Trip 360°, Hampton 360°,
5 Universal Case 8", and Sport 360°. Among other things, Defendant has – with full
6 knowledge of the '449 patent and its applicability to its products – instructed their
7 customers to use the product in a manner that infringes the '449 patent.

8 33. Defendant's actions constitute direct infringement, contributory infringement,
9 and/or active inducement of infringement of one or more claims of the '449 Patent in
10 violation of 35 U.S.C. § 271.

11 34. Plaintiff has sustained damages and will continue to sustain damages as a
12 result of Defendant's aforesaid acts of infringement.

13 35. Plaintiff is entitled to recover damages sustained as a result of Defendant's
14 wrongful acts in an amount to be proven at trial.

15 36. Defendant's infringement of Targus's rights under the '449 Patent will
16 continue to damage Plaintiff's business, causing irreparable harm, for which there is no
17 adequate remedy at law, unless it is enjoined by this Court.

18 37. In addition, Defendant has infringed the '449 patent – directly, contributorily,
19 and by inducement – with full knowledge of the '449 patent's issuance and despite having
20 full knowledge that its actions constituted infringement of that patent. For at least this
21 reason, Defendant has willfully infringed the '449 Patent, entitling Plaintiff to increased
22 damages under 35 U.S.C. § 284 and to attorney fees and costs incurred in prosecuting this
23 action under 35 U.S.C. § 285.

24 38. Given the breadth of the infringement across multiple product embodiments
25 for different sized tablets for different brand products (i.e., Amazon and Apple), discovery
26 may yield additional infringing products, which will be identified in discovery and are
27 expressly not excluded here.

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COUNT TWO

(Infringement of the ‘458 Patent against All Defendants – 35 U.S.C. §§ 271 *et seq.*)

39. Plaintiff realleges and incorporates by reference paragraphs 1-20, as though fully set forth herein.

40. On information and belief, Defendant has had actual knowledge of the ‘458 Patent, which although recently issued is on information and belief known to have been both pending and issued by Defendant, a company that itself is according to its website purportedly seeking patents in the exact space as Targus

41. On information and belief, Defendant’s Stealth 360° infringes the ‘458 Patent.

42. On information and belief, Defendant’s Latitude 360° infringes the ‘458 Patent.

43. On information and belief, Defendant’s Incline 360° infringes the ‘458 Patent.

44. On information and belief, Defendant’s Trip 360° infringes the ‘458 Patent.

45. On information and belief, Defendant’s Hampton 360° infringes the ‘458 Patent.

46. On information and belief, Defendant’s Sport 360° infringes the ‘458 Patent.

47. On information and belief, Defendant’s Universal Case 8” infringes the ‘458 Patent.

48. Defendant has directly infringed and continue to directly infringe one or more claims of the ‘458 Patent, including at least Claim 12 of that patent, by developing, making, using, offering to sell, selling and/or importing, in this District, elsewhere in the United States, and internationally, at least the Stealth 360°, Latitude 360°, Incline 360°, Trip 360°, Hampton 360°, Sport 360°, Universal Case 8”, and other similar products that infringe the ‘458 patent.

49. Defendant has contributed to the infringement of and continue to contributorily infringe one or more claims of the ‘458 Patent, including at least Claim 12, by developing, making, using, offering to sell, selling and/or importing, in this District, elsewhere in the United States, and internationally the Stealth 360°, Latitude 360°, Incline

1 360°, Trip 360°, Hampton 360°, Universal Case 8”, and Sport 360°. In particular, since
2 this patent has issued, Defendant has developed, made, used, offered to sell, sold and/or
3 imported the above-referenced products with knowledge of the ‘458 patent and its
4 applicability to the products. In addition, the above-referenced products have no
5 substantial use other than to be used by Defendant’s customers in a manner that infringes
6 the ‘458 patent.

7 50. On information and belief, Defendant has induced infringement of and
8 continues to induce infringement one or more claims of the ‘458 Patent by developing,
9 making, using, offering to sell, selling and/or importing, in this District and elsewhere in
10 the United States, the Stealth 360°, Latitude 360°, Incline 360°, Trip 360°, Hampton 360°,
11 Universal Case 8”, and Sport 360°. Among other things, Defendant has – with full
12 knowledge of the ‘458 patent and its applicability to its products – instructed their
13 customers to use the product in a manner that infringes the ‘458 patent.

14 51. Defendant’s actions constitute direct infringement, contributory infringement,
15 and/or active inducement of infringement of one or more claims of the ‘458 Patent in
16 violation of 35 U.S.C. § 271.

17 52. Plaintiff has sustained damages and will continue to sustain damages as a
18 result of Defendant’s aforesaid acts of infringement.

19 53. Plaintiff is entitled to recover damages sustained as a result of Defendant’s
20 wrongful acts in an amount to be proven at trial.

21 54. Defendant’s infringement of Targus’s rights under the ‘458 Patent will
22 continue to damage Plaintiff’s business, causing irreparable harm, for which there is no
23 adequate remedy at law, unless it is enjoined by this Court.

24 55. In addition, Defendant has infringed the ‘458 patent – directly, contributorily,
25 and by inducement – with full knowledge of the ‘458 patent’s issuance and despite having
26 full knowledge that its actions constituted infringement of that patent. For at least this
27 reason, Defendant has willfully infringed the ‘458 Patent, entitling Plaintiff to increased
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1 damages under 35 U.S.C. § 284 and to attorney fees and costs incurred in prosecuting this
2 action under 35 U.S.C. § 285.

3 56. Given the breadth of the infringement across multiple product embodiments
4 for different sized tablets for different brand products (i.e., Amazon and Apple), discovery
5 may yield additional infringing products, which will be identified in discovery and are
6 expressly not excluded here.

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8 **PRAYER FOR RELIEF**

9 WHEREFORE, Plaintiff asks this Court to enter judgment in its favor and against
10 Defendant M-Edge Accessories, LLC and grant the following relief:

11 A. An adjudication that Defendant has infringed the ‘449 and ‘458 patents.

12 B. Orders of this Court temporarily, preliminarily, and permanently enjoining
13 Defendant, its agents, servants, and any and all parties acting either in concert or in any
14 business relationship with Defendant, from directly or indirectly infringing in any manner
15 any of the claims of the ‘449 and ‘458 patents pursuant to at least 35 U.S.C. § 283,
16 including specifically an order enjoining the sale, offering for sale, manufacture, or
17 importation of any infringing products;

18 C. An award of damages adequate to compensate Plaintiff for Defendant’s
19 infringement of the ‘449 and ‘458 patents in an amount to be proven at trial;

20 D. A finding of willfulness and that this is an exceptional case and an award of
21 Plaintiff’s costs and attorney fees;

22 E. A trebling of the damage award to Plaintiff;

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1 F. An assessment and award of pre- and post-judgment interest on all damages
2 awarded; and

3 G. Any further relief that this Court deems just and proper.
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5 Dated: September 9, 2014

ONE LLP

7 By: /s/ Peter R. Afrasiabi

8 Peter R. Afrasiabi

9 Nathaniel L. Dilger

10 Kainoa Asuega

11 Attorneys for Plaintiff,

12 Targus Group International, Inc.
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DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury as to all claims and all issues properly triable
thereby.

Dated: September 9, 2014

ONE LLP

By: /s/ Peter R. Afrasiabi

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Targus Group International, Inc.