

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
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PROPOSED RESPONDENTS

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Project Horizon, Inc.
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27	iLUV Regatta product - Claim Chart U.S. Patent 8,204,561
28	Shenzhen Huafeng Technology Co., Ltd. - Claim Chart U.S. Patent 8,204,561 -
29	BodyGlove Diamond - Claim Chart U.S. Patent 8,204,561
30	Jie Sheng Technology CandyShell case - Claim Chart U.S. Patent 8,204,561

EXHS.	DESCRIPTION
31	PureGear Dualtex - Claim Chart U.S. Patent 8,204,561
32	Wexun Rocon CandyShell - Claim Chart U.S. Patent 8,204,561
33	Trait-Tech - Dexter Speck Candy Phone Protective Case - Claim Chart U.S. Patent 8,204,561
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35	Declaration of []

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: Anbess Electronics Co. Ltd., Alibaba.com, Limited, Alibaba.com, Inc., Aliexpress, Ltd., Biying Trading Co., Ltd, BodyGlove International, Fellowes, Inc., JWIN Electronics Corp., d/b/a iLuv, Jie Sheng Technology, Project Horizon, Inc. d/b/a/ InMotion Entertainment, Shenzhen Huafeng Technology Co., Ltd., Superior Communications, d/b/a/ PureGear, SW-Box.com a/k/a Cellphonezone, Trait Technology (Shenzhen) Co., Limited, and Hongkong Wexun Ltd, d/b/a Rocon (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 manufacturers 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 manufactur-

ers 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 Con-

sumer 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, engineering 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, Anbess Electronics Co. Ltd. ("Anbess") is a Hong Kong company with a business address at 1F, Block B, Building 4, Cui Feng hao Yuan, Shui-Jing, BuJi, LongGang, Shenzhen, GC, 518112, China. Upon information and belief, Anbess 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 "Speck Spek Candy Shell Cases for iPhone 4s and 4G" in assorted colors (collectively "Anbess Cases"). Anbess admits that Anbess Cases are manufactured in China. Anbess Cases are or have also been available for purchase in the U.S. online at www.anbess.com. Web photographs of infringing cases are attached as Exhibit 3.

12. Upon information and belief, Alibaba.com, Limited is a Chinese company with its principal place of business address located at 699 Wang Shang Road, Binjiang District, Hangzhou 310052 China. Upon information and belief, certain cases for handheld mobile electronics that infringe the Patent-in-Suit are or have been imported into the United States, sold for importation and/or sold within the United States after importation by Alibaba.com, Limited through the Internet and/or by its U.S. operating subsidiaries Alibaba.com, Inc. and Aliexpress.com, Ltd (the Alibaba family of companies collectively referred to as "Alibaba") including, without limitation, iLuv Cases, SHT Cases and Biying Cases. Web information and photographs of infringing cases are attached as Exhibit 4.

13. Upon information and belief, Alibaba.com, Inc. is a Delaware corporation with its principal place of business address located at 3945 Freedom Circle, Suite 600, Santa Clara, California 95054. Upon information and belief, certain cases for handheld mobile electronics that infringe the Patent-in-Suit are or have been imported into the United States, sold for importation and/or sold within the United States after importation by Alibaba.com through the Internet, for example, at www.alibaba.com including, without limitation, iLuv Cases, SHT Cases and Biying Cases. Web information and photographs of infringing cases are attached as Exhibit 4.

14. Upon information and belief, Aliexpress, Ltd is a U.S. operating subsidiary of Alibaba.com, Limited, with no known state or country of formation and no known address apart from that of its parent company Alibaba.com Limited. Upon information and belief, certain cases for handheld mobile electronics that infringe the Patent-in-Suit are or have been imported into the United States, sold for importation and/or sold within the United States after importation by Aliexpress.com through the Internet, for example, at www.aliexpress.com including, without

limitation, iLuv Cases, SHT Cases and Biying Cases. Web information and photographs of infringing cases are attached as Exhibit 5.

15. Upon information and belief, Biying Trading Co., Ltd (“Biying”) is a Chinese company located in China (Mainland) (Fujian). Upon information and belief, Biying 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, “Spek CandyShell Split Flip” Case for iPhone 4S/4” in assorted colors (collectively “Biying Cases”). Biying Cases are or have been available for purchase in the U.S. online at, for example, the Website operated by Respondent Alibaba at www.aliexpress.com. Web photographs of exemplar Biying Cases available for purchase online in the U.S., are attached as Exhibit 6.

16. Upon information and belief, BodyGlove International, LLC is a California limited liability company with a place of business located at 201 Herondo Street, Redondo Beach, California 90277 and 966 Sandhill Avenue, Carson, California 90746 (“BodyGlove”). Upon information and belief, BodyGlove 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, “Diamond” cases in assorted colors and BodyGlove’s “Tactic” Case for Samsung Galaxy in assorted colors (collectively “BodyGlove Cases”). BodyGlove admits on the BodyGlove Cases and/or packaging that the BodyGlove Cases are manufactured in China (Exhibit 7). BodyGlove Cases are or have been available for purchase in the U.S. online at, for example, www.bodyglove.com, and from brick and mortar stores located in the U.S. including, for example, Wal-Mart in Arizona. Photographs of

BodyGlove Cases purchased in the U.S. are attached as Exhibit 8. Physical samples of infringing cases purchased in the U.S. are included as Exhibit 9.

17. Upon information and belief, Fellowes, Inc. ("Fellowes") is an Illinois corporation with an agent designated for service of process at 1789 Norwood Avenue, Itasca, Illinois 60143. 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 within the U.S. after importation by Fellowes as the exclusive licensee and distributor for Respondent BodyGlove's Mobile Technology Accessories including, without limitation, BodyGlove Cases. Photographs of BodyGlove Cases purchased in the U.S. and provided by Fellowes are attached as Exhibit 8.

18. Upon information and belief, Jie Sheng Technology ("Jie Sheng Technology") 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 "OEM Candyshell Case for iPhone 4S/4 (collectively "Jie Sheng Technology Cases"). Jie Sheng Technology admits that the Jie Sheng Technology 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 Technology through the Internet, for example, at www.iphones-case.com, including, without limitation, the Jie Sheng Technology Cases and infringing iLuv Cases. Web photographs of infringing cases are attached as Exhibit 10.

19. 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 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 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.. A list of online and offline locations from which iLuv indicates on its Website that its products can be purchased in the U.S. is attached as Exhibit 11. Web pictures of exemplar iLuv Regatta Cases on sale and/or purchased in the U.S. are attached as Exhibit 12. A physical sample of an iLuv Regatta Case purchased in the U.S. is included as Exhibit 13.

20. 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 within the U.S. after importation by InMotion in airports across the United States, including, without limitation, iLuv Cases. Web information about selling in the U.S. the infringing iLuv Cases is attached as Exhibit 14. A physical sample of an iLuv Case purchased in the U.S. is included as Exhibit 13.

21. Upon information and belief, ROCON Digital Technology Corp. ("ROCON DTC") is an unregistered entity located at Block 15, Fumin Industrial Zone, Shenzhen, China

518111. Upon information and belief, ROCON DTC, 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, “Case for iPhone 4/S” (“ROCON DTC Cases”). ROCON DTC admits on the ROCON DTC Cases that the ROCON DTC Cases are made in China. Photographs of a ROCON Case received from Wexun is attached as Exhibit 15. A physical sample of a ROCON Case received from Wexun is included as Exhibit 16.

22. Upon information and belief, Shenzhen Huafeng Technology Co., Ltd (“SHT”) is a Chinese corporation with a registered office address of Room 711, Saige Industrial Building 3, Huaqiang North District, Shenzhen, Guangdong, China (Mainland), its own factory in Donguan, China and a sales department in Huagiang North Rd., Shenzhen, Guangdong Province, China. Upon information and belief, SHT 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, Candy Color Hard Shell Cases for iPhone 4S 4G (4th gen)” in assorted colors (collectively “SHT Cases”). SHT admits that it is a “leading manufacturer/exporter” of mobile accessories such as the SHT Cases with “customers from all over the world such as the US....” (Exhibit 17). Infringing SHT Cases are available for purchase in the U.S. online at, for example, www.huafenggd.en.alibaba.com. Web pictures of exemplar SHT Cases available for purchase online in the U.S., are attached as Exhibit 18.

23. 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. Photographs of PureGear Cases purchased in the U.S. are attached as Exhibit 19. Physical samples of PureGear Cases purchased in the U.S. are included as Exhibits 20.

24. Upon information and belief, SW-Box.com, aka Cellphonezone Limited ("Cellphonezone"), is Hong Kong company with a principal place of business located at Cellphonezone Limited, Flat A, 15/F Hillier Comm.Bldg, 65-67 Bonham Strand East, Sheung Wan, Hong Kong and offices and warehousing in Shenzhen, Hong Kong. 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 within the U.S. after importation by Cellphonezone through the internet, for example, at www.sw-box.com including, without limitation, Rocon Cases. Web photographs of the infringing cases are attached as Exhibit 21. A physical sample of a Rocon DTC Case purchased in the U.S. is included as Exhibit 16.

25. Upon information and belief, Trait Technology (Shenzhen) Co., Limited, d/b/a Trait-Tech. ("Trait-Tech") is a Hong Kong company with a business address at 416 - 419RM, 305# Sufa Building, Huaafa North Road, Futian District Shenzhen, China 518031. Upon information and belief, Trait-Tech 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 “Dexter Speck, Candy Phone Protective Case” for iPhone 4/4S, the CandyShell Grip for iPhone, the CandyShell Flip for iPhone, and Cases for Samsung Galaxy (collectively “Trait-Tech Cases”). Trait-Tech admits that the Trait-Tech Cases are exported from China. Infringing Trait-Tech Cases are available for purchase in the U.S. online at www.trait-tech.com. Web photographs of infringing cases are attached as Exhibit 22. Physical samples of infringing cases purchased in the U.S. are included as Exhibit 23.

26. Upon information and belief, Wexun Tech (HongKong) Company Limited, formerly known as Hongkong Wexun Ltd and Hong Kong Wexun Electronic Co., (referred to herein as “Wexun”) is a Hong Kong company with an office located at N.2019, Global Logistics Center, South China City, Pinghu, Longgang, Shenzhen, China 0755-89638059 and a factory located at Block 15, Fumin Industrial Zone, Pinghu Community office, Longgang, Shenzhen, China 0755-89638159. Wexun 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, “Rocon CandyShell Case for iPhone 4 and 4S” in assorted colors (collectively “Wexun Cases”). Wexun launched its ROCON brand to sell electronic accessories, such as the Wexun Cases. The Wexun Cases and the ROCON DTC Cases are sometimes collectively referred to herein as the “Rocon Cases.”

27. Wexun admits on Wexun Cases that they are manufactured in China (Exhibit 24). Wexun Cases are or have been available for purchase in the U.S. online at, for example, (1) <http://www.mart-shopping.com/rocon-dual-tone-silicone-and-plastic-assembly-case-for-iphone-4s-grey-white.html>; and (2) <http://www.sw-box.com/Rocon-Dual-Tone-Silicone-and-Plastic-Assembly-Case-for-iPhone-4S-Blue-White.html>. Web pictures of Wexun Cases available for

purchase in the U.S. and/or purchased in the U.S. online are attached as Exhibit 25. A physical sample of a Rocon Case purchased in the U.S. is included as Exhibit 16.

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

28. 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.

29. Together with this Complaint, Speck has filed a certified copy and three (3) 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 as Appendix B.

B. Licenses Under the Patent-in-Suit

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

C. Foreign Counterpart Patent and Applications

31. 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

32. 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.

33. 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

34. 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.

35. 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

36. Upon information and belief, Respondents Abness, Alibaba, Biying, BodyGlove, Fellowes, Jie Sheng, iLuv, InMotion, ROCON DTC, SHT, PureGear, Cellphonezone, Trait-Tech, and Wexun 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

37. 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 Pure-Gear, BodyGlove International, 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.

VII. UNLAWFUL AND UNFAIR ACTS OF THE RESPONDENTS

A. Infringement of the '561 Patent

38. 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.

39. Upon information and belief, Respondent Anbess 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, "Speck Spek Candy Shell Cases for iPhone 4s and 4G", 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 Anbess Cases is attached as Exhibit 26. The claim chart in Exhibit 26 demonstrates how Anbess's infringing cases meets every limitation of independent Claim 1.

40. Upon information and belief, the Alibaba Respondents import, offer for sale and/or sell 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 Exhibit 27 infringe claims 1 through 16 of the '561 Patent; Respondent SHT's "Candy Color Hard Shell" cases for iPhone 4S/4G, which, as set forth in Exhibit 28 infringe claims 1 through 16 of the '561 Patent; and Respondent Biying's "Spek CandyShell Split Flip" cases for iPhone 4S/4, which as set forth above and in Exhibit 28 infringe claims 1 through 16 of the '561 Patent.

41. Upon information and belief, Respondent Biying 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, Biying's "Spek CandyShell Split

Flip” 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 Biying Cases is attached as Exhibit 28. The claim chart in Exhibit 28 demonstrates how Biying’s infringing cases meets every limitation of independent Claim 1.

42. Upon information and belief, Respondent BodyGlove 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, BodyGlove’s “Diamond” cases for iPhone 4/4S and “Tactic” cases for Samsung Galaxy SIII, 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 BodyGlove Cases is attached as Exhibit 29. The claim chart in Exhibit 29 demonstrates how BodyGlove’s infringing cases meets every limitation of independent Claim 1.

43. Upon information and belief, Respondent Fellowes 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, BodyGlove Cases, which, as set forth above and in Exhibit 29 infringe claims 1 through 16 of the ‘561 Patent.

44. 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, “OEM Candyshell 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 Jie Sheng Technology Cases is attached as Exhibit 30. The claim chart in Exhibit 30 demonstrates how Jie Sheng Technology’s infringing cases meets every limitation of independent Claim 1. Upon information and belief, Respondent Jie Sheng Technology also imports, of-

fers 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 above and in Exhibit 27 infringe claims 1 through 16 of the '561 Patent.

45. 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 27. The claim chart in Exhibit 27 demonstrates how iLuv's infringing cases meets every limitation of independent Claim 1.

46. 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 above and in Exhibit 27 infringe claims 1 through 16 of the '561 Patent.

47. 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 31. The claim chart in Exhibit 31 demonstrates how PureGear's infringing cases meets every limitation of independent Claim 1.

48. Upon information and belief, Respondent ROCON DTC 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, “Case for iPhone 4/S”, 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 ROCON DTC Cases is attached as Exhibit 32. The claim chart in Exhibit 32 demonstrates how ROCON DTC’s infringing cases meets every limitation of independent Claim 1.

49. Upon information and belief, Respondent Cellphonezone 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 Wexun’s “Rocon CandyShell” cases for iPhone 4/4S, which, as set forth above and in Exhibit 32 infringe claims 1 through 16 of the ‘561 Patent.

50. Upon information and belief, Respondent Trait-Tech 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, “Dexter Speck, Candy Phone Protective Case” for iPhone 4/4S, the CandyShell Grip for iPhone, the CandyShell Flip for iPhone, and Cases for Samsung Galaxy, each of 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 Trait-Tech Cases is attached as Exhibit 33. The claim chart in Exhibit 33 demonstrates how Trait-Tech’s infringing cases meets every limitation of independent Claim 1.

51. Upon information and belief, Respondent Wexun 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, Wexun’s “Rocon CandyShell” cases for iPhone 4/4S, 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 Wexun Cases is attached

as Exhibit 32. The claim chart in Exhibit 32 demonstrates how Wexun's infringing cases meets every limitation of independent Claim 1.

VIII. UNFAIR IMPORTATION AND SALE

52. 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

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

54. As noted in paragraphs 7, 8,9 and 10, *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 34.

B. The Economic Prong

55. 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 35.) (Confidential Declaration of []).

X. HARMONIZED TARIFF SCHEDULE ITEM NOS.

56. 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 classifica-

tions 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;

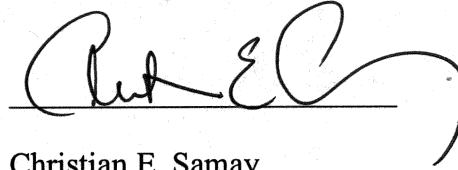
C. Issue a general exclusion forbidding entry into the United States of all cases for Portable Electronic Devices that infringe Claims 1-16 of the '561 patent;

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: September 25, 2012

Respectfully submitted,



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