

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of	
Certain Cases For Portable Electronic Devices	Investigation No. _____

**COMPLAINT UNDER SECTION 337
OF THE TARIFF ACT OF 1930**

COMPLAINANT

Speculative Product Design, LLC
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Mountain View, California 94041
650-681-8060

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COUNSEL FOR COMPLAINANT

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JWIN Electronics Corp., dba iLuv
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Project Horizon, Inc.
dba InMotion Entertainment
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Shailendra Maheshwari
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Superior Communications, Inc.,
dba PureGear
5027 Irwindale Avenue, Suite 900
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PROPOSED RESPONDENTS

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Wu Ku Industrial Zone
New Taipei City, Taiwan

Jie Sheng Technology
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Tainan City 710, Taiwan

Shengda Huanqiu Shijie
North Kao Ku Digital Building, 1st Floor
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EXHIBIT LIST

EXHIBITS	DESCRIPTION
1	U.S. Patent No. 8,204,561
2	Assignment of the '561 Patent
3	Declaration concerning En Jinn/iLuv products
4	Declarations concerning Shengda Huanqiu Shijie products with photographs of the infringing cases (Declaration contains confidential exhibits)
5	Declaration concerning Global Digital Star Industry Ltd. products with photographs of infringing cases
6	Declaration concerning Jie Sheng Technology products with photographs of infringing cases
7	Declaration concerning Project Horizon, Inc., d/b/a InMotion Entertainment products
8	Declaration concerning Superior Communications, Inc., d/b/a PureGear products with photographs of infringing cases.
9	En Jinn/iLuv - Claim Chart U.S. Patent 8,204,561.
10	Physical sample of En Jinn's infringing case purchased in the U.S.
11	Shengda - Claim Chart U.S. Patent 8,204,561.
12	Physical sample of Shengda's infringing case purchased in the U.S.
13	Global Digital - Claim Chart U.S. Patent 8,204,561.
14	Physical sample of Global Digital's infringing case purchased in the U.S.
15	Jie Sheng - Claim Chart U.S. Patent 8,204,561.
16	Physical sample of Jie Sheng's infringing case purchased in the U.S.
17	InMotion - Claim Chart U.S. Patent 8,204,561
18	Physical sample of InMotion's infringing case purchased in the U.S.
19	PureGear - Claim Chart U.S. Patent 8,204,561 (iPhone)
20	Physical sample of PureGear's infringing case purchased in the U.S.
21	PureGear - Claim Chart U.S. Patent 8,204,561 (Xperia)
22	Physical sample of PureGear's infringing case purchased in the U.S.
23	Claim Chart U.S. Patent 8,204,561 - Speck CandyShell
24	Physical Sample of the Speck CandysHELL case
25	Declaration of []
Appendix A	Certified copy of the Prosecution History, which is included in the certified File Wrapper for U.S. Patent 8,204,561

I. INTRODUCTION

1. This Complaint is filed, pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, by Speculative Product Design, LLC, d/b/a (*) Speck® (“Complainant” or “Speck”) based on unfair methods of competition and unfair acts in the unlawful importation into the United States, sale for importation into the United States, or sale within the United States after importation of certain one-piece protective cases for portable handheld electronic devices (collectively the “Accused Products”) by: En Jinn Industrial Co. Ltd., Shengda Huanqiu Shijie, Global Digital Star Industry, Ltd., JWIN Electronics Corp., d/b/a iLuv, Jie Sheng Technology, Project Horizon, Inc. d/b/a/ InMotion Entertainment, Superior Communications, d/b/a/ PureGear, (collectively “Respondents”). The Accused Products manufactured, imported and/or sold by Respondents directly infringe in the United States, one or more of claims 1-16 (the “Asserted Claims”) of U.S. Patent No. 8,204,561 (“the ‘561 Patent” or “Asserted Patent” or “Patent-in-Suit”) (Exhibit 1). Speck is the owner by assignment of the ‘561 Patent (Exhibit 2).

2. Speck seeks, as relief, a permanent general exclusion order barring from entry into the United States infringing one-piece protective cases for portable handheld electronic devices. A permanent general exclusion order is appropriate in this matter for a number of reasons. First, the infringement of the ‘561 Patent and the unlawful importation of infringing goods into the United States is widespread. Second, Speck has named numerous Respondents as part of its ongoing investigation but other infringers and unlawful actors remain difficult, if not impossible, to locate. Third, in certain cases, unincorporated entities are selling infringing products of foreign origin into the United States over the Internet. Fourth, infringing products are available one day and then unavailable the next as the suppliers move about, fictionalizing their identity to avoid detection and selling through other channels. Fifth, in other cases, foreign manufac-

turers of infringing products are covertly operating to conceal their identity and/or the location of the manufacture and distribution network of the infringing products that are exported to the United States. Sixth, certain other foreign manufactures are offering infringing products in the United States upon placement of bulk or Original Equipment Manufacturer (“OEM”) orders. Seventh, the small size and portability of the products covered by the ‘561 patent make it easy for foreign manufacturers and distributors to move product (both physically and through sales over the Internet from undesignated locations) and to thereby evade other enforcement efforts that might prevent infringing products from entering the United States.

3. Alternatively, Speck seeks a limited exclusion order barring from entry into the United States the infringing one-piece protective cases for portable handheld electronic devices which are manufactured by or on behalf of Respondents and are imported, offered for sale, sold, sold for importation, and/or sold after importation by Respondents.

4. Speck also seeks, as relief, permanent cease and desist orders against all domestic operations of Respondents prohibiting the importation, sale, offer for sale, advertising, packaging, installation, and/or the use or solicitation of any sale of imported infringing products, including, without limitation, through the Internet.

II. COMPLAINANT

5. Headquartered in Mountain View, California, Complainant Speck is a California limited liability company that creates protective cases for the mobile electronics accessory market. Founded in 2001, Speck has become one of the world’s leading designers and manufacturers of protective cases for portable handheld electronic devices. Today, Speck offers over 250 products that are sold worldwide in more than 75 countries.

6. Speck cases are thoughtfully designed to protect portable handheld electronic devices, enhance interoperability between devices and cases, add functionality and improve the

overall experience for the user of portable handheld electronic devices. Speck achieves high-quality product construction through, among other things, its use of 3D scanners, high-tech modeling, and rigorous quality testing.

7. Speck cases are widely found covering the portable electronic products of leading manufacturers all around the world. Speck cases cover mobile and cellular telephones, tablets, laptops, e-readers, music players, portable computers, global position systems devices, portable media players, and personal digital assistants. Speck develops and manufactures cases for products such as the Apple iPhone®, Apple iPad®, Apple iPod®, Apple MacBook®, Notebook bags and sleeves, Smartphones including Blackberry®, HTC®, Sharp®, Samsung®, and Motorola® models, TomTom® GPS navigation devices, portable hard drives such as WD My Passport Elite/Essential®, and the Kindle 3®.

8. Speck has received numerous industry awards and accolades along with widespread product and brand recognition for its innovative products and designs. Speck's CandyShell line of products, which represents a preferred embodiment of the Patent-in-Suit, is a particular standout in the protective case market. For example, in 2009, CandyShell for iPhone 3G was recognized by iLounge as the iPhone Case of the Year. It was also recognized as the Accessory of the Year. In 2011, the CandyShell Flip for iPhone 4 received the iPhone case of the Year award from iLounge. Also in 2011, the CandyShell Wrap for iPad 2 was lauded by the Consumer Electronics Association as a CES Innovations Design and Engineering Honoree. Consumers have widely embraced the CandyShell, total sales of which have climbed year after year.

9. Speck is continually striving to develop new designs and useful case products and features to meet the needs of the ever-advancing consumer electronics industry. Speck has made, and continues to make, substantial investments in the research, development, design, en-

gineering and manufacture of its protective cases in its facilities in the United States, including, without limitation, the inventions disclosed and claimed in the Patent-in-Suit. Speck relies on the expertise, creativity and knowledge of its skilled design, development and manufacturing personnel and utilizes patent, trademark and copyright protection to safeguard its competitive position. Speck is the owner of record of the Patent-in-Suit, which is the product of Speck's efforts to innovate and protect its intellectual property.

III. PROPOSED RESPONDENTS

10. Upon information and belief, Respondents include manufacturers, distributors and retail entities that import, sell for importation and/or sell in the U.S. after importation certain cases for portable electronics that infringe one or more of the claims of the '561 Patent.

11. Upon information and belief, En Jinn Industrial Co. Ltd. ("En Jinn") is a Taiwanese company with a business address at No. 5 Wu Chan 3rd Road, Wu Ku Industrial Zone, New Taipei City, Taiwan. En Jinn is one of Speck's suppliers. Upon information and belief, En Jinn also makes in Taiwan, has others make in Taiwan, exports from Taiwan to the U.S., and/or imports into the U.S. for sale, certain cases for handheld mobile electronics, which infringe the Patent-in-Suit and which En Jinn supplies to respondent JWIN Electronics Corp. d/b/a iLuv. The infringing cases manufactured by En Jinn are shipped into the U.S. where they can be purchased at retail locations or online. Confirmation of importation and U.S. sale are attached as Exhibit 3.

12. Upon information and belief, Shengda Huanqiu Shijie ("Shengda") is a Chinese company with a place of business located at Futian District, Shenzhen Huaqianq, North Kao-Ku Digital Building, 1st Floor C051, Shenzhen, China. Upon information and belief, Shengda makes in China, has others make in China, exports from China to the U.S., and/or imports into the U.S. for sale certain cases for handheld mobile electronics, which infringe the Patent-in-Suit

(“Shengda Cases”). Shengda admits on its cases and/or packaging that the Shengda Cases are manufactured in China. Confirmation of importation and U.S. sale are attached as Exhibit 4.

13. Upon information and belief, Global Digital Star Industry Ltd. (“Global Digital”) is Chinese company with a place of business at 22F, Hong Ling Building, Hong Ling South Road, Futian District, Shenzhen City 518112, China. Upon information and belief, Global Digital makes in Taiwan or China, has others make in Taiwan or China, exports from Taiwan or China to the U.S., and/or imports into the U.S. for sale certain cases for handheld mobile electronics that infringe the Patent-in-Suit (“Global Digital Cases”). Confirmation of importation and U.S. sale are attached as Exhibit 5.

14. Upon information and belief, Jie Sheng Technology (“Jie Sheng”) is a Hong Kong company with a business address at 3017, 3/F, Yuanwang Digital Mall, North of Huaqiang, Futian District, Shenzhen City, China. Upon information and belief, Jie Sheng Technology makes in China, has others make in China, exports from China to the U.S., and/or imports into the U.S. for sale certain cases for handheld mobile electronics, which infringe the Patent-in-Suit including, without limitation, the “Mage Shell” case and “OEM Candyshele Case for iPhone 4S/4 (collectively “Jie Sheng Cases”). Jie Sheng admits that the Jie Sheng Cases are made in and exported from China. Upon information and belief, certain cases for handheld mobile electronics that infringe the Patent-in-Suit are imported into the United States, sold for importation and/or sold within the United States after importation by Jie Sheng. Confirmation of importation and U.S. sale are attached as Exhibit 6.

15. Upon information and belief, JWIN Electronics Corp., d/b/a iLuv (“iLuv”) is a New York corporation with a place of business located at 2 Harbor Park Dr, Port Washington, New York 11050. Upon information and belief, iLuv makes in Taiwan, has others make in Tai-

wan, exports from Taiwan to the U.S., and/or imports into the U.S. for sale certain cases for handheld mobile electronics, which infringe the Patent-in-Suit including, without limitation, iLuv “Regatta” cases for iPhone 4 in assorted colors (collectively “iLuv Regatta Cases”). iLuv admits on the iLuv Regatta Cases and packaging that the iLuv Regatta Cases are manufactured in Taiwan. iLuv Regatta Cases are available for purchase in the U.S. online at, for example, www.iluv.com, and in stores and kiosks in the U.S. Confirmation of importation and U.S. sale are attached as Exhibit 3.

16. Upon information and belief, Project Horizon, Inc., d/b/a InMotion Entertainment (“InMotion”) is a Florida corporation with a business address at 4801 Executive Park Court Suite 100, Jacksonville, Florida, 32216. Upon information and belief, certain cases for handheld mobile electronics that infringe the Patent-in-Suit are imported into the U.S., sold for importation and/or sold by InMotion in airports across the United States after importation. For example the infringing iLuv Regatta cases made in Taiwan by En Jinn and imported into the U.S. are widely sold by InMotion after such importation. Confirmation of importation and U.S. sale are attached as Exhibits 3 & 7.

17. Upon information and belief, Superior Communications, Inc., d/b/a PureGear (“PureGear”) is a California corporation with a place of business located at 5027 Irwindale Avenue, Suite 900, Irwindale, California 91706. Upon information and belief, PureGear makes in China, has others make in China, exports from China to the U.S., and/or imports into the U.S. for sale, certain cases for handheld mobile electronics, which infringe the Patent-in-Suit including, without limitation, PureGear “DualTek” for iPhone 4S/4 cases and PureGear “DualTeck” for Xperia Ion from Sony (collectively “PureGear Cases”). PureGear admits on its packaging that the PureGear Cases are manufactured in China. PureGear Cases are or have been available for

purchase in the U.S. online at, for example, www.pure-gear.com, and in brick and mortar stores located in the U.S. including, for example, the AT&T Casa Linda Retail Store in Dallas Texas. Confirmation of importation and U.S. sale are attached as Exhibit 8.

IV. THE PATENT-IN-SUIT

A. The '561 Patent — One Piece Co-formed Exterior Hard Shell Case With An Elastomeric Liner for Mobile Electronic Devices

18. The '561 Patent, entitled "One Piece Co-Formed Exterior Hard Shell Case With An Elastomeric Liner for Mobile Electronic Devices," was issued to Mongan, *et al.*, on June 19, 2012. A certified copy of the '561 Patent is attached to the Complaint as Exhibit 1. The U.S. Application, Serial No. 13/282,363, was filed on October 26, 2011. The '561 Patent has sixteen (16) claims, including independent Claim 1. Speck became the owner of the '561 Patent by assignment attached to the Complaint as Exhibit 2.

19. Together with this Complaint, Speck has filed a copy of a certified copy and four (4) additional copies of the prosecution history of the '561 Patent (Application Serial No. 13/282,363) as Appendix A. Speck has filed four (4) copies of each patent and technical reference identified in the prosecution history of the application leading to the issuance of the '561 Patent, such copies are included in the copies of the File Wrapper attached hereto as Appendix A.

B. Licenses Under the Patent-in-Suit

20. There are currently no licenses in the Patent-in-Suit granted to any third party.

C. Foreign Counterpart Patent and Applications

21. The foreign counterpart patents and/or applications that correspond to the Patent-in-Suit are identified in the chart below along with the application number, filing date and status

on each. Other than below, there are no other foreign patents or foreign patent applications pending, filed, abandoned, withdrawn or rejected relating to the Patent-in-Suit.

Country	Application No.	Filing Date	Status
US	12/366,769	06 February 2009	Response to Nonfinal Office Action Due 11/06/2012
US	13/282363	26 October 2011	Issued as U.S. Patent No. 8,204,561 on 06/19/2012
Canada	2,751,645	28 January 2010	Examination Request Due 01/28/2015
China	201080006846.6	28 January 2010	Awaiting first Examination Report.
Europe	10738981.9	28 January 2010	Awaiting first Examination Report.
Hong Kong	12100417.1	28 January 2010	Awaiting grant of corresponding EP Application
Mexico	MX/a/2011/008253	28 January 2010	Awaiting first Examination Report.
South Korea	10-2011-7020810	28 January 2010	Awaiting first Examination Report.
Singapore	201105666-0	28 January 2010	Awaiting Second Written Opinion.

V. NON-TECHNICAL DESCRIPTION OF THE PATENTED TECHNOLOGY

A. Background of Cases for Mobile Handheld Electronic Devices

22. The Patent-in-Suit relates generally to the mobile electronics accessory market and more specifically to protective cases for handheld portable electronic devices such as mobile phones, laptops, tablets, personnel digital assistants and portable digital media players. The handheld portable electronics case market has burgeoned with the rapid advancements in and expansion of the mobile phone market. The use and manufacture of cell phones, for example, surged dramatically in the late 1990s and early 2000s. The use of cases to protect, add functionality and stylize these expensive electronic devices has concomitantly grown. Speck entered the protective case market in 2001 as the market for mobile electronics began to rise sharply.

23. Cases for handheld portable electronic devices are often categorized by the type of material used, including elastomeric or rubber skins, hard plastic shells, and cut and sew materials. While the traditional use of each of these materials alone carry certain attributes, there are also limitations. Elastomeric cases, while easily stretched over a device to conform to the shape of the device and provide shock resistance, have a high surface friction coefficient making this type of case difficult to place in and remove from pockets and other tight places. Hard plastic cases, while often scratch resistant, puncture proof, or more easily placed and removed from pockets, do not flex well and are often comprised of more than one piece to secure the handheld device. Cut and sew cases, while stylish to some consumers, generally provide less protection to the device, require a secondary piece to secure the device in place, and are often bulky or more costly to manufacture. The Patent-in-Suit claims a one-piece case that uniquely combines flexible and hard materials to both overcome the limitations of and to realize the attributes of the use of these materials.

B. Speck Products Embodying the Claims of the Patent-in-Suit

24. The Patent-in-Suit claims a one-piece case comprised of a flexible inner layer co-molded with a hard protective exterior shell. Smart cutaways in the exterior hard layer, often at the corners, are filled with the co-molded flexible inner layer material producing a protective one-piece case that is flexible enough to accept a handheld device and rigid enough to securely retain it.

25. The Patent-in-Suit is embodied by the Speck CandyShell. Through its use of co-molded materials and a cutaway portion that is permanently filled with flexible material, the Speck CandyShell solves many of the problems and shortcomings found in earlier cases and as briefly described above. Sold as a “delightfully functional” one-piece case, the CandyShell is sleek, form-fitted, easy to handle, and resistant to shock or puncture. The CandyShell provides

exceptional protection to the electronic device without the added bulk or multi-layers used by other case manufacturers. In many ways, Candyshell embodies the best of both function and design. Representative pictures of some of the CandyShell products covered by the '561 Patent are featured below.



C. Respondents' Products

26. Upon information and belief, Respondents En Jinn, Shengda, Jie Sheng, iLuv, InMotion, Global Digital and PureGear make for import into the U.S. and/or have others make for import into the U.S., import into the U.S., and/or sell after importation into the U.S. protective cases that infringe the '561 Patent either literally or under the doctrine of equivalents. Each of the accused products copy the unique and innovative features of Speck's cases. In particular,

but without limitation, each of the accused products utilizes a co-molded one-piece flexible case with a hard exterior and a flexible inner layer along with a cutaway portion in the hard shell permanently filled with the flexible interior material. Representative pictures of some of the accused products are provided below.



VI. RELATED LITIGATION

27. Speck has filed a District Court Action in the Northern District of California, San Francisco Division, on September 25, 2012 against Superior Communications, Inc., d/b/a PureGear, BodyGlove International (adding Fellowes, Inc. as a defendant on December 14, 2012), and JWIN Electronics Corp. for infringement of Asserted Patent, willful infringement of the Asserted Patent, monetary damages, and a permanent injunction. See Civil Action Nos.: 12-cv-4997-DMR; 12-cv-4998-KAW; and 12-cv-4995-EDL, respectively.

28. By publication of a notice in the Federal Register on November 16, 2012, the U.S. International Trade Commission ordered an investigation concerning the Patent-in-Suit to determine whether there is a violation of subsection (a)(1)(B) of section 337 by against Anbess Elec-

tronics Co. Ltd, BodyGlove International , LLC, Fellowes, Inc., ROCON Digital Technology Corp., SW-Box.com, aka Cellphonezone Limited, Trait Technology (Shenzhen) Co., Limited and Hongkong Wexun Ltd. That investigation is presently pending before Administrative Law Judge Thomas B. Pender.

VII. UNLAWFUL AND UNFAIR ACTS OF THE RESPONDENTS

A. Infringement of the '561 Patent

29. Upon information and belief, Respondents make for import into the U.S. and/or have others make for import into the U.S., import into the U.S., and/or sell after importation into the U.S. protective cases that directly infringe the '561 Patent either literally or under the doctrine of equivalents.

30. Upon information and belief, Respondent En Jinn makes for import into the U.S., has others make for import into the U.S., imports into the U.S., and/or sells after importation into the U.S. protective cases for mobile handheld electronic devices which infringe claims 1 through 16 of the '561 Patent. A claim chart that applies independent Claim 1 of the '561 patent to exemplar infringing cases En Jinn manufactures for Respondent iLuv is attached as Exhibit 9. The claim chart in Exhibit 9 demonstrates how En Jinn's infringing cases meets every limitation of independent Claim 1. A physical example of such as case is attached as Exhibit 10.

31. Upon information and belief, Respondent Shengda makes for import into the U.S. and/or has others make for import into the U.S., imports into the U.S., and/or sells after importation into the U.S. protective cases which infringe claims 1 through 16 of the '561 Patent. A claim chart that applies independent Claim 1 of the '561 patent to exemplar infringing Shengda Cases is attached as Exhibit 11. The claim chart in Exhibit 11 demonstrates how Shengda's infringing cases meets every limitation of independent Claim 1. A physical example of such a case is attached as Exhibit 12.

32. Upon information and belief, Respondent Global Digital makes for import into the U.S. and/or has others make for import into the U.S., imports into the U.S., and/or sells after importation into the U.S. protective cases which infringe claims 1 through 16 of the '561 Patent. A claim chart that applies independent Claim 1 of the '561 patent to exemplar infringing Global Digital Cases is attached as Exhibit 13. The claim chart in Exhibit 13 demonstrates how Global Digital's infringing cases meets every limitation of independent Claim 1. A physical example of such a case is attached as Exhibit 14.

33. Upon information and belief, Respondent Jie Sheng Technology makes for import into the U.S., has others make for import into the U.S., imports into the U.S., and/or sells after importation into the U.S. protective cases for mobile handheld electronic devices, including, but not limited to, "Mage Shell" cases, which infringe claims 1 through 16 of the '561 Patent. A claim chart that applies independent Claim 1 of the '561 patent to exemplar infringing Jie Sheng Technology Cases is attached as Exhibit 15. The claim chart in Exhibit 15 demonstrates how Jie Sheng Technology's infringing cases meet every limitation of independent Claim 1. A physical example of such a case is attached as Exhibit 16.

34. Upon information and belief, Respondent iLuv makes for import into the U.S. and/or has others make for import into the U.S., imports into the U.S., and/or sells after importation into the U.S. protective cases for mobile handheld electronic devices, including, but not limited to, iLuv “Regatta” cases for iPhone 4, which infringe claims 1 through 16 of the ‘561 Patent. A claim chart that applies independent Claim 1 of the ‘561 patent to exemplar infringing iLuv Cases is attached as Exhibit 17. The claim chart in Exhibit 17 demonstrates how iLuv’s infringing cases meets every limitation of independent Claim 1. A physical example of such as case is attached as Exhibit 18.

35. Upon information and belief, Respondent InMotion imports, offers for sale and/or sells after importation into the U.S. infringing protective cases made by other Respondents, including, but not limited to, Respondent iLuv’s “Regatta” cases for iPhone 4/4S, which, as set forth in the claim chart discussed above in Exhibit 17, infringe claims 1 through 16 of the ‘561 Patent. A physical example of such a case purchased at an InMotion retail location is attached as Exhibit 18.

36. Upon information and belief, Respondent PureGear makes for import into the U.S. and/or has others make for import into the U.S., imports into the U.S., and/or sells after importation into the U.S. protective cases, including, but not limited to, PureGear’s “DualTek” cases for Experia Ion from Sony and “Dualtek” cases for iPhone 4S/4, which infringe claims 1 through 16 of the ‘561 Patent. A claim chart that applies independent Claim 1 of the ‘561 patent to exemplar infringing PureGear Cases is attached as Exhibit 19 and 21. The claim charts in Exhibits 19 and 21 demonstrate how PureGear’s infringing cases meets every limitation of independent Claim 1. A physical example of each such a case is attached as Exhibits 20 and 22.

VIII. UNFAIR IMPORTATION AND SALE

37. Upon information and belief, Respondents are and will continue importing, selling for importation and/or selling within the U.S. after importation infringing cases in violation of Section 337. Speck has obtained in the U.S. representative samples of Respondents' products that infringe the '561 Patent. All of the accused products are on sale in the United States and all bear indication that they are made in China or Taiwan.

IX. THE DOMESTIC INDUSTRY

A. The Technical Prong

38. Speck's CandyShell products are covered by the Patent-in-Suit.

39. As noted in paragraphs 5-9, *supra*, the products Speck sells were designed and developed by Speck in the United States specifically for use in the industries described. A claim chart demonstrating how Speck's products practice at least one claim of the '561 patent is attached as Exhibit 23. A physical sample of Speck's CandyShell case is attached hereto as Exhibit 24.

B. The Economic Prong

40. Speck has made and is continuing to make substantial investments in its plant, equipment, labor and capital and substantial investments in the exploitation of the asserted patent and its products covered by the asserted patent in the United States. (*See* Exhibit 25.) (Confidential Declaration of)

X. HARMONIZED TARIFF SCHEDULE ITEM NOS.

41. All accused products are believed to fall within at least the following classifications of the harmonized tariff schedules of the United States: 3926.90.9980. These classifications are intended for illustrative purposes only and are not intended to restrict the scope or type of accused product.

XI. REQUEST FOR RELIEF

WHEREFORE, Speck respectfully requests that the United States International Trade Commission:

A. Institute an immediate investigation pursuant to Section 337(b)(1) of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, into the violation by Respondents of Section 337 arising from the importation into the United States, and/or sale for importation and/or sale within the United States after importation, of Respondents' Cases for Portable Electronic Devices that infringe and actively induce and/or contribute to the infringement of Claims 1-16 of the '561 patent;

B. Schedule and conduct a hearing pursuant to Section 337(c), for purposes of receiving evidence and hearing argument concerning whether there has been a violation of Section 337, and following the hearing, to determine that there has been a violation of Section 337;

C. Issue a general exclusion forbidding entry into the United States of all cases for Portable Electronic Devices that infringe Claims 1-16 of the '561 patent;

Alternatively, issue a limited exclusion forbidding entry into the United States of all Cases for Portable Electronic Devices imported, sold for importation, or sold following importation by the Respondents that infringe Claims 1-16 of the '561 patent;

D. Issue a permanent cease and desist order, pursuant to Section 337(f), directing Respondents to cease and desist from the importation, sale, offer for sale, advertising, packaging, or solicitation of any sale by Respondents of Cases for Portable Electronic Devices that infringe and actively induce and/or contribute to the infringement of Claims 1-16 of the '561 patent; and upon the facts complained of herein and as determined by the investigation.

Dated: December 21, 2012

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark Hogge", written over a horizontal line.

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