IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-2049

OTTER PRODUCTS, LLC, a Colorado Limited Liability Company,

Plaintiff,

v.

REIKO WIRELESS, INC., a New York Corporation,

Defendant.

COMPLAINT AND JURY DEMAND

Plaintiff Otter Products, LLC ("OtterBox"), by and through its undersigned attorneys, for its Complaint against Reiko Wireless, Inc. ("Reiko") 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 Reiko Wireless, Inc. is a New York Corporation with a principle place of business at 1218 Flushing Avenue Brooklyn, New York 11237.

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 Reiko 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: Silicon Case + Protector Cover Kickstand iPhone 4S, Silicon Case + Protector Cover 06 iPhone 4G Holster with Clip, Massage Tablets Silicon Case SLC05 iPTouch 3G with Screen PR, Massage Tablets Silicon Case SLC05 BlackBerry 8330 with Scre, Massage Tablets Silicon Case SLC05 BlackBerry 8900 with Scre, Silicon Case + Protector Cover Kickstand BlackBerry Torch 9860, Silicon Case + Protector Cover 06 BlackBerry Bold 9900, Silicon Case + Protector Cover 01 HTC EVO 3D, Silicon Case + Protector Cover Kickstand HTC Evo 4g, Silicon Case + Protector Cover Kickstand HTC Incrediable 2 6350, Silicon Case + Protector Cover for Huawei Asend II M865 Kickstand, Silicon Case + Protector

Cover 06 Huawei Pillar M615, Silicon Case + Protector Cover Kickstand for Huawei Glory M886, Silicon Case + Protector Cover Kickstand LG MS840, Silicon Case + Protector Cover Kickstand LG Esteem MS910, Silicon Case + Protector Cover Kickstand LG Marguee LS855, Silicon Case + Protector Cover 01 Motorola Clutch i475, Silicone Case + Protector Cover Motorola Photon 4G MB855 Kickstand, Silicone Case + Protector Cover Motorola Droid RAZR XT912 Kickstand, Silicon Case + Protector Cover 01 Motorola Theory WX430, Silicon Case + Protector Cover for Samsung Admire R720, Silicon Case + Protector Cover Kickstand for Samsung R920, Silicon Case + Protector Cover for Samsung SkyRocket i727 Kickstand, Silicon Case + Protector Cover for Samsung Nexus 3 i9250 Kickstand, Silicon Case + Protector Cover Samsung Prevail M820, Silicon Case + Protector Cover for Samsung Replenish M580 Kickstand, Silicon Case + Protector Cover for Samsung Galaxy S II T989, Silicon Case + Protector Cover 06 ZTE A415, Silicon Case + Protector Cover ZTE score X500 Kickstand, Silicon Case + Protector Cover ZTE Warp N860 Kickstand.

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.

9. On May 17, 2011, United States Patent No. D638,005 (“the ’005 Patent”), entitled “CASE,” was duly and legally issued to Curtis Richardson, Jamie Johnson, Alan Morine, Stephen Willes, Cameron Magness. A true and correct copy of the ’005 Patent is attached as **Exhibit B.**

10. The ’005 Patent is enforceable and, pursuant to 35 U.S.C. § 282, enjoys a statutory presumption of validity.

11. By assignment, OtterBox owns all rights, title, and interests in and to the ’005 Patent, including, without limitation, the right to enforce these patents and collect damages for past infringement.

12. On September 29, 2009, United States Patent No. D600,908 (“the ’908 Patent”), entitled “CASE,” was duly and legally issued to Curtis R. Richardson and Jamie L. Johnson. A true and correct copy of the ’908 Patent is attached as **Exhibit C.**

13. The ’908 Patent is enforceable and, pursuant to 35 U.S.C. § 282, enjoys a statutory presumption of validity.

14. By assignment, OtterBox owns all rights, title, and interests in and to the ’908 Patent, including, without limitation, the right to enforce these patents and collect damages for past infringement.

15. On June 15, 2010 United States Patent No. D617,784 (“the ’784 Patent”), entitled “CASE,” was duly and legally issued to Curtis R. Richardson and Alan V. Morine. A true and correct copy of the ’784 Patent is attached as **Exhibit D**.

16. The ’784 Patent is enforceable and, pursuant to 35 U.S.C. § 282, enjoys a statutory presumption of validity.

17. By assignment, OtterBox owns all rights, title, and interests in and to the ’784 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

18. OtterBox incorporates by reference paragraphs 1 through 17 as if set forth in their entirety.

19. Reiko is making, using, selling, and/or offering to sell in the United States and/or importing into the United States the following products: Silicon Case + Protector Cover Kickstand iPhone 4S, Silicon Case + Protector Cover Kickstand BlackBerry Torch 9860, Silicon Case + Protector Cover 06 BlackBerry Bold 9900, Silicon Case + Protector Cover 01 HTC EVO 3D, Silicon Case + Protector Cover Kickstand HTC Evo 4g, Silicon Case + Protector Cover Kickstand HTC

Incrediable 2 6350, Silicon Case + Protector Cover for Huawei Asend II M865 Kickstand, Silicon Case + Protector Cover 06 Huawei Pillar M615, Silicon Case + Protector Cover Kickstand for Huawei Glory M886, Silicon Case + Protector Cover Kickstand LG MS840, Silicon Case + Protector Cover Kickstand LG Esteem MS910, Silicon Case + Protector Cover Kickstand LG Marguee LS855, Silicon Case + Protector Cover 01 Motorola Clutch i475, Silicone Case + Protector Cover Motorola Photon 4G MB855 Kickstand, Silicone Case + Protector Cover Motorola Droid RAZR XT912 Kickstand, Silicon Case + Protector Cover 01 Motorola Theory WX430, Silicon Case + Protector Cover for Samsung Admire R720, Silicon Case + Protector Cover Kickstand for Samsung R920, Silicon Case + Protector Cover for Samsung SkyRocket i727 Kickstand, Silicon Case + Protector Cover for Samsung Nexus 3 i9250 Kickstand, Silicon Case + Protector Cover Samsung Prevail M820, Silicon Case + Protector Cover for Samsung Replenish M580 Kickstand, Silicon Case + Protector Cover for Samsung Galaxy S II T989, Silicon Case + Protector Cover 06 ZTE A415, Silicon Case + Protector Cover ZTE score X500 Kickstand, Silicon Case + Protector Cover ZTE Warp N860 Kickstand.

20. Reiko'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): Silicon Case + Protector Cover Kickstand iPhone 4S, Silicon Case +

Protector Cover Kickstand BlackBerry Torch 9860, Silicon Case + Protector Cover 06 BlackBerry Bold 9900, Silicon Case + Protector Cover 01 HTC EVO 3D, Silicon Case + Protector Cover Kickstand HTC Evo 4g, Silicon Case + Protector Cover Kickstand HTC Incrediable 2 6350, Silicon Case + Protector Cover for Huawei Asend II M865 Kickstand, Silicon Case + Protector Cover 06 Huawei Pillar M615, Silicon Case + Protector Cover Kickstand for Huawei Glory M886, Silicon Case + Protector Cover Kickstand LG MS840, Silicon Case + Protector Cover Kickstand LG Esteem MS910, Silicon Case + Protector Cover Kickstand LG Marguee LS855, Silicon Case + Protector Cover 01 Motorola Clutch i475, Silicone Case + Protector Cover Motorola Photon 4G MB855 Kickstand, Silicone Case + Protector Cover Motorola Droid RAZR XT912 Kickstand, Silicon Case + Protector Cover 01 Motorola Theory WX430, Silicon Case + Protector Cover for Samsung Admire R720, Silicon Case + Protector Cover Kickstand for Samsung R920, Silicon Case + Protector Cover for Samsung SkyRocket i727 Kickstand, Silicon Case + Protector Cover for Samsung Nexus 3 i9250 Kickstand, Silicon Case + Protector Cover Samsung Prevail M820, Silicon Case + Protector Cover for Samsung Replenish M580 Kickstand, Silicon Case + Protector Cover for Samsung Galaxy S II T989, Silicon Case + Protector Cover 06 ZTE A415, Silicon Case + Protector Cover ZTE score X500 Kickstand, Silicon Case + Protector Cover ZTE Warp N860 Kickstand.

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

22. Reiko'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.

23. On information and belief, Reiko'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.

SECOND CLAIM FOR RELIEF
Infringement of U.S. Patent No. D638,005

24. OtterBox incorporates by reference paragraphs 1 through 23 as if set forth in their entirety.

25. Reiko is making, using, selling, and/or offering to sell in the United States and/or importing into the United States the Silicon Case + Protector Cover 06 iPhone 4G Holster with Clip.

26. Reiko's activities in making, using, selling, and/or offering to sell in the United States and/or importing into the United States the Silicon Case + Protector Cover 06 iPhone 4G Holster with Clip constitute direct infringement of the '005 Patent, in violation of 35 U.S.C. § 271(a).

27. Reiko's infringement of the '005 Patent has caused and will continue to cause damage to OtterBox in an amount to be determined at trial.

28. Reiko's infringement of the '005 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.

29. On information and belief, Reiko's actions in infringing the '005 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.

THIRD CLAIM FOR RELIEF
Infringement of U.S. Patent No. D600,908

30. OtterBox incorporates by reference paragraphs 1 through 29 as if set forth in their entirety.

31. Reiko is making, using, selling, and/or offering to sell in the United States and/or importing into the United States the Massage Tablets Silicon Case SLC05 iPTouch 3G with Screen PR, Massage Tablets Silicon Case SLC05 BlackBerry 8330 with Scre, and Massage Tablets Silicon Case SLC05 BlackBerry 8900 with Scre.

32. Reiko's activities in making, using, selling, and/or offering to sell in the United States and/or importing into the United States the Massage Tablets Silicon Case SLC05 iPTouch 3G with Screen PR, Massage Tablets Silicon Case

SLC05 BlackBerry 8330 with Scre, and Massage Tablets Silicon Case SLC05 BlackBerry 8900 with Scre, constitute direct infringement of the ’908 Patent, in violation of 35 U.S.C. § 271(a).

33. Reiko’s infringement of the ’908 Patent has caused and will continue to cause damage to OtterBox in an amount to be determined at trial.

34. Reiko’s infringement of the ’908 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.

35. On information and belief, Reiko’s actions in infringing the ’908 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.

FOURTH CLAIM FOR RELIEF
Infringement of U.S. Patent No. D617,784

36. OtterBox incorporates by reference paragraphs 1 through 35 as if set forth in their entirety.

37. Reiko is making, using, selling, and/or offering to sell in the United States and/or importing into the United States the Silicon Case + Protector Cover Samsung Prevail M820.

38. Reiko’s activities in making, using, selling, and/or offering to sell in the United States and/or importing into the United States the Silicon Case +

Protector Cover Samsung Prevail M820 constitute direct infringement of the '784 Patent, in violation of 35 U.S.C. § 271(a).

39. Reiko's infringement of the '784 Patent has caused and will continue to cause damage to OtterBox in an amount to be determined at trial.

40. Reiko's infringement of the '784 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.

41. On information and belief, Reiko's actions in infringing the '784 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

42. 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 Reiko, and all related entities or persons acting in concert with them, from manufacturing, selling, or offering for sale the following products: Silicon Case + Protector Cover Kickstand iPhone 4S, Silicon Case + Protector Cover 06

iPhone 4G Holster with Clip, Massage Tablets Silicon Case SLC05 iPTouch 3G with Screen PR, Massage Tablets Silicon Case SLC05 BlackBerry 8330 with Scre, Massage Tablets Silicon Case SLC05 BlackBerry 8900 with Scre, Silicon Case + Protector Cover Kickstand BlackBerry Torch 9860, Silicon Case + Protector Cover 06 BlackBerry Bold 9900, Silicon Case + Protector Cover 01 HTC EVO 3D, Silicon Case + Protector Cover Kickstand HTC Evo 4g, Silicon Case + Protector Cover Kickstand HTC Incrediable 2 6350, Silicon Case + Protector Cover for Huawei Asend II M865 Kickstand, Silicon Case + Protector Cover 06 Huawei Pillar M615, Silicon Case + Protector Cover Kickstand for Huawei Glory M886, Silicon Case + Protector Cover Kickstand LG MS840, Silicon Case + Protector Cover Kickstand LG Esteem MS910, Silicon Case + Protector Cover Kickstand LG Marguee LS855, Silicon Case + Protector Cover 01 Motorola Clutch i475, Silicone Case + Protector Cover Motorola Photon 4G MB855 Kickstand, Silicone Case + Protector Cover Motorola Droid RAZR XT912 Kickstand, Silicon Case + Protector Cover 01 Motorola Theory WX430, Silicon Case + Protector Cover for Samsung Admire R720, Silicon Case + Protector Cover Kickstand for Samsung R920, Silicon Case + Protector Cover for Samsung SkyRocket i727 Kickstand, Silicon Case + Protector Cover for

Samsung Nexus 3 i9250 Kickstand, Silicon Case + Protector Cover Samsung Prevail M820, Silicon Case + Protector Cover for Samsung Replenish M580 Kickstand, Silicon Case + Protector Cover for Samsung Galaxy S II T989, Silicon Case + Protector Cover 06 ZTE A415, Silicon Case + Protector Cover ZTE score X500 Kickstand, Silicon Case + Protector Cover ZTE Warp N860 Kickstand.

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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