IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-2043

OTTER PRODUCTS, LLC, a Colorado Limited Liability Company,

Plaintiff,

v.

BEYOND ELECTRONICS, INC., d/b/a Beyond Cell, a California Corporation,

Defendant.

COMPLAINT AND JURY DEMAND

Plaintiff Otter Products, LLC ("OtterBox"), by and through its undersigned attorneys, for its Complaint against Beyond Electronics, Inc. d/b/a Beyond Cell ("Beyond Cell") states as follows:

PARTIES

1. Plaintiff OtterBox is a Colorado limited liability company with its principal place of business at 209 S. Meldrum Street, Fort Collins, Colorado 80521.

2. Upon information and belief, Defendant Beyond Cell is a California Corporation with a principal place of business at 12718 Schabarum Avenue, Irwindale, California 91706.

JURISDICTION AND VENUE

3. This is a civil action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 101, *et seq.*

4. This court has jurisdiction over the subject matter of this action under 28 U.S.C. § 1338.

5. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391 and 28 U.S.C. § 1400 because Beyond Cell is engaged in the regular, continuous, and systematic transaction of business in this judicial district, including the distribution, sale, and/or offer for sale of the following products through its website: Duo Shield Case Suitable for Huawei Ascend 2 M865, Duo Shield Case Suitable for Apple iPhone 4 / iPhone 4s, Duo Shield Case Suitable For Huawei Mercury M886, Duo Shield Case Suitable for Motorola Droid RAZR, Duo Shield Case Suitable for Samsung Galaxy S II Skyrocket i727, Duo Shield Case Suitable for Samsung Admire R720, Duo Shield Case Suitable for ZTE Chorus D930, Duo Shield Case Suitable for ZTE Score X500, Duo Shield Case Suitable for Huawei Pillar M615, Duo Shield Case Suitable for HTC Wildfire S, Duo Shield Case Suitable for Samsung Galaxy Nexus i515, Duo Shield Case Suitable for Samsung Attain 4G R920, Duo Shield Case Suitable for LG Connect MS840 Duo Shield.

OTTERBOX'S INTELLECTUAL PROPERTY

6. On April 26, 2011, United States Patent No. 7,933,122 ("the '122 Patent"), entitled "PROTECTIVE ENCLOSURE FOR A COMPUTER," was duly and legally issued to Curtis R. Richardson, Alan Morine, Brian Thomas, Jamie Lee Johnson, and Jason Michael Thompson. A true and correct copy of the '122 Patent is attached as **Exhibit A**.

7. The '122 Patent is enforceable and, pursuant to 35 U.S.C. § 282, enjoys a statutory presumption of validity.

8. By assignment, OtterBox owns all rights, title, and interests in and to the '122 Patent, including, without limitation, the right to enforce these patents and collect damages for past infringement.

FIRST CLAIM FOR RELIEF
Infringement of U.S. Patent No. 7,933,122

9. OtterBox incorporates by reference paragraphs 1 through 8 as if set forth in their entirety.

10. Beyond Cell is making, using, selling, and/or offering to sell in the United States and/or importing into the United States the following products: Duo Shield Case Suitable for Huawei Ascend 2 M865, Duo Shield Case Suitable for Apple iPhone 4 / iPhone 4s, Duo Shield Case Suitable For Huawei Mercury M886, Duo Shield Case Suitable for Motorola Droid RAZR, Duo Shield Case Suitable for Samsung Galaxy S II Skyrocket i727, Duo Shield Case Suitable for Samsung Admire R720, Duo Shield Case Suitable for ZTE Chorus D930, Duo Shield Case

Suitable for ZTE Score X500, Duo Shield Case Suitable for Huawei Pillar M615, Duo Shield Case Suitable for HTC Wildfire S, Duo Shield Case Suitable for Samsung Galaxy Nexus i515, Duo Shield Case Suitable for Samsung Attain 4G R920, Duo Shield Case Suitable for LG Connect MS840 Duo Shield.

11. Beyond Cell's activities in making, using, selling, and/or offering to sell in the United States and/or importing into the United States the following products constitute direct infringement of the '122 Patent, in violation of 35 U.S.C. § 271(a): Duo Shield Case Suitable for Huawei Ascend 2 M865, Duo Shield Case Suitable for Apple iPhone 4 / iPhone 4s, Duo Shield Case Suitable For Huawei Mercury M886, Duo Shield Case Suitable for Motorola Droid RAZR, Duo Shield Case Suitable for Samsung Galaxy S II Skyrocket i727, Duo Shield Case Suitable for Samsung Admire R720, Duo Shield Case Suitable for ZTE Chorus D930, Duo Shield Case Suitable for ZTE Score X500, Duo Shield Case Suitable for Huawei Pillar M615, Duo Shield Case Suitable for HTC Wildfire S, Duo Shield Case Suitable for Samsung Galaxy Nexus i515, Duo Shield Case Suitable for Samsung Attain 4G R920, Duo Shield Case Suitable for LG Connect MS840 Duo Shield.

12. Beyond Cell's infringement of the '122 Patent has caused and will continue to cause damage to OtterBox in an amount to be determined at trial.

13. Beyond Cell's infringement of the '122 Patent has caused and will continue to cause irreparable injury to OtterBox as to which there exists no adequate remedy at law. Defendants' infringement will continue unless enjoined by this Court.

14. On information and belief, Beyond Cell's actions in infringing the '122 Patent have been, and are, willful, deliberate, and/or in conscious disregard of OtterBox's rights, making this an exceptional case within the meaning of 35 U.S.C. § 285 and entitling OtterBox to treble damages and the award of its attorneys' fees.

DEMAND FOR JURY TRIAL

15. OtterBox hereby requests a trial by jury.

PRAYER FOR RELIEF

WHEREFORE, OtterBox prays as follows on all claims:

A. For a temporary restraining order, and preliminary and permanent injunctions enjoining and restraining Beyond Cell, and all related entities or persons acting in concert with them, from manufacturing, selling, or offering for sale the following products: Duo Shield Case Suitable for Huawei Ascend 2 M865, Duo Shield Case Suitable for Apple iPhone 4 / iPhone 4s, Duo Shield Case Suitable For Huawei Mercury M886, Duo Shield Case Suitable for Motorola Droid RAZR, Duo Shield Case Suitable for Samsung Galaxy S II Skyrocket i727, Duo Shield Case Suitable for Samsung Admire R720, Duo Shield Case Suitable for ZTE Chorus D930, Duo Shield Case Suitable for ZTE Score X500, Duo Shield Case Suitable for Huawei Pillar M615, Duo Shield Case Suitable for HTC Wildfire S, Duo Shield Case Suitable for Samsung Galaxy Nexus i515, Duo Shield Case Suitable

for Samsung Attain 4G R920, Duo Shield Case Suitable for LG Connect MS840.

B. For an award of OtterBox's damages as appropriate under the patent laws of the United States, comprising:

(i) Lost profits, in an amount to be ascertained at trial;

(ii) A reasonable royalty, in an amount to be ascertained at trial;

(iii) Treble damages;

C. For its reasonable attorneys' fees and costs; and

D. For such other and further relief as the Court deems just and proper.

DATED: August 3, 2012

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