IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-2051

OTTER PRODUCTS, LLC, a Colorado Limited Liability Company,

Plaintiff,

v.

WIRELESS COMPLETE.COM, CORP., a Florida Corporation,

Defendant.

COMPLAINT AND JURY DEMAND

Plaintiff Otter Products, LLC ("OtterBox"), by and through its undersigned attorneys, for its Complaint against Wireless Complete.com, Corp. ("Wireless Complete") 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 Wireless Complete is a Florida Corporation with a principal place of business at 4878 Northwest 167th Street, Miami Gardens, Florida 33014.

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 Wireless Complete 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: Apl i-Phone 3G 3GS Hardcore Kickstand Case, Apl i-Phone 3G 3GS Hardcore Protector Case, Apl i-Phone 4 4S Hardcore Kickstand Case, I-Pod Touch 4th Gen. Hardcore Protector Case, BlackBerry 8520 8530 9300 Hardcore Protector Case, BlackBerry 9350 9360 9370 Curve Hardcore Kickstand Case, BlackBerry 9900 9930 Hardcore Kickstand Case, HTC Evo 3D Hardcore Protector Case, HTC EVO 4G Hardcore Kickstand Case, HTC Sensation 4G Hardcore Protector Case, Huawei M835 Hardcore Protector Case, Huawei Pinnacle M635 Hardcore Kickstand Case, LG Connect 4G MS840 Hardcore Kickstand Case, LG Esteem MS910 Hardcore Kickstand Case, LG Esteem MS910

Hardcore Protector Case, Motorola Atrix 4G Hardcore Protector Case, Motorola Droid Razr XT912 Hardcore Protector Case, Samsung Admire R720 Hardcore Kickstand Case, Samsung Freeform III R380 Hardcore Protector Case, Samsung Galaxy Attain R920 Hardcore Kickstand Case, Samsung Galaxy Prevail M820 Hardcore Protector Case, Samsung Galaxy S II Epic 4G Hardcore Protector Case, Samsung Galaxy S II I727 SkyRocket Hardcore Protector, Samsung Galaxy S II I777 Hardcore Kickstand Case, Samsung Galaxy S II I777 Hardcore Protector Case, Samsung Galaxy S II T989 Hardcore Kickstand Case, Samsung Galaxy S II T989 Hardcore Protector Case, Samsung Infuse 4G Hardcore Protector Case, ZTE Warp Hardcore Kickstand Case, Apl i-Phone 3G/3GS Hybrid Case, Apl i-Phone 4G Hybrid Case, Apl i-Pod Touch 4th Gen Hybrid Case, BlackBerry 8520 8530 9300 Hybrid Case, BlackBerry Torch 9850 Hybrid Case, BlackBerry 9900 9930 Hybrid Case, HTC Evo 3D Hybrid Case, HTC MyTouch 4G Hybrid Case, Motorola Droid Razr XT912 Hybrid Case, Samsung Galaxy Attain R920 Hybrid Case, Samsung Galaxy S II i777 Hybrid Case, Samsung Admire R720 Hybrid Case.

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 11, 2010, United States Patent No. D615,535 (“the ’535 Patent”), entitled “CASE,” was duly and legally issued to Curtis R. Richardson and Jamie L. Johnson. A true and correct copy of the ’535 Patent is attached as **Exhibit B.**

10. The ’535 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 ’535 Patent, including, without limitation, the right to enforce these patents and collect damages for past infringement.

12. On May 11, 2010, United States Patent No. D615,536 (“the ’536 Patent”), entitled “CASE,” was duly and legally issued to Curtis R. Richardson, John H. Loudenslager, Jamie L. Johnson, W. Travis Smith and Alan V. Morine. A true and correct copy of the ’536 Patent is attached as **Exhibit C.**

13. The ’536 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 ’536 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.

18. On June 15, 2010, United States Patent No. D617,785 (“the ’785 Patent”), entitled “CASE,” was duly and legally issued to Curtis R. Richardson, John H. Loudenslager, Jamie L. Johnson and Stephen Willes. A true and correct copy of the ’785 Patent is attached as **Exhibit E.**

19. The ’785 Patent is enforceable and, pursuant to 35 U.S.C. § 282, enjoys a statutory presumption of validity.

20. By assignment, OtterBox owns all rights, title, and interests in and to the ’785 Patent, including, without limitation, the right to enforce these patents and collect damages for past infringement.

21. On August 10, 2010, United States Patent No. D621,394 (“the ’394 Patent”), entitled “CASE,” was duly and legally issued to Curtis R. Richardson, John H. Loudenslager, Jamie L. Johnson and Stephen Willes. A true and correct copy of the ’394 Patent is attached as **Exhibit F.**

22. The ’394 Patent is enforceable and, pursuant to 35 U.S.C. § 282, enjoys a statutory presumption of validity.

23. By assignment, OtterBox owns all rights, title, and interests in and to the ’394 Patent, including, without limitation, the right to enforce these patents and collect damages for past infringement.

24. 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 G.**

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

26. 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.

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

27. OtterBox incorporates by reference paragraphs 1 through 26 as if set forth in their entirety.

28. Wireless Complete is making, using, selling, and/or offering to sell in the United States and/or importing into the United States the Apl i-Phone 3G 3GS Hardcore Kickstand Case, Apl i-Phone 3G 3GS Hardcore Protector Case, Apl i-Phone 4 4S Hardcore Kickstand Case, I-Pod Touch 4th Gen. Hardcore Protector Case, BlackBerry 8520 8530 9300 Hardcore Protector Case, BlackBerry 9350 9360 9370 Curve Hardcore Kickstand Case, BlackBerry 9900 9930 Hardcore Kickstand Case, HTC Evo 3D Hardcore Protector Case, HTC EVO 4G Hardcore Kickstand Case, HTC Sensation 4G Hardcore Protector Case, Huawei M835 Hardcore Protector Case, Huawei Pinnacle M635 Hardcore Kickstand Case, LG Connect 4G MS840 Hardcore Kickstand Case, LG Esteem MS910 Hardcore Kickstand Case, LG Esteem MS910 Hardcore Protector Case, Motorola Atrix 4G Hardcore Protector Case, Motorola Droid Razr XT912 Hardcore Protector Case, Samsung Admire R720 Hardcore Kickstand Case, Samsung Freeform III R380 Hardcore Protector Case, Samsung Galaxy Attain R920 Hardcore Kickstand Case, Samsung Galaxy Prevail M820 Hardcore Protector Case, Samsung Galaxy S II Epic 4G Hardcore Protector Case, Samsung Galaxy S II I727 SkyRocket Hardcore Protector, Samsung Galaxy S II I777 Hardcore Kickstand Case, Samsung Galaxy S II I777 Hardcore Protector Case, Samsung Galaxy S II T989 Hardcore Kickstand

Case, Samsung Galaxy S II T989 Hardcore Protector Case, Samsung Infuse 4G Hardcore Protector Case, ZTE Warp Hardcore Kickstand Case.

29. Wireless Complete'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): Apl i-Phone 3G 3GS Hardcore Kickstand Case, Apl i-Phone 3G 3GS Hardcore Protector Case, Apl i-Phone 4 4S Hardcore Kickstand Case, I-Pod Touch 4th Gen. Hardcore Protector Case, BlackBerry 8520 8530 9300 Hardcore Protector Case, BlackBerry 9350 9360 9370 Curve Hardcore Kickstand Case, BlackBerry 9900 9930 Hardcore Kickstand Case, HTC Evo 3D Hardcore Protector Case, HTC EVO 4G Hardcore Kickstand Case, HTC Sensation 4G Hardcore Protector Case, Huawei M835 Hardcore Protector Case, Huawei Pinnacle M635 Hardcore Kickstand Case, LG Connect 4G MS840 Hardcore Kickstand Case, LG Esteem MS910 Hardcore Kickstand Case, LG Esteem MS910 Hardcore Protector Case, Motorola Atrix 4G Hardcore Protector Case, Motorola Droid Razr XT912 Hardcore Protector Case, Samsung Admire R720 Hardcore Kickstand Case, Samsung Freeform III R380 Hardcore Protector Case, Samsung Galaxy Attain R920 Hardcore Kickstand Case, Samsung Galaxy Prevail M820 Hardcore Protector Case, Samsung Galaxy S II Epic 4G Hardcore Protector Case, Samsung Galaxy S II I727 SkyRocket Hardcore Protector, Samsung Galaxy S II I777 Hardcore Kickstand Case, Samsung Galaxy S II I777 Hardcore Protector

Case, Samsung Galaxy S II T989 Hardcore Kickstand Case, Samsung Galaxy S II T989 Hardcore Protector Case, Samsung Infuse 4G Hardcore Protector Case, ZTE Warp Hardcore Kickstand Case.

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

31. Wireless Complete'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.

32. On information and belief, Wireless Complete'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. D615,535

33. OtterBox incorporates by reference paragraphs 1 through 32 as if set forth in their entirety.

34. Wireless Complete's making, using, selling, and/or offering to sell in the United States and/or importing into the United States the Samsung Galaxy Prevail M820 Hardcore Protector Case.

35. Wireless Complete's activities in making, using, selling, and/or offering to sell in the United States and/or importing into the United States the Samsung Galaxy Prevail M820 Hardcore Protector Case constitutes direct infringement of the '535 Patent, in violation of 35 U.S.C. § 271(a).

36. Wireless Complete's infringement of the '535 Patent has caused and will continue to cause damage to OtterBox in an amount to be determined at trial.

37. Wireless Complete's infringement of the '535 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.

38. On information and belief, Wireless Complete's actions in infringing the '535 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. D615,536

39. OtterBox incorporates by reference paragraphs 1 through 38 as if set forth in their entirety.

40. Wireless Complete is making, using, selling, and/or offering to sell in the United States and/or importing into the United States the Apl i-Phone 3G/3GS Hybrid Case and HTC Evo 3D Hybrid Case.

41. Wireless Complete's activities in making, using, selling, and/or offering to sell in the United States and/or importing into the United States the Apl i-Phone 3G/3GS Hybrid Case and HTC Evo 3D Hybrid Case constitute direct infringement of the '536 Patent, in violation of 35 U.S.C. § 271(a).

42. Wireless Complete's infringement of the '536 Patent has caused and will continue to cause damage to OtterBox in an amount to be determined at trial.

43. Wireless Complete's infringement of the '536 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.

44. On information and belief, Wireless Complete's actions in infringing the '536 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

45. OtterBox incorporates by reference paragraphs 1 through 44 as if set forth in their entirety.

46. Wireless Complete is making, using, selling, and/or offering to sell in the United States and/or importing into the United States the Apl i-Phone 3G/3GS Hardcore Protector Case and I-Pod Touch 4th Gen. Hardcore Protector Case.

47. Wireless Complete's activities in making, using, selling, and/or offering to sell in the United States and/or importing into the United States the Apl i-Phone 3G/3GS Hardcore Protector Case and I-Pod Touch 4th Gen. Hardcore Protector Case constitute direct infringement of the '784 Patent, in violation of 35 U.S.C. § 271(a).

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

49. Wireless Complete'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.

50. On information and belief, Wireless Complete'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.

FIFTH CLAIM FOR RELIEF
Infringement of U.S. Patent No. D617,785

51. OtterBox incorporates by reference paragraphs 1 through 50 as if set forth in their entirety.

52. Wireless Complete is making, using, selling, and/or offering to sell in the United States and/or importing into the United States the BlackBerry 8520

8530 9300 Hybrid Case, Motorola Droid Razr XT912 Hybrid Case, Samsung Galaxy Attain R920 Hybrid Case, and Samsung Admire R720 Hybrid Case.

53. Wireless Complete's activities in making, using, selling, and/or offering to sell in the United States and/or importing into the United States the BlackBerry 8520 8530 9300 Hybrid Case, Motorola Droid Razr XT912 Hybrid Case, Samsung Galaxy Attain R920 Hybrid Case, and Samsung Admire R720 Hybrid Case constitute direct infringement of the '785 Patent, in violation of 35 U.S.C. § 271(a).

54. Wireless Complete's infringement of the '785 Patent has caused and will continue to cause damage to OtterBox in an amount to be determined at trial.

55. Wireless Complete's infringement of the '785 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.

56. On information and belief, Wireless Complete's actions in infringing the '785 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.

SIXTH CLAIM FOR RELIEF
Infringement of U.S. Patent No. D621,394

57. OtterBox incorporates by reference paragraphs 1 through 56 as if set forth in their entirety.

58. Wireless Complete is making, using, selling, and/or offering to sell in the United States and/or importing into the United States the Apl i-Pod Touch 4th Gen. Hybrid Case, BlackBerry 8520 8530 9300 Hybrid Case, BlackBerry Torch 9850 Hybrid Case, BlackBerry 9900 9930 Hybrid Case, HTC MyTouch 4G Hybrid Case, and Samsung Galaxy S II i777 Hybrid Case.

59. Wireless Complete's activities in making, using, selling, and/or offering to sell in the United States and/or importing into the United States the Apl i-Pod Touch 4th Gen. Hybrid Case, BlackBerry 8520 8530 9300 Hybrid Case, BlackBerry Torch 9850 Hybrid Case, BlackBerry 9900 9930 Hybrid Case, HTC MyTouch 4G Hybrid Case, and Samsung Galaxy S II i777 Hybrid Case constitute direct infringement of the '394 Patent, in violation of 35 U.S.C. § 271(a).

60. Wireless Complete's infringement of the '394 Patent has caused and will continue to cause damage to OtterBox in an amount to be determined at trial.

61. Wireless Complete's infringement of the '394 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.

62. On information and belief, Wireless Complete's actions in infringing the '394 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.

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

63. OtterBox incorporates by reference paragraphs 1 through 62 as if set forth in their entirety.

64. Wireless Complete is making, using, selling, and/or offering to sell in the United States and/or importing into the United States the Apl i-Phone 4G Hybrid Case.

65. Wireless Complete's activities in making, using, selling, and/or offering to sell in the United States and/or importing into the United States the Apl i-Phone 4G Hybrid Case constitutes direct infringement of the '005 Patent, in violation of 35 U.S.C. § 271(a).

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

67. Wireless Complete'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.

68. On information and belief, Wireless Complete'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.

DEMAND FOR JURY TRIAL

69. 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 Wireless Complete, and all related entities or persons acting in concert with them, from manufacturing, selling, or offering for sale the following products: Apl i-Phone 3G 3GS Hardcore Kickstand Case, Apl i-Phone 3G 3GS Hardcore Protector Case, Apl i-Phone 4 4S Hardcore Kickstand Case, I-Pod Touch 4th Gen. Hardcore Protector Case, BlackBerry 8520 8530 9300 Hardcore Protector Case, BlackBerry 9350 9360 9370 Curve Hardcore Kickstand Case, BlackBerry 9900 9930 Hardcore Kickstand Case, HTC Evo 3D Hardcore Protector Case, HTC EVO 4G Hardcore Kickstand Case, HTC Sensation 4G Hardcore Protector Case, Huawei M835 Hardcore Protector Case, Huawei Pinnacle M635

Hardcore Kickstand Case, LG Connect 4G MS840 Hardcore Kickstand Case, LG Esteem MS910 Hardcore Kickstand Case, LG Esteem MS910 Hardcore Protector Case, Motorola Atrix 4G Hardcore Protector Case, Motorola Droid Razr XT912 Hardcore Protector Case, Samsung Admire R720 Hardcore Kickstand Case, Samsung Freeform III R380 Hardcore Protector Case, Samsung Galaxy Attain R920 Hardcore Kickstand Case, Samsung Galaxy Prevail M820 Hardcore Protector Case, Samsung Galaxy S II Epic 4G Hardcore Protector Case, Samsung Galaxy S II I727 SkyRocket Hardcore Protector, Samsung Galaxy S II I777 Hardcore Kickstand Case, Samsung Galaxy S II I777 Hardcore Protector Case, Samsung Galaxy S II T989 Hardcore Kickstand Case, Samsung Galaxy S II T989 Hardcore Protector Case, Samsung Infuse 4G Hardcore Protector Case, ZTE Warp Hardcore Kickstand Case, Apl i-Phone 3G/3GS Hybrid Case, Apl i-Phone 4G Hybrid Case, Apl i-Pod Touch 4th Gen Hybrid Case, BlackBerry 8520 8530 9300 Hybrid Case, BlackBerry Torch 9850 Hybrid Case, BlackBerry 9900 9930 Hybrid Case, HTC Evo 3D Hybrid Case, HTC MyTouch 4G Hybrid Case, Motorola Droid Razr XT912 Hybrid Case, Samsung Galaxy Attain R920 Hybrid Case, Samsung Galaxy S II i777 Hybrid Case, Samsung Admire R720 Hybrid Case.

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

TURNER BOYD LLP

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