

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

CASE-MATE, INC.,

Plaintiff,

v.

CASETAGRAM LIMITED d/b/a
CASETIFY, and
WESTSIDE LAB, INC.,

Defendants.

Civil Action No. _____

JURY TRIAL DEMANDED

COMPLAINT

NOW COMES the Plaintiff, Case-Mate, Inc. (“Case-Mate”), and for its Complaint against the Defendants Casetagram Limited d/b/a Casetify (“Casetify”) and Westside Lab, Inc. (“Westside”) (collectively “Defendants”), hereby alleges and avers as follows:

NATURE OF THE CASE

1. This is a civil action for patent infringement under the patent laws of the United States, 35 U.S.C. §§1 *et seq.*, including 35 U.S.C. §271.
2. Case-Mate seeks legal and equitable remedies for infringement of United States Patent No. 8,695,798 for a “CASE FOR ELECTRONIC DEVICES”

(hereinafter the ‘798 Patent), resulting from the actions and conduct of Defendants as set forth herein.

PATENT-IN-SUIT

3. U.S. Patent No. 8,695,798 was duly and legally issued by the U.S. Patent and Trademark Office (“USPTO”) on April 14, 2014 after full and fair examination. The inventor assigned all rights in the ‘798 Patent to Case-Mate and the assignment of such rights has been recorded in the records of the USPTO.
4. Thus, Case-Mate is the owner of record of all right, title, and interest in and to the ‘798 Patent as well as the right to sue for, collect, and receive damages for past, present and future infringement of the ‘798 Patent.
5. The ‘798 Patent is valid, enforceable, and unexpired. A true and correct copy of the ‘798 Patent is attached hereto as **Exhibit A**.

THE PARTIES

6. Plaintiff Case-Mate, Inc. is a Georgia corporation with a principal place of business at 7000 Central Parkway, Suite 1050, Atlanta, Georgia 30328.
7. Upon information and belief, Defendant Casetagram Limited is a Hong Kong Limited Liability Company, doing business as Casetify (“Casetify”),

and with a principal place of business at 11/F Fun Town, 35 Hung To Road, Kwun Tong, Kowloon, Hong Kong.

8. Upon information and belief, Defendant Casetify has an office in the United States at 555 West 5th Street, Suite 630, Los Angeles, California 90013.
9. Upon information and belief, Defendant Casetify warehouses products and/or ships products in the United States at/from 120 E 8th Street, Suite 201, Los Angeles, California 90014-0000. See **Exhibit B**.
10. Casetify conducts business in the United States through the internet which reaches and targets residents and citizens of Georgia. See **Exhibit C** (a printout of Casetify's website) and **Exhibit D** (printout of About Casetify on Wantedly).
11. Casetify sells and ships products to citizens of Georgia. For example, see the shipping envelope of **Exhibit B**.
12. Upon information and belief, Casetify has conducted and regularly conducts business within this District, has purposefully availed itself of the privileges of conducting business in this District, and has sought the protections and benefits of the laws of the State of Georgia.
13. Upon information and belief, Westside Lab, Inc. ("Westside") is a California corporation having its principal place of business at 120 E 8th Street, Suite

201, Los Angeles, California 90014-0000. See **Exhibit E** (printout of California Secretary of State's website).

14. Upon information and belief, Westside has conducted and regularly conducts business within this District, has purposefully availed itself of the privileges of conducting business in this District, and has sought the protections and benefits of the laws of the State of Georgia.
15. In particular, upon information and belief, Westside has shipped products and targeted advertisements to consumers in this District, including products and advertisements for products of Co-Defendant Casetify which infringe upon the '798 Patent. See **Exhibit B**.

JURISDICTION AND VENUE

16. This Court has original subject matter jurisdiction over Plaintiff's claims, pursuant to 28 U.S.C. §1331 and 28 U.S.C. §1338(a), because this action arises under the patent laws of the United States, including 35 U.S.C. §§1 *et seq.*
17. Upon information and belief, this Court has personal jurisdiction over Casetify by virtue of Casetify conducting substantial business in the United States, the State of Georgia, within this judicial district, and elsewhere,

including transaction of business, solicitation of business, website, offers for sale, selling, and distributing its accused products in this District.

18. Upon information and belief, Casetify, either directly or through subsidiaries or intermediates (including distributors, retailers, and others), conducts its business extensively throughout Georgia, by making, shipping, distributing, offering for sale, selling, and advertising its products and/or services in the State of Georgia and this District.
19. Casetify, directly and/or through subsidiaries or intermediaries, purposefully and voluntarily placed its infringing products and/or services into the stream of commerce within the Northern District of Georgia and/or intending for the infringing products to arrive at consumers within the Northern District of Georgia.
20. Casetify has committed acts of patent infringement within the State of Georgia and this District.
21. Upon information and belief, Casetify owns and operates a commercial website at www.casetify.com, through which customers may purchase the accused products. See **Exhibit C**.
22. Upon information and belief, Casetify's website is the primary means by which it sells the accused products.

23. Upon information and belief, Casetify has made numerous sales to citizens and residents of Georgia and of this District through its website.
24. Upon information and belief, Casetify specifically targets the consumers of Georgia and this District through various means, including by sending email advertisements for its accused products to consumers in Georgia and this District.
25. Upon information and belief, this Court has personal jurisdiction over Westside by virtue of Westside conducting substantial business in the United States, the State of Georgia, within this judicial district, and elsewhere, including transaction of business, solicitation of business, offers for sale, selling, and distributing its accused products in this District
26. Upon information and belief, Westside is the domestic advertising agent of Casetify. Through Westside, Casetify advertises the Accused Products in the United States and in this District.
27. Upon information and belief, Westside is an alter-ego of Casetify, as Casetify is Westside's only client.
28. Venue is proper in the Northern District of Georgia pursuant to 28 U.S.C. §1391(b)(2), §1391(c)(2), and/or 28 U.S.C. §1400(b) because a substantial part of the events giving rise to the claims occurred in this judicial district,

Casetify has committed acts of patent infringement in this judicial district, and Casetify is subject to personal jurisdiction in this district.

FACTUAL ALLEGATIONS

29. Case-Mate is one of the leaders in the smartphone accessory market and a leader in fashionable and stylish smart phone and smart watch accessories. For more than ten years, Case-Mate has built its CASE-MATE brand by providing consumers with premium, stylish products. Case-Mate's products are sold in leading retailers in the U.S. and electronic stores around the world.
30. Customers can view Case-Mate's products on its website, www.case-mate.com, to purchase one of Case-Mate's many fashionable or stylish cell phone or smart watch accessories.
31. Case-Mate also markets and sells its protective cases through other channels, including various retail locations run by Case-Mate's licensees or distributors. Case-Mate also markets and sells its protective cases on the internet at third party marketplaces such as Amazon.com and on the websites of Case-Mate's licensees and distributors.

32. Through its marketing efforts, Case-Mate has garnered a substantial following. Indeed, Case-Mate's protective cases have been featured in various media outlets and have been used by many well-known celebrities.
33. As part of its efforts to protect its valuable intellectual property, Case-Mate has applied for, has acquired, and/or has been issued several United States Patents.
34. In particular, Case-Mate owns the '798 Patent, titled "CASE FOR ELECTRONIC DEVICES." See **Exhibit A**.

Defendants' Patent Infringement

35. Rather than innovate and develop its own technology and look that it could market and sell, Casetify has resorted to slavish copying of Case-Mate's technology and look, almost in its entirety, and touting it as Casetify's own.
36. Defendants have not obtained permission from Case-Mate to use the invention claimed in the '798 Patent.
37. Upon information and belief, Casetify makes, ships, distributes, offers for sale, sells, advertises, and/or imports phone cases and/or phone case components which directly and indirectly infringe one or more of the claims of the '798 Patent.

38. Upon information and belief, Westside imports, ships, distributes, offers for sale, sells, advertises, and/or imports phone cases and/or phone case components which directly and indirectly infringe one or more of the claims of the ‘798 Patent.
39. Upon information and belief, the infringing products include, but are not limited to, a design of a protective case with an interchangeable hard shell and a soft bumper, which is marketed as Casetify’s GLITTER STANDARD case (the “Accused Products”), and advertised for sale and distributed by Westside. See **Exhibit F**, screenshot of <https://www.casetify.com/product/glitter-standard/iphone7/glitter-case-rose-pink#/378602>.
40. Upon information and belief, Casetify sells the Accused products directly, and also sells the Accused Products through third party stores and websites, including Amazon.com.
41. Casetify has infringed, and is still infringing, the ‘798 Patent by making, using, offering to sell, selling and/or importing cell phone case products that embody the ‘798 Patent including, but not limited to, the Accused Products.
42. Upon information and belief, Westside promotes the Casetify cases with various third parties on behalf of Casetify.

43. Upon information and belief, Westside advertises, offers to sell, and distributes the Accused Products.
44. Upon information and belief, Westside acts as the promotional or advertising arm of Casetify in the United States.
45. Upon information and belief, Westside has common ownership with Casetify.
46. Upon information and belief, Casetify is Westside's only client.
47. Upon information and belief, when a United States consumer purchases a product from Casetify, including purchases of the Accused Products, that product is shipped or caused to be shipped by Westside.
48. The inventions covered by the '798 Patent are of great value to Case-Mate. Defendants' infringing conduct has taken place within the United States without license or permission of Case-Mate, and it is believed that such activity will continue unless enjoined by this Court.
49. Case-Mate has suffered and will continue to suffer damages from the acts of infringement complained of herein.

Notice of Patent Infringement

50. Casetify's infringement has been, and continues to be, willful and deliberate. Casetify has been on constructive notice of the '798 Patent since at least as early as April 14, 2014 when the '798 Patent issued.
51. Casetify continues to sell the Accused Products despite an objectively high likelihood that their actions constitute infringement of the '798 Patent. Casetify knew or should have known that its actions constituted infringement of the '798 Patent.
52. Westside's infringement has been, and continues to be, willful and deliberate. Westside has been on constructive notice of the '798 Patent since at least as early as April 14, 2014 when the '798 Patent issued.
53. Westside continues to sell, advertise, and distribute the Accused Products despite an objectively high likelihood that their actions constitute infringement of the '798 Patent. Westside knew or should have known that its actions constituted infringement of the '798 Patent.
54. Case-Mate sells products in the United States that embody the '798 Patent, including under the brand name Case-Mate and at the website www.case-mate.com.

55. Case-Mate has complied with the statutory requirement of placing a notice of the Letters Patent on all cell phone cases that it manufactures and sells embodying the '798 Patent.

COUNT NO. 1

(Direct Infringement 35 U.S.C. §271(a) by Casetify)
(Infringement of the '798 Patent)

56. The Plaintiff hereby incorporates by reference each statement, whether written above or below, as if each is fully re-written herein.
57. The Accused Products infringe the '798 Patent because they include the claim limitations of one or more of the claims of the '798 Patent, either literally or under the judicially-created Doctrine of Equivalents.
58. Casetify has infringed, and is still infringing, the '798 Patent by making, using, offering to sell, selling and/or importing cell phone cases that embody the '798 Patent including, but not limited to, the Accused Products. Casetify will continue to infringe the '798 Patent unless enjoined by this Court.
59. The '798 Patent was and is valid, enforceable and subsisting at all times relevant to this action and is entitled to a presumption of validity under 35 U.S.C. §282.

60. Regarding infringement, for example Claim 1 of the '798 Patent is infringed by the Accused Products. According to Claim 1, for example, the Accused Products have all of the features of the claim, including:

- a. "A mobile device case for protecting an electronic device, [see page 3 of **Exhibit G**];
- b. the case comprising an inner layer and an outer layer, [see pages 5,6 of **Exhibit G**]
- c. wherein the inner layer comprises a resilient rectangular-shaped flexible form-fit bumper comprising four sides and an open center, the four sides comprising a face surface and a collar extending generally perpendicularly from the face surface, [see pages 5,6 of **Exhibit G**]
- d. wherein the face surface comprises one or more inwardly-directed lips and one or more outwardly-extending ledges, the bumper further comprising one or more raised protrusions extending from the collar to the one or more ledges, [see pages 10,11 of **Exhibit G**]
- e. wherein the outer layer comprises a form-fit hard shell [see pages 8,9 of **Exhibit G**] that interfaces and conforms with the inner layer bumper [see pages 4-6 of **Exhibit G**] and comprises a base and one or more side walls extending perpendicularly therefrom, and wherein the

side walls comprise one or more cutouts [see pages 8,9 of **Exhibit G**] configured for receiving the one or more raised protrusions of the bumper [see pages 10,11 of **Exhibit G**].”

61. Case-Mate is the owner of all right, title, and interest in and to the ‘798 Patent and possess all rights of recovery under the ‘798 Patent.
62. Upon information and belief, Casetify had actual knowledge of the ‘798 Patent at all times relevant to this action.
63. Casetify’s infringement has irreparably injured Case-Mate and will continue to injure Case-Mate unless and until this Court enters an injunction prohibiting further infringement, and specifically enjoins further manufacture, use, offers for sale, sale and importation of Casetify’s products that fall within the scope of the ‘798 Patent.
64. Upon information and belief, Casetify has gained profits by virtue of its infringement of the ‘798 Patent.
65. Casetify’s infringement of the ‘798 Patent has been and continues to be willful and deliberate.
66. Casetify’s infringement has injured Case-Mate, and Case-Mate is entitled to recover damages adequate to compensate for such infringement, including, but not limited to, lost profits, a reasonable royalty award, treble damages,

costs, pre and post judgment interest at the maximum allowable rate, attorneys' fees, and such other and further relief this Court deems just and proper.

COUNT NO. 2

(Induced Infringement 35 U.S.C. §271(b) by Casetify)
(Infringement of the '798 Patent)

67. The Plaintiff hereby incorporates by reference each statement, whether written above or below, as if each is fully re-written herein.
68. Upon information and belief, Casetify has actively induced and is actively inducing others, including but not limited to the purchasers of its products, to infringe one or more of the claims of the '798 Patent.
69. Upon information and belief, Casetify and/or Westside has been, and is currently, actively infringing the '798 Patent in violation of 35 U.S.C. §271(b).
70. The '798 Patent was and is valid, enforceable and subsisting at all times relevant to this action and is entitled to a presumption of validity under 35 U.S.C. §282.
71. Case-Mate is the owner of all right, title, and interest in and to the '798 Patent and possess all rights of recovery under the '798 Patent.

72. Upon information and belief, Casetify had actual knowledge of the '798 Patent at all times relevant to this action.
73. Casetify's infringement has irreparably injured Case-Mate and will continue to injure Case-Mate unless and until this Court enters an injunction prohibiting further infringement, and specifically enjoins further manufacture, use, offers for sale, sale and importation of Casetify's products that fall within the scope of the '798 Patent.
74. Upon information and belief, Casetify has gained profits by virtue of its infringement of the '798 Patent.
75. Casetify's infringement of the '798 Patent has been and continues to be willful and deliberate.
76. Casetify's infringement has injured Case-Mate, and Case-Mate is entitled to recover damages adequate to compensate for such infringement, including, but not limited to, lost profits, a reasonable royalty award, treble damages, costs, pre and post judgment interest at the maximum allowable rate, attorneys' fees, and such other and further relief this Court deems just and proper.

COUNT NO. 3

(Direct Infringement 35 U.S.C. §271(a) by Westside)
(Infringement of the ‘798 Patent)

77. The Plaintiff hereby incorporates by reference each statement, whether written above or below, as if each is fully re-written herein.
78. The Accused Products infringe the ‘798 Patent because they include the claim limitations of one or more of the claims of the ‘798 Patent, either literally or under the judicially-created Doctrine of Equivalents.
79. Westside has infringed, and is still infringing, the ‘798 Patent by making, using, offering to sell, selling and/or importing cell phone cases that embody the ‘798 Patent including, but not limited to, the Accused Products. Westside will continue to infringe the ‘798 Patent unless enjoined by this Court.
80. The ‘798 Patent was and is valid, enforceable and subsisting at all times relevant to this action and is entitled to a presumption of validity under 35 U.S.C. §282.
81. Regarding infringement, for example Claim 1 of the ‘798 Patent is infringed by the Accused Products. According to Claim 1, for example, the Accused Products have all of the features of the claim, including:
 - a. “A mobile device case for protecting an electronic device, [see page 3 of **Exhibit G**];

- b. the case comprising an inner layer and an outer layer, [see pages 5,6 of **Exhibit G**]
 - c. wherein the inner layer comprises a resilient rectangular-shaped flexible form-fit bumper comprising four sides and an open center, the four sides comprising a face surface and a collar extending generally perpendicularly from the face surface, [see pages 5,6 of **Exhibit G**]
 - d. wherein the face surface comprises one or more inwardly-directed lips and one or more outwardly-extending ledges, the bumper further comprising one or more raised protrusions extending from the collar to the one or more ledges, [see pages 10,11 of **Exhibit G**]
 - e. wherein the outer layer comprises a form-fit hard shell [see pages 8,9 of **Exhibit G**] that interfaces and conforms with the inner layer bumper [see pages 4-6 of **Exhibit G**] and comprises a base and one or more side walls extending perpendicularly therefrom, and wherein the side walls comprise one or more cutouts [see pages 8,9 of **Exhibit G**] configured for receiving the one or more raised protrusions of the bumper [see pages 10,11 of **Exhibit G**].”
82. Case-Mate is the owner of all right, title, and interest in and to the ‘798 Patent and possess all rights of recovery under the ‘798 Patent.

83. Upon information and belief, Westside had actual knowledge of the '798 Patent at all times relevant to this action.
84. Westside's infringement has irreparably injured Case-Mate and will continue to injure Case-Mate unless and until this Court enters an injunction prohibiting further infringement, and specifically enjoins further manufacture, use, offers for sale, sale and importation of Westside's products that fall within the scope of the '798 Patent.
85. Upon information and belief, Westside has gained profits by virtue of its infringement of the '798 Patent.
86. Westside's infringement of the '798 Patent has been and continues to be willful and deliberate.
87. Westside's infringement has injured Case-Mate, and Case-Mate is entitled to recover damages adequate to compensate for such infringement, including, but not limited to, lost profits, a reasonable royalty award, treble damages, costs, pre and post judgment interest at the maximum allowable rate, attorneys' fees, and such other and further relief this Court deems just and proper.

PRAYER FOR RELIEF / REQUEST FOR REMEDIES

WHEREFORE, the Plaintiff Case-Mate prays that this Court enter an Order in favor of Plaintiff Case-Mate and against Defendants Casetagram Limited d/b/a Casetify and Westside Lab, Inc., their subsidiaries, affiliates, agents, servants, employees, attorneys and all persons in active concert or in participation with them as follows:

- A) Judgment that Defendants directly infringe and have infringed the '798 Patent;
- B) Judgment that Defendant Casetify induced infringement of the '798 Patent;
- C) A permanent injunction prohibiting Defendants from further acts of infringement of the '798 Patent;
- D) Damages sufficient to compensate Case-Mate for the infringement by Defendants in an amount to be proved at trial, but in no event less than a reasonable royalty, together with pre-judgment interest from the date the infringement began;
- E) An award to Case-Mate of three times the amount of damages so determined, as provided for in 35 U.S.C. §284;
- F) An award to Case-Mate of its costs in this action;

- G) A finding that this case is “exceptional,” and an award to Case-Mate of its attorneys’ fees under 15 U.S.C. §1117 and 35 U.S.C. §285;
- H) Awarding Case-Mate such other and further relief as the Court shall deem just and equitable under the circumstances.

JURY DEMAND

WHEREFORE, Plaintiff Case-Mate requests a trial by jury on all issues so triable.

Respectfully submitted this 24th day of March, 2017.

/s/ Arthur A. Gardner

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Attorney for the Plaintiff Case-Mate, Inc.

CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing and the attached documents comply with LR 5.1, NDGa. The font and point size used in preparing the foregoing document are Times New Roman, 14 pt.

/s/ Arthur A. Gardner

Arthur A. Gardner

Attorney for Plaintiff